

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4823

(As passed the House, September 30, 1999)

A bill to amend 1952 PA 8, entitled
"Revised uniform reciprocal enforcement of support act,"
by amending sections 3b, 14, 18, 23, and 31a (MCL 780.153b,
780.164, 780.168, 780.173, and 780.181a), section 3b as added and
section 18 as amended by 1985 PA 172, section 14 as amended and
section 31a as added by 1990 PA 241, and section 23 as amended by
1983 PA 192, and by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3b. (1) "Prosecuting attorney" means the public offi-
2 cial in the appropriate jurisdiction who has the duty to enforce
3 criminal laws relating to the failure to provide for the support
4 of ~~any~~ A person.

5 (2) "Register" means to file in the registry of foreign
6 support orders.

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1 (3) "Registering court" means ~~any~~ A court of this state in
2 which a support order of a rendering state is registered.

3 (4) "Rendering state" means a state in which ~~the~~ A court
4 has issued a support order for which registration is sought or
5 granted in ~~the~~ A court of another state.

6 (5) "Responding court" means the court in which ~~the~~ A
7 responsive proceeding is commenced.

8 (6) "Responding state" means a state in which ~~any~~ A
9 responsive proceeding pursuant to the proceeding in the initiat-
10 ing state is commenced.

11 (7) "State" includes a state, territory, or possession of
12 the United States, the District of Columbia, the Commonwealth of
13 Puerto Rico, and ~~any~~ A foreign jurisdiction in which this or a
14 substantially similar reciprocal law is in effect.

15 (8) "STATE DISBURSEMENT UNIT" OR "SDU" MEANS THE ENTITY
16 ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD SUPPORT ACT, 1971
17 PA 174, MCL 400.236.

18 (9) ~~(8)~~ "Support order" means ~~any~~ A judgment, decree, or
19 order of support in favor of an obligee whether temporary or
20 final, or subject to modification, revocation, or remission,
21 regardless of the kind of action or proceeding in which it is
22 entered.

23 Sec. 14. (1) If the court of this state when acting as a
24 responding court finds a duty of support, ~~it~~ THE COURT may
25 order the obligor to furnish support and subject the property of
26 the obligor to the order. The support order shall require that

1 payments be made to the office of the friend of the court OR THE
2 STATE DISBURSEMENT UNIT, AS APPROPRIATE.

3 (2) Except as otherwise provided in this section, the court
4 shall order support in an amount determined by application of the
5 child support formula developed by the state friend of the court
6 bureau. The court may enter an order that deviates from the for-
7 mula if the court determines from the facts of the case that
8 application of the child support formula would be unjust or inap-
9 propriate and sets forth in writing or on the record all of the
10 following:

11 (a) The support amount determined by application of the
12 child support formula.

13 (b) How the support order deviates from the child support
14 formula.

15 (c) The value of property or other support awarded in lieu
16 of the payment of child support, if applicable.

17 (d) The reasons why application of the child support formula
18 would be unjust or inappropriate in the case.

19 (3) Subsection (2) does not prohibit the court from entering
20 a support order that is agreed to by the parties and that devi-
21 ates from the child support formula, if the requirements of sub-
22 section (2) are met.

23 SEC. 14A. THE DEPARTMENT, THE SDU, AND EACH OFFICE OF THE
24 FRIEND OF THE COURT SHALL COOPERATE IN THE TRANSITION TO THE CEN-
25 TRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND FEES. AN OFFICE
26 OF THE FRIEND OF THE COURT SHALL CONTINUE TO RECEIVE AND DISBURSE
27 SUPPORT AND FEES THROUGH THE TRANSITION, BASED ON THE SCHEDULE

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1 DEVELOPED AS REQUIRED BY SECTION 6 OF THE OFFICE OF CHILD SUPPORT
2 ACT, 1971 PA 174, MCL 400.236, AND MODIFICATIONS TO THAT SCHEDULE
3 AS THE DEPARTMENT CONSIDERS NECESSARY.

4 Sec. 18. (1) Except as provided in subsection (2), the
5 court of this state, when acting as an initiating court, shall
6 receive and disburse immediately all payments made by the obligor
7 or sent by the responding court.

8 (2) If a valid prior and existing support order has been
9 issued from a court of this state other than the initiating
10 court, the initiating court shall transfer the order to furnish
11 support to the court that issued the valid prior and existing
12 court order and shall inform the court of the responding state of
13 its action. The court that issued the valid prior and existing
14 court order shall receive and disburse immediately all payments
15 made by the obligor or sent by the responding court.

16 (3) The duties described in subsections (1) and (2) may be
17 carried out through the office of the friend of the court, ~~or~~
18 the clerk of the court, OR THE STATE DISBURSEMENT UNIT, AS
19 APPROPRIATE.

20 Sec. 23. (1) To reimburse the county for the cost of
21 ~~handling alimony or support payments~~ ENFORCING A SPOUSAL OR
22 CHILD SUPPORT OR A PARENTING TIME ORDER under this act, the court
23 shall order the payment of a service fee of \$2.00 per month, pay-
24 able semiannually on EACH January 2 and July 2. ~~thereafter, to~~
25 ~~the friend of the court.~~ The service fee shall be paid by the
26 person ordered to pay the ~~alimony or~~ SPOUSAL OR CHILD support.
27 ~~money.~~ The fee shall be computed from the beginning date of the

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1 ~~alimony or~~ SPOUSAL OR CHILD support order and shall continue
2 while the ~~alimony or~~ SPOUSAL OR CHILD support order is
3 operative. The service fee shall be paid 6 months in advance on
4 each due date, except for the first payment, which shall be paid
5 at the same time the ~~alimony or~~ SPOUSAL OR CHILD support order
6 is filed, and ~~shall cover~~ COVERS the period of time from that
7 month until the next calendar due date. ~~Every~~ AN order or
8 judgment for the payment of temporary or permanent ~~alimony or~~
9 SPOUSAL OR CHILD support ~~money~~ shall provide for the payment of
10 the service fee. ~~Any~~ UPON ITS OWN MOTION, A COURT MAY AMEND AN
11 order or judgment for the payment of temporary or permanent
12 ~~alimony or~~ SPOUSAL OR CHILD support ~~money, entered before the~~
13 ~~effective date of this 1983 amendatory act, may be amended by the~~
14 ~~court, upon its own motion,~~ to provide for the payment of the
15 service fee in the amount provided by this subsection, upon
16 proper notice to the person ordered to pay the ~~alimony or~~
17 SPOUSAL OR CHILD support. ~~money.~~ The service fees shall be
18 turned over to the county treasurer and credited to the general
19 fund of the county.

20 (2) ~~A~~ THE COURT MAY HOLD IN CONTEMPT A person who fails or
21 refuses to pay a service fee ordered ~~pursuant to~~ UNDER subsec-
22 tion (1). ~~may be held in contempt of court.~~

23 Sec. 31a. (1) If there is no Michigan support order but
24 there is a foreign support order, upon request of the obligee or
25 the ~~department of social services~~ FAMILY INDEPENDENCE AGENCY if
26 support has been assigned to it, the friend of the court in the
27 county where the obligee resides shall inform the source of

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1 support payments to transmit the payments to the friend of the
2 court OR THE STATE DISBURSEMENT UNIT, AS APPROPRIATE.

3 (2) The friend of the court OR SDU shall receive, record,
4 disburse, and monitor payments made pursuant to the foreign sup-
5 port order.

6 (3) A copy of the foreign support order shall be filed with
7 the clerk of the court.

8 (4) The filing of a support order pursuant to this section
9 is not a registration as described in section 30.

10 Enacting section 1. This amendatory act does not take
11 effect unless House Bill No. 4816 of the 90th Legislature is
12 enacted into law.