

# HOUSE BILL No. 4817

June 17, 1999, Introduced by Reps. Mead and Hart and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 294, entitled  
"Friend of the court act,"  
by amending sections 2a and 9 (MCL 552.502a and 552.509),  
section 2a as added by 1996 PA 366 and section 9 as amended by  
1998 PA 63.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2a. As used in this act:

2       (a) "Medical assistance" means medical assistance as estab-  
3 lished under title XIX of the social security act, chapter 531,  
4 49 Stat. 620, 42 U.S.C. 1396 to ~~1396v~~ 1396f, 1396g-1 TO  
5 1395r-6, AND 1396r-8 TO 1396v.

6       (b) "Office" and "office of the friend of the court" mean  
7 ~~the~~ AN agency created in section 3.

8       (c) "Payer" means a person ordered by the circuit court to  
9 pay support.

1 (d) "Public assistance" means cash assistance provided under  
2 the social welfare act, ~~Act No. 280 of the Public Acts of 1939,~~  
3 ~~being sections 400.1 to 400.119b of the Michigan Compiled Laws~~  
4 1939 PA 280, 400.1 TO 400.119B.

5 (e) "Recipient of support" means the following:

6 (i) The spouse, if the support order orders spousal  
7 support.

8 (ii) The custodial parent or guardian, if the support order  
9 orders support for a minor child or a child who is 18 years of  
10 age or older.

11 (iii) The family independence agency, if support has been  
12 assigned to that department.

13 (f) "State advisory committee" means the committee estab-  
14 lished by the bureau under section 19.

15 (G) "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 (H) ~~(g)~~ "Support" means all of the following:

19 (i) The payment of money for a child or a spouse ordered by  
20 the circuit court, whether the order is embodied in an interim,  
21 temporary, permanent, or modified order or judgment. Support may  
22 include payment of the expenses of medical, dental, and other  
23 health care, child care expenses, and educational expenses.

24 (ii) The payment of money ordered by the circuit court under  
25 the paternity act, ~~Act No. 205 of the Public Acts of 1956~~ 1956  
26 PA 205, MCL 722.711 TO 722.730, for the necessary expenses  
27 incurred by or for the mother in connection with her confinement

1 or of other expenses in connection with the pregnancy of the  
2 mother.

3 (iii) A surcharge accumulated under section 3a of the sup-  
4 port and parenting time enforcement act, ~~being section~~  
5 MCL 552.603a. ~~of the Michigan Compiled Laws.~~

6 (I) ~~(h)~~ "Support and parenting time enforcement act" means  
7 ~~Act No. 295 of the Public Acts of 1982, being sections 552.601~~  
8 ~~to 552.650 of the Michigan Compiled Laws~~ 1982 PA 295,  
9 MCL 552.601 TO 552.650.

10 (J) ~~(i)~~ "Support order" means an order entered by the cir-  
11 cuit court for the payment of support in a sum certain, whether  
12 in the form of a lump sum or a periodic payment.

13 Sec. 9. (1) Except as otherwise provided IN SUBSECTIONS (2)  
14 AND (3) OR in the order or judgment, after a support order is  
15 entered in a domestic relations matter, the office shall receive  
16 ~~all payments of support orders and service fees~~ EACH PAYMENT  
17 AND THE SERVICE FEES UNDER THE SUPPORT ORDER; shall, not less  
18 than once each month, record ~~the support payments~~ EACH SUPPORT  
19 PAYMENT due, paid, and past due; and shall disburse ~~all support~~  
20 ~~payments~~ EACH SUPPORT PAYMENT to the recipient of support within  
21 14 days after the office receives each payment OR WITHIN THE FED-  
22 ERALLY MANDATED TIME FRAME, WHICHEVER IS SHORTER.

23 (2) AN OFFICE SHALL RECEIVE SUPPORT ORDER PAYMENTS AND SERV-  
24 ICE FEES, AND SHALL DISBURSE SUPPORT, AS REQUIRED BY SUBSECTION  
25 (1) UNTIL THE STATE DISBURSEMENT UNIT IMPLEMENTS SUPPORT COLLEC-  
26 TION AND DISBURSEMENT IN THE GEOGRAPHIC AREA THAT THE OFFICE  
27 SERVICES. AT THE FAMILY INDEPENDENCE AGENCY'S DIRECTION AND IN

1 COOPERATION WITH THE SDU, AN OFFICE SHALL MAINTAIN FUNCTIONS  
2 RELATING TO SUPPORT COLLECTION AND DISBURSEMENT TO FACILITATE THE  
3 TRANSITION OF THAT RESPONSIBILITY TO THE SDU UNDER A TRANSITION  
4 SCHEDULE DEVELOPED UNDER THE OFFICE OF CHILD SUPPORT ACT, 1971 PA  
5 174, MCL 400.231 TO 400.237. AN OFFICE SHALL NOT IMPEDE THE  
6 TRANSITION.

7 (3) AFTER STATE DISBURSEMENT UNIT COLLECTION AND DISBURSE-  
8 MENT IS IMPLEMENTED IN A CIRCUIT COURT CIRCUIT, THE OFFICE FOR  
9 THAT COURT MAY CONTINUE TO ACCEPT SUPPORT PAYMENTS MADE IN CASH.  
10 IF THE OFFICE ACCEPTS A CASH PAYMENT, THE OFFICE SHALL TRANSMIT  
11 THE PAYMENT TO THE SDU AND SHALL INFORM THE PAYER OF THE SDU'S  
12 LOCATION AND THE REQUIREMENT TO MAKE PAYMENTS THROUGH THE SDU.

13 (4) PROMPTLY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT  
14 THAT ADDED THIS SUBSECTION, EACH OFFICE SHALL ESTABLISH AND MAIN-  
15 TAIN THE SUPPORT ORDER AND ACCOUNT RECORDS NECESSARY TO RECORD  
16 OBLIGATIONS; SUPPORT COLLECTION AND DISBURSEMENT; FEES, INCLUDING  
17 GENETIC TESTING FEES; AND RELATED PAYMENTS. EACH OFFICE SHALL  
18 PROVIDE THE STATE DISBURSEMENT UNIT WITH ACCESS TO THOSE RECORDS  
19 AND SHALL ASSIST THE SDU WITH THE RESOLUTION OF A SUPPORT COLLEC-  
20 TION OR DISBURSEMENT PROBLEM RELATED TO AN ACCOUNT OR TO INADE-  
21 QUATE IDENTIFICATION INFORMATION.

22 (5) ~~—(2)—~~ The office shall provide annually to each party,  
23 without charge, 1 statement of account upon request. Additional  
24 statements of account shall be provided at a reasonable fee suf-  
25 ficient to pay for the cost of reproduction. Statements provided  
26 under this subsection are in addition to statements provided for  
27 administrative and judicial hearings.

1       (6) ~~-(3)-~~ The office shall initiate and carry out  
2 proceedings to enforce an order entered in a domestic relations  
3 matter regarding custody, parenting time, health care coverage,  
4 or support in accordance with this act, the support and parenting  
5 time enforcement act, and supreme court rules.

6       (7) ~~-(4)-~~ Upon request of a child support agency of another  
7 state, the office shall initiate and carry out certain proceed-  
8 ings to enforce support orders entered in the other state without  
9 the need to register the order as a domestic relations matter in  
10 this state. The order shall be enforced using automated adminis-  
11 trative enforcement actions authorized under the support and par-  
12 enting time enforcement act. ~~—, 1982 PA 295, MCL 552.601 to~~  
13 ~~552.650.—~~

14       Enacting section 1. This amendatory act does not take  
15 effect unless Senate Bill No. \_\_\_\_\_ or House Bill  
16 No. \_\_\_\_\_ (request no. 03398'99) of the 90th Legislature is  
17 enacted into law.