

# HOUSE BILL No. 4819

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

A bill to amend 1846 RS 84, entitled  
"Of divorce,"  
by amending section 23 (MCL 552.23), as amended by 1983 PA 193.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 23. (1) Upon entry of a judgment of divorce or sepa-  
2 rate maintenance, if the estate and effects awarded to either  
3 party are insufficient for the suitable support and maintenance  
4 of either party and any children of the marriage as are committed  
5 to the care and custody of either party, the court may further  
6 award to either party the part of the real and personal estate of  
7 either party and alimony out of the ~~estate~~ real and personal  
8 ESTATE, to be paid to either party in gross or otherwise as the  
9 court considers just and reasonable, after considering the  
10 ability of either party to pay and the character and situation of  
11 the parties, and all the other circumstances of the case.

1           (2) Upon certification by a county ~~department of social~~  
2 ~~services~~ FAMILY INDEPENDENCE AGENCY that a complainant or peti-  
3 tioner in a proceeding under this chapter is receiving public  
4 assistance either personally or for children of the marriage,  
5 payments received by the friend of the court OR THE STATE DIS-  
6 BURSEMENT UNIT for the support and education of ~~such~~ THE chil-  
7 dren or maintenance of the party shall be transmitted to the  
8 state ~~department of social services~~ FAMILY INDEPENDENCE  
9 AGENCY.

10           (3) To reimburse the county for the cost of ~~handling ali-~~  
11 ~~mony or support money payments~~ ENFORCING SUPPORT OR PARENTING  
12 TIME ORDERS, the court shall order the payment of a service fee  
13 of \$2.00 per month, payable semiannually on EACH January 2 and  
14 July 2. ~~thereafter, to the friend of the court.~~ The service fee  
15 shall be paid by the person ordered to pay the ~~alimony or~~  
16 support. ~~money.~~ The service fee shall be computed from the  
17 beginning date of the ~~alimony or~~ support order and shall con-  
18 tinue while the ~~alimony or~~ support order is operative. The  
19 service fee shall be paid 6 months in advance on each due date,  
20 except for the first payment, which shall be paid at the same  
21 time the ~~alimony or~~ support order is filed, and ~~shall cover~~  
22 COVERS the period of time from that month until the next calendar  
23 due date. ~~Every~~ AN order or judgment ~~which~~ THAT provides for  
24 the payment of temporary or permanent ~~alimony or~~ support ~~money~~  
25 ~~which~~ THAT requires collection by the friend of the court OR THE  
26 SDU shall provide for the payment of the service fee. ~~Any such~~  
27 UPON ITS OWN MOTION, A COURT MAY AMEND SUCH AN order or judgment

1 for the payment of temporary or permanent ~~alimony or~~ support  
2 ~~money, entered before the effective date of this 1983 amendatory~~  
3 ~~act, may be amended by the court, upon its own motion,~~ to pro-  
4 vide for the payment of the service fee in the amount provided by  
5 this subsection, upon proper notice to the person ordered to pay  
6 the ~~alimony or~~ support. ~~money.~~ The service fees shall be  
7 turned over to the county treasurer and credited to the general  
8 fund of the county. If the court appoints the friend of the  
9 court custodian, receiver, trustee, or escrow agent of assets  
10 owned by the husband and wife, or either of them, the court may  
11 fix the amount of the fee for such service, to be turned over to  
12 the county treasurer and credited to the general fund of the  
13 county. ~~A~~ THE COURT MAY HOLD IN CONTEMPT A person who fails or  
14 refuses to pay a fee ordered ~~pursuant to~~ UNDER this subsection.  
15 ~~may be held in contempt of court.~~

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

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