

# HOUSE BILL No. 4820

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

A bill to amend 1966 PA 138, entitled  
"The family support act,"  
by amending sections 2, 4, 7, and 9 (MCL 552.452, 552.454,  
552.457, and 552.459), section 2 as amended by 1996 PA 5,  
section 4 as amended by 1990 PA 292, and section 7 as amended by  
1983 PA 195.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2. (1) Upon the hearing of the complaint, in the  
2 manner of a motion, the court may enter an order as it determines  
3 proper for the support of the petitioner and the minor child or  
4 children of the parties. The order shall provide that ~~all~~  
5 ~~payments~~ PAYMENT shall be made to the friend of the court OR THE  
6 STATE DISBURSEMENT UNIT. If the parent complained of opposes the  
7 entry of the order upon the ground that he or she is without  
8 sufficient financial ability to provide necessary shelter, food,

1 care, clothing, and other support for his or her spouse and child  
2 or children, the burden of proving this lack of ability is on the  
3 parent against whom the complaint is made. The order shall state  
4 in separate paragraphs the amount of support for the petitioner  
5 until the further order of the court, and the amount of support  
6 for each child until each child reaches 18 years of age or until  
7 the further order of the court. Subject to section 1c, the court  
8 may also order support for the child after the child reaches  
9 18 years of age, or until the further order of the court.

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

18 (a) The support amount determined by application of the  
19 child support formula.

20 (b) How the support order deviates from the child support  
21 formula.

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

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

26 (3) Subsection (2) does not prohibit the court from entering  
27 a support order that is agreed to by the parties and that

1 deviates from the child support formula, if the requirements of  
2 subsection (2) are met.

3 (4) Beginning January 1, 1991, each support order entered by  
4 the court shall provide that each party shall keep the office of  
5 the friend of the court informed of both of the following:

6 (a) The name and address of his or her current source of  
7 income. As used in this subdivision, "source of income" means  
8 that term as defined in section 2 of the support and parenting  
9 time enforcement act, ~~Act No. 295 of the Public Acts of 1982,~~  
10 ~~being section 552.602 of the Michigan Compiled Laws~~ 1982 PA 295,  
11 MCL 552.602.

12 (b) Any health care coverage that is available to him or her  
13 as a benefit of employment or that is maintained by him or her;  
14 the name of the insurance company, nonprofit health care corpora-  
15 tion, or health maintenance organization; the policy, certifi-  
16 cate, or contract number; and the names and birth dates of the  
17 persons for whose benefit he or she maintains health care cover-  
18 age under the policy, certificate, or contract.

19 (5) For the purposes of this act, "support" may include pay-  
20 ment of the expenses of medical, dental, and other health care,  
21 child care expenses, and educational expenses. The court shall  
22 require that 1 or both parents ~~shall~~ obtain and maintain ~~any~~  
23 health care coverage that is available to them at a reasonable  
24 cost, as a benefit of employment, for the benefit of the minor  
25 children of the parties and, subject to section 1c, for the bene-  
26 fit of the parties' children who are not minor children. If a  
27 parent is self-employed and maintains health care coverage, the

1 court shall require the parent to obtain or maintain dependent  
2 coverage for the benefit of the minor children of the parties  
3 and, subject to section 1c, for the benefit of the parties' chil-  
4 dren who are not minor children, if available at a reasonable  
5 cost.

6 (6) An order entered under this section is enforceable as  
7 provided in the support and parenting time enforcement act, ~~Act~~  
8 ~~No. 295 of the Public Acts of 1982, being sections 552.601 to~~  
9 ~~552.650 of the Michigan Compiled Laws~~ 1982 PA 295, MCL 552.601  
10 TO 552.650.

11 Sec. 4. (1) If the ~~department of social services of the~~  
12 county FAMILY INDEPENDENCE AGENCY where the custodial parent or  
13 guardian of the minor child or children or the child or children  
14 who have reached 18 years of age resides determines the custodial  
15 parent, the minor child or children, the child or children who  
16 have reached 18 years of age, or any of them to be eligible for  
17 public OR MEDICAL assistance, or if a complaint is being filed  
18 under section 1b, the prosecuting attorney shall act as the  
19 attorney for the petitioner.

20 (2) The prosecuting attorney shall utilize the child support  
21 formula developed under section 19 of the friend of the court  
22 act, ~~Act No. 294 of the Public Acts of 1982, being section~~  
23 ~~552.519 of the Michigan Compiled Laws~~ 1982 PA 294, MCL 552.519,  
24 as a guideline in petitioning for child support. Upon certifica-  
25 tion by the ~~county department of social services~~ FAMILY INDE-  
26 PENDENCE AGENCY that the custodial parent and minor child or  
27 children or child or children who have reached 18 years of age

1 are receiving public assistance, ~~payments~~ A PAYMENT received by  
2 the friend of the court OR THE STATE DISBURSEMENT UNIT for the  
3 support of the custodial parent and minor child or children or  
4 child or children who have reached 18 years of age shall be  
5 transmitted to the ~~state department of social services~~ FAMILY  
6 INDEPENDENCE AGENCY.

7       Sec. 7. (1) To reimburse the county for the cost of  
8 ~~handling support payments~~ ENFORCING SUPPORT OR PARENTING TIME  
9 ORDERS under this act, the court shall order the payment of a  
10 service fee of \$2.00 per month, payable semiannually on EACH  
11 January 2 and July 2, ~~thereafter,~~ to the friend of the court OR  
12 STATE DISBURSEMENT UNIT. The service fee shall be paid by the  
13 person ordered to pay the support money. The service fee shall  
14 be computed from the beginning date of the support order and  
15 shall continue while the support order is operative. The service  
16 fee shall be paid 6 months in advance on each ~~of the~~ due  
17 ~~dates~~ DATE, except for the first payment which shall be paid at  
18 the same time the support order is ~~made~~ FILED, and ~~shall~~  
19 ~~cover~~ COVERS the period of time from that month until the next  
20 calendar due date. The friend of the court may deduct the serv-  
21 ice fee from ~~any~~ support money paid after the due date of the  
22 service fee. ~~Every~~ AN order ~~which~~ THAT provides for the pay-  
23 ment of support ~~which~~ THAT requires collection by the friend of  
24 the court under this act OR BY THE SDU shall provide for the pay-  
25 ment of the service fee. ~~Any such~~ UPON ITS OWN MOTION, A COURT  
26 MAY AMEND SUCH AN order or judgment ~~entered before the effective~~  
27 ~~date of this 1983 amendatory act may be amended by the court,~~

1 ~~upon its own motion,~~ to provide for the payment of the service  
2 fee, in the amount provided by this subsection, upon notice to  
3 the person ordered to pay the support money. The service fees  
4 shall be turned over to the county treasurer and credited to the  
5 general fund of the county.

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

9 Sec. 9. (1) This act shall be known and may be cited as  
10 "the family support act".

11 (2) AS USED IN THIS ACT, "STATE DISBURSEMENT UNIT" OR "SDU"  
12 MEANS THE ENTITY ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD  
13 SUPPORT ACT, 1971 PA 174, MCL 400.236.

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