

HOUSE BILL No. 4823

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

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.

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.

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

1 (2) If a valid prior and existing support order has been
2 issued from a court of this state other than the initiating
3 court, the initiating court shall transfer the order to furnish
4 support to the court that issued the valid prior and existing
5 court order and shall inform the court of the responding state of
6 its action. The court that issued the valid prior and existing
7 court order shall receive and disburse immediately all payments
8 made by the obligor or sent by the responding court.

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

13 Sec. 23. (1) To reimburse the county for the cost of
14 ~~handling alimony or support payments~~ ENFORCING SUPPORT OR PAR-
15 ENTING TIME ORDERS under this act, the court shall order the pay-
16 ment of a service fee of \$2.00 per month, payable semiannually on
17 EACH January 2 and July 2. ~~thereafter, to the friend of the~~
18 ~~court.~~ The service fee shall be paid by the person ordered to
19 pay the ~~alimony or~~ support. ~~money.~~ The fee shall be computed
20 from the beginning date of the ~~alimony or~~ support order and
21 shall continue while the ~~alimony or~~ support order is
22 operative. The service fee shall be paid 6 months in advance on
23 each due date, except for the first payment, which shall be paid
24 at the same time the ~~alimony or~~ support order is filed, and
25 ~~shall cover~~ COVERS the period of time from that month until the
26 next calendar due date. ~~Every~~ AN order or judgment for the
27 payment of temporary or permanent ~~alimony or~~ support ~~money~~

1 shall provide for the payment of the service fee. ~~Any~~ UPON ITS
2 OWN MOTION, A COURT MAY AMEND AN order or judgment for the pay-
3 ment of temporary or permanent ~~alimony or~~ support ~~money,~~
4 ~~entered before the effective date of this 1983 amendatory act,~~
5 ~~may be amended by the court, upon its own motion,~~ to provide for
6 the payment of the service fee in the amount provided by this
7 subsection, upon proper notice to the person ordered to pay the
8 ~~alimony or~~ support. ~~money.~~ The service fees shall be turned
9 over to the county treasurer and credited to the general fund of
10 the county.

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

14 Sec. 31a. (1) If there is no Michigan support order but
15 there is a foreign support order, upon request of the obligee or
16 the ~~department of social services~~ FAMILY INDEPENDENCE AGENCY if
17 support has been assigned to it, the friend of the court in the
18 county where the obligee resides shall inform the source of sup-
19 port payments to transmit the payments to the friend of the court
20 OR THE STATE DISBURSEMENT UNIT, AS APPROPRIATE.

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

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

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

1 Enacting section 1. This amendatory act does not take
2 effect unless Senate Bill No. _____ or House Bill No. _____
3 (request no. 03398'99) of the 90th Legislature is enacted into
4 law.