

Act No. 155
Public Acts of 1999
Approved by the Governor
November 3, 1999
Filed with the Secretary of State
November 3, 1999
EFFECTIVE DATE: November 3, 1999

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999**

Introduced by Reps. Shulman and Hart

ENROLLED HOUSE BILL No. 4823

AN ACT to amend 1952 PA 8, entitled "An act relative to the extradition of persons charged with failure to provide support for dependents and to provide for the enforcement by circuit courts in chancery of this state of the duty of such persons to support their dependents in accordance with the requirements of the laws of other states or any foreign state having reciprocal legislation, and to grant to such courts power to enforce such obligations by procedures including contempt; and to prescribe the procedure to be followed by such courts in case of proceedings to require enforcement of the duty to support residents of this state by those obligated to furnish such support through proceedings in courts of other states or any foreign state having reciprocal legislation; to prescribe certain powers and duties of the friend of the court; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to prescribe rules of evidence in such proceedings," 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:

Sec. 3b. (1) "Prosecuting attorney" means the public official in the appropriate jurisdiction who has the duty to enforce criminal laws relating to the failure to provide for the support of a person.

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

(3) "Registering court" means a court of this state in which a support order of a rendering state is registered.

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

(5) "Responding court" means the court in which a responsive proceeding is commenced.

(6) "Responding state" means a state in which a responsive proceeding pursuant to the proceeding in the initiating state is commenced.

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

(8) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(9) "Support order" means a judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

Sec. 14. (1) If the court of this state when acting as a responding court finds a duty of support, the court may order the obligor to furnish support and subject the property of the obligor to the order. The support order shall require that payments be made to the office of the friend of the court or the state disbursement unit, as appropriate.

(2) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (a) The support amount determined by application of the child support formula.
- (b) How the support order deviates from the child support formula.
- (c) The value of property or other support awarded in lieu of the payment of child support, if applicable.
- (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

(3) Subsection (2) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met.

Sec. 14a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

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

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

(3) The duties described in subsections (1) and (2) may be carried out through the office of the friend of the court, the clerk of the court, or the state disbursement unit, as appropriate.

Sec. 23. (1) To reimburse the county for the cost of enforcing a spousal or child support or a parenting time order under this act, the court shall order the payment of a service fee of \$2.00 per month, payable semiannually on each January 2 and July 2. The service fee shall be paid by the person ordered to pay the spousal or child support. The fee shall be computed from the beginning date of the spousal or child support order and shall continue while the spousal or child support order is operative. The service fee shall be paid 6 months in advance on each due date, except for the first payment, which shall be paid at the same time the spousal or child support order is filed, and covers the period of time from that month until the next calendar due date. An order or judgment for the payment of temporary or permanent spousal or child support shall provide for the payment of the service fee. Upon its own motion, a court may amend an order or judgment for the payment of temporary or permanent spousal or child support to provide for the payment of the service fee in the amount provided by this subsection, upon proper notice to the person ordered to pay the spousal or child support. The service fees shall be turned over to the county treasurer and credited to the general fund of the county.

(2) The court may hold in contempt a person who fails or refuses to pay a service fee ordered under subsection (1).

Sec. 31a. (1) If there is no Michigan support order but there is a foreign support order, upon request of the obligee or the family independence agency if support has been assigned to it, the friend of the court in the county where the obligee resides shall inform the source of support payments to transmit the payments to the friend of the court or the state disbursement unit, as appropriate.

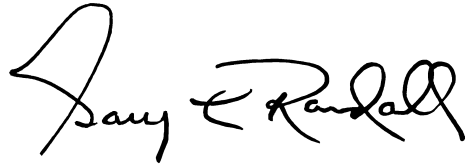
(2) The friend of the court or SDU shall receive, record, disburse, and monitor payments made pursuant to the foreign support order.

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

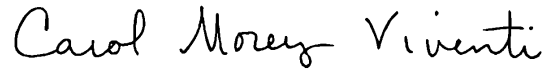
(4) The filing of a support order pursuant to this section is not a registration as described in section 30.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.