

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 6020

(As passed the House, May 28, 2002)

(As amended by the Senate, July 9, 2002)

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending the title and sections 2 and 8a (MCL 552.452 and
552.458a), the title as amended by 1990 PA 237, section 2 as
amended by 2001 PA 111, and section 8a as added by 1999 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to confer jurisdiction upon the circuit courts to

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order and enforce the payment of money for the support, in cer-

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tain cases, of parents having physical custody of minor children

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or children who have reached the age of majority and of minor

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children or children who have reached the age of majority by non-

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custodial parents AND TO ENTER ORDERS GOVERNING CUSTODY AND

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PARENTING TIME FOR THOSE CHILDREN; to provide for the termination

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1 of the effectiveness of the SUPPORT orders; and to provide for
2 the payment of fees and assessment of costs in those cases.

3 Sec. 2. (1) Upon the hearing of the complaint, in the
4 manner of a motion, the court may enter an order as it determines
5 proper for the support of the petitioner and the minor child or
6 children of the parties as prescribed in section 5 of the support
7 and parenting time enforcement act, 1982 PA 295, MCL 552.605.
8 The order shall provide that payment shall be made to the friend
9 of the court or the state disbursement unit. If the parent com-
10 plained of opposes the entry of the order upon the ground that he
11 or she is without sufficient financial ability to provide neces-
12 sary shelter, food, care, clothing, and other support for his or
13 her spouse and child or children, the burden of proving this lack
14 of ability is on the parent against whom the complaint is made.
15 The order shall state in separate paragraphs the amount of sup-
16 port for the petitioner until the further order of the court, and
17 the amount of support for each child until each child reaches
18 18 years of age or until the further order of the court. Subject
19 to section 5b of the support and parenting time enforcement act,
20 1982 PA 295, MCL 552.605b, the court may also order support for
21 the child after the child reaches 18 years of age, or until the
22 further order of the court.

23 (2) A support order entered under this section is enforce-
24 able as provided in the support and parenting time enforcement
25 act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a
26 specific provision regarding the contents or enforcement of a
27 child support order that conflicts with a provision in the

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1 support and parenting time enforcement act, 1982 PA 295,
2 MCL 552.601 to 552.650, this act controls in regard to that
3 provision.

4 (3) IF THERE IS NO DISPUTE REGARDING A CHILD'S CUSTODY, THE
5 COURT SHALL INCLUDE IN AN ORDER FOR SUPPORT ISSUED UNDER THIS ACT
6 SPECIFIC PROVISIONS GOVERNING CUSTODY OF AND PARENTING TIME FOR
7 THE CHILD IN ACCORDANCE WITH THE CHILD CUSTODY ACT OF 1970, 1970
8 PA 91, MCL 722.21 TO 722.31. IF THERE IS A DISPUTE REGARDING
9 CUSTODY OF AND PARENTING TIME FOR THE CHILD, THE COURT SHALL
10 INCLUDE IN AN ORDER FOR SUPPORT ISSUED UNDER THIS ACT SPECIFIC
11 TEMPORARY PROVISIONS GOVERNING CUSTODY OF AND PARENTING TIME FOR
12 THE CHILD. PENDING A HEARING ON OR OTHER RESOLUTION OF THE DIS-
13 PUTE, THE COURT MAY REFER THE MATTER TO THE OFFICE OF THE FRIEND
14 OF THE COURT FOR A WRITTEN REPORT AND RECOMMENDATION AS PROVIDED
15 IN SECTION 5 OF THE FRIEND OF THE COURT ACT, 1982 PA 294,
16 MCL 552.505. IN A DISPUTE REGARDING CUSTODY OF AND PARENTING
17 TIME FOR A CHILD, THE PROSECUTING ATTORNEY IS NOT REQUIRED TO
18 REPRESENT EITHER PARTY REGARDING THE DISPUTE.

19 Sec. 8a. The department, the SDU, and each office of the
20 friend of the court shall cooperate in the transition to the cen-
21 tralized receipt and disbursement of support and fees. An office
22 of the friend of the court shall continue to receive and disburse
23 support and fees through the transition, based on the schedule
24 developed as required by section ~~6~~ 7 of the office of child
25 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-
26 tions to that schedule as the department considers necessary.

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1 Enacting section 1. This amendatory act takes effect December
2 1, 2002.