

HOUSE BILL No. 6020

May 7, 2002, Introduced by Reps. Voorhees, Tabor, Hummel, DeRossett, Howell, Newell, Vander Veen, Patterson, Raczkowski, Caul, Palmer, Julian, George, Bisbee and Vear and referred to the Committee on Family and Children Services.

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending the title and sections 2, 3, 4, 7, and 8a
(MCL 552.452, 552.453, 552.454, 552.457, and 552.458a), the title
as amended by 1990 PA 237, section 2 as amended by 2001 PA 111,
section 3 as amended by 1985 PA 212, and sections 4 and 7 as
amended and section 8a as added by 1999 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to confer jurisdiction upon the circuit courts to
order and enforce the payment of money for the support, in cer-
tain cases, of parents having physical custody of minor children
or children who have reached the age of majority and of minor
children or children who have reached the age of majority by
noncustodial parents AND TO ENTER ORDERS GOVERNING CUSTODY AND

PARENTING TIME FOR THOSE CHILDREN; to provide for the termination of the effectiveness of the SUPPORT orders; and to provide for the payment of fees and assessment of costs in those cases.

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605.

The order shall provide that payment shall be made to the ~~friend~~ ~~of the~~ court FAMILY SERVICES OFFICE or the state disbursement unit. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability is on the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court.

(2) A support order entered under this section is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a

1 specific provision regarding the contents or enforcement of a
2 child support order that conflicts with a provision in the sup-
3 port and parenting time enforcement act, 1982 PA 295, MCL 552.601
4 to 552.650, this act controls in regard to that provision.

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

20 Sec. 3. Upon the entry of any order for support under this
21 act, a copy of the order shall be transmitted to the ~~friend of~~
22 ~~the~~ court FAMILY SERVICES OFFICE of the county in which the
23 order was entered.

24 Sec. 4. (1) If the county family independence agency where
25 the custodial parent or guardian of the minor child or children
26 or the child or children who have reached 18 years of age resides
27 determines the custodial parent, the minor child or children, the

1 child or children who have reached 18 years of age, or any of
2 them to be eligible for public or medical assistance, or if a
3 complaint is being filed under section 1b, the prosecuting attor-
4 ney shall act as the attorney for the petitioner.

5 (2) The prosecuting attorney shall utilize the child support
6 formula developed under section 19 of the ~~friend of the~~ court
7 FAMILY SERVICES OFFICE act, 1982 PA 294, MCL 552.519, as a guide-
8 line in petitioning for child support. Upon certification by the
9 family independence agency that the custodial parent and minor
10 child or children or child or children who have reached 18 years
11 of age are receiving public assistance, a payment received by the
12 ~~friend of the~~ court FAMILY SERVICES OFFICE or the state dis-
13 bursement unit for the support of the custodial parent and minor
14 child or children or child or children who have reached 18 years
15 of age shall be transmitted to the family independence agency.

16 Sec. 7. (1) To reimburse the county for the cost of enforc-
17 ing support or parenting time orders under this act, the court
18 shall order the payment of a service fee of \$2.00 per month, pay-
19 able semiannually on each January 2 and July 2, to the ~~friend of~~
20 ~~the~~ court FAMILY SERVICES OFFICE or state disbursement unit.
21 The service fee shall be paid by the person ordered to pay the
22 support money. The service fee shall be computed from the begin-
23 ning date of the support order and shall continue while the sup-
24 port order is operative. The service fee shall be paid 6 months
25 in advance on each due date, except for the first payment which
26 shall be paid at the same time the support order is filed, and
27 covers the period of time from that month until the next calendar

1 due date. The ~~friend of the~~ court FAMILY SERVICES OFFICE may
2 deduct the service fee from support money paid after the due date
3 of the service fee. An order that provides for the payment of
4 support that requires collection by the ~~friend of the~~ court
5 FAMILY SERVICES OFFICE under this act or by the SDU shall provide
6 for the payment of the service fee. Upon its own motion, a court
7 may amend such an order or judgment to provide for the payment of
8 the service fee, in the amount provided by this subsection, upon
9 notice to the person ordered to pay the support money. The serv-
10 ice fees shall be turned over to the county treasurer and cred-
11 ited to the general fund of the county.

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

14 Sec. 8a. The department, the SDU, and each office of the
15 ~~friend of the~~ court FAMILY SERVICES OFFICE shall cooperate in
16 the transition to the centralized receipt and disbursement of
17 support and fees. ~~An office of the friend of the court~~ A COURT
18 FAMILY SERVICES OFFICE shall continue to receive and disburse
19 support and fees through the transition, based on the schedule
20 developed as required by section ~~6~~ 7 of the office of child
21 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-
22 tions to that schedule as the department considers necessary.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. 6011
25 (request no. 04605'01*) of the 91st Legislature is enacted into
26 law.