

HOUSE BILL No. 6035

May 8, 2002, Introduced by Rep. Rocca and referred to the Committee on Family and Children Services.

A bill to amend 1846 RS 84, entitled
"Of divorce,"
by amending sections 15, 23, 24, and 45 (MCL 552.15, 552.23,
552.24, and 552.45), section 15 as amended by 2001 PA 107 and
section 23 as amended and section 24 as added by 1999 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) After the filing of a complaint in an action
2 to annul a marriage or for a divorce or separate maintenance, on
3 the motion of either party or the ~~friend of the court~~ COURT
4 FAMILY SERVICES ADMINISTRATOR, or on the court's own motion, the
5 court may enter orders concerning the care, custody, and support
6 of the minor children of the parties during the pendency of the
7 action as prescribed in section 5 of the support and parenting
8 time enforcement act, 1982 PA 295, MCL 552.605, and as the court
9 considers proper and necessary. Subject to section 5b of the

1 support and parenting time enforcement act, 1982 PA 295, MCL
2 552.605b, the court may also order support as provided in this
3 subsection for the parties' children who are not minor children.

4 (2) An order concerning the support of a child of the par-
5 ties is governed by and is enforceable as provided in the support
6 and parenting time enforcement act, 1982 PA 295, MCL 552.601 to
7 552.650.

8 Sec. 23. (1) Upon entry of a judgment of divorce or sepa-
9 rate maintenance, if the estate and effects awarded to either
10 party are insufficient for the suitable support and maintenance
11 of either party and any children of the marriage as are committed
12 to the care and custody of either party, the court may further
13 award to either party the part of the real and personal estate of
14 either party and spousal support out of the real and personal
15 estate, to be paid to either party in gross or otherwise as the
16 court considers just and reasonable, after considering the abil-
17 ity of either party to pay and the character and situation of the
18 parties, and all the other circumstances of the case.

19 (2) Upon certification by a county family independence
20 agency that a complainant or petitioner in a proceeding under
21 this chapter is receiving public assistance either personally or
22 for children of the marriage, payments received by the ~~friend of~~
23 ~~the court~~ COURT FAMILY SERVICES OFFICE or the state disbursement
24 unit for the support and education of the children or maintenance
25 of the party shall be transmitted to the family independence
26 agency.

1 (3) To reimburse the county for the cost of enforcing a
2 spousal or child support order or a parenting time order, the
3 court shall order the payment of a service fee of \$2.00 per
4 month, payable semiannually on each January 2 and July 2. The
5 service fee shall be paid by the person ordered to pay the spou-
6 sal or child support. The service fee shall be computed from the
7 beginning date of the spousal or child support order and shall
8 continue while the spousal or child support order is operative.
9 The service fee shall be paid 6 months in advance on each due
10 date, except for the first payment, which shall be paid at the
11 same time the spousal or child support order is filed, and covers
12 the period of time from that month until the next calendar due
13 date. An order or judgment that provides for the payment of tem-
14 porary or permanent spousal or child support that requires col-
15 lection by the ~~friend of the court~~ COURT FAMILY SERVICES OFFICE
16 or the SDU shall provide for the payment of the service fee.
17 Upon its own motion, a court may amend such an order or judgment
18 for the payment of temporary or permanent spousal or child sup-
19 port to provide for the payment of the service fee in the amount
20 provided by this subsection, upon proper notice to the person
21 ordered to pay the spousal or child support. The service fees
22 shall be turned over to the county treasurer and credited to the
23 general fund of the county. If the court appoints the ~~friend of~~
24 ~~the court~~ COURT FAMILY SERVICES ADMINISTRATOR custodian, receiv-
25 er, trustee, or escrow agent of assets owned by the husband and
26 wife, or either of them, the court may fix the amount of the fee
27 for ~~such~~ THAT service, to be turned over to the county

1 treasurer and credited to the general fund of the county. The
 2 court may hold in contempt a person who fails or refuses to pay a
 3 fee ordered under this subsection.

4 (4) As used in this act, "state disbursement unit" or "SDU"
 5 means the entity established in section 6 of the office of child
 6 support act, 1971 PA 174, MCL 400.236.

7 Sec. 24. The department, the SDU, and each ~~office of the~~
 8 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE shall cooperate
 9 in the transition to the centralized receipt and disbursement of
 10 support and fees. ~~An office of the friend of the court~~ A COURT
 11 FAMILY SERVICES OFFICE shall continue to receive and disburse
 12 support and fees through the transition, based on the schedule
 13 developed as required by section ~~6~~ 7 of the office of child
 14 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-
 15 tions to that schedule as the department considers necessary.

16 Sec. 45. Every bill of complaint filed shall set forth the
 17 names and ages of all children of the marriage, and when there
 18 are children under 17 years of age a copy of the summons issued
 19 in the cause shall be served upon the the prosecuting attorney of
 20 the county where suit is commenced, or upon the ~~friend of the~~
 21 ~~court~~ COURT FAMILY SERVICES ADMINISTRATOR in those counties
 22 having a population of 500,000 or more ~~which~~ THAT have a
 23 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE. The prose-
 24 cuting attorney or ~~friend of the court so~~ COURT FAMILY SERVICES
 25 ADMINISTRATOR WHO IS served shall enter ~~his~~ AN appearance in
 26 the cause. ~~, and when, in his~~ IF, IN THE PROSECUTING ATTORNEY'S
 27 OR COURT FAMILY SERVICES ADMINISTRATOR'S judgment, the interest

1 of the children or the public good so requires, ~~he~~ THE
2 PROSECUTING ATTORNEY OR COURT FAMILY SERVICES ADMINISTRATOR shall
3 introduce evidence and appear at the hearing and oppose the
4 granting of a ~~decree~~ JUDGMENT of divorce. ~~In any case wherein~~
5 ~~there are no children the issue of such marriage under the age of~~
6 ~~17 years, when it shall appear to the court that the public good~~
7 ~~so requires, an order may be entered~~ IF THE MARRIAGE HAS NO
8 CHILDREN OR NO CHILDREN UNDER 17 YEARS OLD AND IF THE COURT FINDS
9 THE PUBLIC GOOD SO REQUIRES, THE COURT MAY ENTER AN ORDER requir-
10 ing the prosecuting attorney or ~~friend of the court~~ COURT
11 FAMILY SERVICES ADMINISTRATOR in counties having a population of
12 500,000 or more to appear and oppose the granting of a ~~decree~~
13 JUDGMENT of divorce. For every case ~~which~~ THAT the prosecuting
14 attorney investigates, and ~~in which he~~ appears by and with the
15 consent of the court, ~~he~~ THE PROSECUTING ATTORNEY shall receive
16 the sum of \$5.00, to be paid by the county treasurer upon the
17 certificate of the circuit judge that ~~such~~ THE services have
18 been performed. Nothing CONTAINED in this act ~~contained~~ shall
19 be construed as preventing prosecuting attorneys or their part-
20 ners from acting as ~~solicitors or counsel~~ A LAWYER for either
21 party to the suit. If a prosecuting attorney or ~~friend of the~~
22 ~~court~~ COURT FAMILY SERVICES ADMINISTRATOR is in any way inter-
23 ested as ~~solicitor or counsel~~ A LAWYER for either of the
24 parties, the court shall appoint ~~some reputable attorney~~ A
25 LAWYER to perform the services of prosecuting attorney, as pro-
26 vided in this act, who shall receive the compensation provided
27 for ~~such~~ THE service.

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