

HOUSE BILL No. 6703

November 30, 2006, Introduced by Reps. Lipsey and Lemmons, III and referred to the Committee on Judiciary.

A bill to amend 1968 PA 293, entitled

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

by amending section 3 (MCL 722.3), as amended by 2001 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The parents are jointly and severally obligated to
2 support a minor as prescribed in section 5 of the support and
3 parenting time enforcement act, 1982 PA 295, MCL 552.605, unless a
4 court of competent jurisdiction modifies or terminates the
5 obligation or the minor is emancipated by operation of law, except
6 as otherwise ordered by a court of competent jurisdiction. Subject
7 to section 5b of the support and parenting time enforcement act,

1 1982 PA 295, MCL 552.605b, a court of competent jurisdiction may
2 order support as provided in this section for a child after he or
3 she reaches 18 years of age.

4 (2) The duty of support may be enforced by the minor or the
5 child who has reached 18 years of age, his or her guardian, any
6 relative within the third degree, an authorized government agency,
7 or if the minor or the child who has reached 18 years of age is
8 being supported in whole or in part by public assistance under the
9 social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, by the
10 director of the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
11 **SERVICES** or his or her designated representative, or by the
12 director of the county ~~family independence agency~~ **OFFICE OF THE**
13 **DEPARTMENT OF HUMAN SERVICES** or his or her designated
14 representative of the county where an action under this act is
15 brought. An action for enforcement shall be brought in the circuit
16 court in the county where the minor or the child who has reached 18
17 years of age resides. If a designated official of either the state
18 or a county ~~family independence agency~~ **OFFICE OF THE DEPARTMENT**
19 **OF HUMAN SERVICES** brings an action under this act on behalf of the
20 minor or the child who has reached 18 years of age, then the
21 prosecuting attorney or an attorney employed by the county under
22 section 1 of 1941 PA 15, MCL 49.71, shall represent the official in
23 initiating and conducting the proceedings under this act. The
24 prosecuting attorney shall utilize the child support formula
25 developed ~~under section 19 of the friend of the court act, 1982 PA~~
26 ~~294, MCL 552.519,~~ **PURSUANT TO THE CHILD SUPPORT FORMULA COMMISSION**
27 **ACT** as a guideline in petitioning for child support.

1 (3) A judgment entered under this section providing for
2 support is governed by and is enforceable as provided in the
3 support and parenting time enforcement act, 1982 PA 295, MCL
4 552.601 to 552.650. If this act contains a specific provision
5 regarding the contents or enforcement of a support order that
6 conflicts with a provision in the support and parenting time
7 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
8 controls in regard to that provision.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 93rd Legislature are
11 enacted into law:

12 (a) Senate Bill No.____ or House Bill No. 6698(request no.
13 03402'05).

14 (b) Senate Bill No.____ or House Bill No. 6699(request no.
15 03402'05 a).