

HOUSE BILL No. 4794

April 2, 2009, Introduced by Reps. Haase, Byrum, Kennedy, Huckleberry, Scripps, Terry Brown, Geiss, Donigan, Durhal, Bauer, Gregory, Haugh, Leland, Segal and Meadows and referred to the Committee on Judiciary.

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending section 2 (MCL 552.452), as amended by 2002 PA 574.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) ~~Upon the~~ **ON** hearing ~~of the~~ **A** complaint **FILED UNDER**
2 **SECTION 1**, in the manner of a motion, the court may enter an order
3 as it determines proper for the support of the petitioner and the
4 minor child or children of the parties as prescribed in section 5
5 of the support and parenting time enforcement act, 1982 PA 295, MCL
6 552.605. The order shall provide that payment shall be made to the
7 friend of the court or the state disbursement unit. If the parent
8 complained of opposes the entry of the order upon the ground that
9 he or she is without sufficient financial ability to provide
10 necessary shelter, food, care, clothing, and other support for his

1 or her spouse and child or children, the burden of proving this
2 lack of ability is on the parent against whom the complaint is
3 made. The order shall state in separate paragraphs the amount of
4 support for the petitioner until the further order of the court,
5 and the amount of support for each child until each child reaches
6 18 years of age or until the further order of the court. Subject to
7 section 5b of the support and parenting time enforcement act, 1982
8 PA 295, MCL 552.605b, the court may also order support for the
9 child after the child reaches 18 years of age, or until the further
10 order of the court.

11 (2) A support order entered under this section is enforceable
12 as provided in the support and parenting time enforcement act, 1982
13 PA 295, MCL 552.601 to 552.650. If this act contains a specific
14 provision regarding the contents or enforcement of a child support
15 order that conflicts with a provision in the support and parenting
16 time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
17 controls in regard to that provision.

18 (3) If there is no dispute regarding a child's custody, the
19 court shall include in an order for support issued under this act
20 specific provisions governing custody of and parenting time for the
21 child in accordance with the child custody act of 1970, 1970 PA 91,
22 MCL 722.21 to 722.31. If there is a dispute regarding custody of
23 and parenting time for the child, the court shall include in an
24 order for support issued under this act specific temporary
25 provisions governing custody of and parenting time for the child.
26 Pending a hearing on or other resolution of the dispute, the court
27 may refer the matter to the office of the friend of the court for a

1 written report and recommendation as provided in section 5 of the
2 friend of the court act, 1982 PA 294, MCL 552.505. In a dispute
3 regarding custody of and parenting time for a child, the
4 prosecuting attorney is not required to represent either party
5 regarding the dispute.

6 (4) AN ORDER UNDER THIS SECTION, OR ANY DOCUMENT ATTACHED TO
7 OR FILED IN THE CASE FILE WITH THE ORDER, SHALL NOT CONTAIN
8 PERSONAL IDENTIFYING INFORMATION UNLESS SPECIFICALLY REQUIRED BY
9 STATE OR FEDERAL LAW, RULE, OR REGULATION, OR BY A COURT ORDER OR
10 RULE. THIS SECTION DOES NOT AFFECT AN OBLIGATION OF A PERSON TO
11 PROVIDE PERSONAL IDENTIFYING INFORMATION TO THE FRIEND OF THE COURT
12 OR ANOTHER PERSON.

13 (5) THE COURT MAY ORDER THAT AN ORDER OR DOCUMENT THAT DOES
14 NOT COMPLY WITH SUBSECTION (4) BE FILED IN THE CASE FILE IF THE
15 PERSONAL IDENTIFYING INFORMATION IS REDACTED.

16 (6) AS USED IN THIS SECTION, "PERSONAL IDENTIFYING
17 INFORMATION" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE
18 IDENTITY THEFT PROTECTION ACT, 2004 PA 452, MCL 445.63, EXCEPT THAT
19 PERSONAL IDENTIFYING INFORMATION DOES NOT INCLUDE A PERSON'S NAME
20 OR ADDRESS.