

SENATE BILL No. 105

January 28, 2009, Introduced by Senators SCOTT and JANSEN and referred to the Committee on Families and Human Services.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) Upon entry of a judgment of divorce or separate
2 maintenance, if the estate and effects awarded to either party are
3 insufficient for the suitable support and maintenance of either
4 party and any children of the marriage ~~as~~ WHO are committed to the
5 care and custody of either party, the court may ~~further~~ ALSO award
6 to either party the part of the real and personal estate of either
7 party and spousal support out of the real and personal estate, to

1 be paid to either party in gross or otherwise as the court
2 considers just and reasonable, after considering the ability of
3 either party to pay and the character and situation of the parties,
4 and all the other circumstances of the case.

5 (2) Upon certification by a county ~~family independence agency~~
6 **DEPARTMENT OF HUMAN SERVICES** that a complainant or petitioner in a
7 proceeding under this chapter is receiving public assistance either
8 personally or for children of the marriage, payments received by
9 the friend of the court or the state disbursement unit for the
10 support and education of the children or maintenance of the party
11 shall be transmitted to the ~~family independence agency~~ **DEPARTMENT**
12 **OF HUMAN SERVICES**.

13 (3) ~~To reimburse the county for the cost of enforcing a~~
14 ~~spousal or child support order or a parenting time order, the court~~
15 ~~shall order the payment of a service fee of \$2.00 per month,~~
16 ~~payable semiannually on each January 2 and July 2. The service fee~~
17 ~~shall be paid by the person ordered to pay the spousal or child~~
18 ~~support. The service fee shall be computed from the beginning date~~
19 ~~of the spousal or child support order and shall continue while the~~
20 ~~spousal or child support order is operative. The service fee shall~~
21 ~~be paid 6 months in advance on each due date, except for the first~~
22 ~~payment, which shall be paid at the same time the spousal or child~~
23 ~~support order is filed, and covers the period of time from that~~
24 ~~month until the next calendar due date. An order or judgment that~~
25 ~~provides for the payment of temporary or permanent spousal or child~~
26 ~~support that requires collection by the friend of the court or the~~
27 ~~SDU shall provide for the payment of the service fee. Upon its own~~

1 ~~motion, a court may amend such an order or judgment for the payment~~
2 ~~of temporary or permanent spousal or child support to provide for~~
3 ~~the payment of the service fee in the amount provided by this~~
4 ~~subsection, upon proper notice to the person ordered to pay the~~
5 ~~spousal or child support. The service fees shall be turned over to~~
6 ~~the county treasurer and credited to the general fund of the~~
7 ~~county.~~ If the court appoints the friend of the court custodian,
8 receiver, trustee, or escrow agent of assets owned by ~~the~~ **A** husband
9 and wife, or either of them, the court may fix the amount of the
10 fee for such service, to be turned over to the county treasurer and
11 credited to the general fund of the county. The court may hold in
12 contempt a person who fails or refuses to pay a fee ordered under
13 this subsection.

14 (4) As used in this ~~act~~ **SECTION AND SECTION 24**, "state
15 disbursement unit" or "SDU" means the entity established in section
16 6 of the office of child support act, 1971 PA 174, MCL 400.236.

17 Sec. 24. ~~The department, the SDU, and each office of the~~
18 ~~friend of the court shall cooperate in the transition to~~ **THE SDU IS**
19 **RESPONSIBLE FOR** the centralized receipt and disbursement of
20 support. ~~and fees.~~ An office of the friend of the court shall **MAY**
21 continue to receive ~~and disburse~~ support and fees. ~~through the~~
22 ~~transition, based on the schedule developed as required by section~~
23 ~~6 of the office of child support act, 1971 PA 174, MCL 400.236, and~~
24 ~~modifications to that schedule as the department considers~~
25 ~~necessary.~~

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. 103

1 of the 95th Legislature is enacted into law.