

SENATE BILL No. 107

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

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending sections 1, 2, and 8a (MCL 552.451, 552.452, and
552.458a), section 1 as amended by 2002 PA 8 and sections 2 and 8a
as amended by 2002 PA 574; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. A married parent who has a minor child or children
2 living with him or her and who is living separate and away from his
3 or her spouse who is the noncustodial parent of the child or
4 children, and who is refused financial assistance by the
5 noncustodial parent to provide necessary shelter, food, care, and
6 clothing for the child or children, if the spouse is of sufficient

1 financial ability to provide that assistance, may complain to the
2 circuit court for the county where either parent resides for an
3 order for support for himself or herself and the minor child or
4 children. Subject to section 5b of the support and parenting time
5 enforcement act, 1982 PA 295, MCL 552.605b, the parent may also
6 complain to the circuit court for support for a child or children
7 after they reach 18 years of age. The proceedings shall be
8 commenced by the filing of a complaint verified by the petitioner
9 and by issuance of a summons that shall be ~~personally~~-served upon
10 the noncustodial parent of the children and spouse of the
11 petitioner **IN THE MANNER PROVIDED BY COURT RULES FOR THE SERVICE OF**
12 **PROCESS IN CIVIL ACTIONS**. A complaint shall not be filed ~~nor shall~~
13 ~~any~~ **AND A summons issue SHALL NOT BE ISSUED** if divorce or separate
14 maintenance proceedings are then pending between the petitioner and
15 his or her spouse.

16 Sec. 2. (1) Upon the hearing of the complaint, in the manner
17 of a motion, the court may enter an order as it determines proper
18 for the support of the petitioner and the minor child or children
19 of the parties as prescribed in section 5 of the support and
20 parenting time enforcement act, 1982 PA 295, MCL 552.605. The order
21 shall provide that payment shall be made to the friend of the court
22 or the state disbursement unit. If the parent complained of opposes
23 the entry of the order upon the ground that he or she is without
24 sufficient financial ability to provide necessary shelter, food,
25 care, clothing, and other support for his or her spouse and child
26 or children, the burden of proving this lack of ability is on the
27 parent against whom the complaint is made. The order shall state in

1 separate paragraphs the amount of support for the petitioner until
2 the further order of the court, and the amount of support for each
3 child until each child reaches 18 years of age or until the further
4 order of the court. Subject to section 5b of the support and
5 parenting time enforcement act, 1982 PA 295, MCL 552.605b, the
6 court may also order support for the child after the child reaches
7 18 years of age, or until the further order of the court. **SUPPORT**
8 **ORDERED MAY INCLUDE EXPENSES OF MEDICAL, DENTAL, AND OTHER HEALTH**
9 **CARE, CHILD CARE, AND EDUCATION, NECESSARY MEDICAL EXPENSES**
10 **INCURRED IN CONNECTION WITH THE MOTHER'S PREGNANCY OR THE BIRTH OF**
11 **THE CHILD, AND THE EXPENSE OF GENETIC TESTING. A CHILD SUPPORT**
12 **OBLIGATION IS ONLY RETROACTIVE TO THE DATE THAT THE COMPLAINT FOR**
13 **SUPPORT WAS FILED UNLESS ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:**

14 (A) THE DEFENDANT WAS AVOIDING SERVICE OF PROCESS.

15 (B) THE DEFENDANT THREATENED OR COERCED THROUGH DOMESTIC
16 VIOLENCE OR OTHER MEANS THE COMPLAINANT NOT TO FILE A PROCEEDING
17 UNDER THIS ACT.

18 (C) THE DEFENDANT OTHERWISE DELAYED THE IMPOSITION OF A
19 SUPPORT OBLIGATION.

20 (2) THE COURT SHALL ORDER MEDICAL EXPENSES INCURRED IN
21 CONNECTION WITH THE MOTHER'S PREGNANCY OR THE BIRTH OF THE CHILD
22 UNDER THIS SECTION IN THE SAME MANNER AS MEDICAL EXPENSES ARE
23 ORDERED UNDER SECTION 2 OF THE PATERNITY ACT, 1956 PA 205, MCL
24 722.712, AND SHALL INCLUDE IN ITS ORDER PROVISIONS AS REQUIRED BY
25 THAT SECTION FOR ORDERS ENTERED UNDER THAT ACT.

26 (3) ~~(2)~~—A support order entered under this section is
27 enforceable as provided in the support and parenting time

1 enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act
2 contains a specific provision regarding the contents or enforcement
3 of a child support order that conflicts with a provision in the
4 support and parenting time enforcement act, 1982 PA 295, MCL
5 552.601 to 552.650, this act controls in regard to that provision.

6 (4) ~~(3)~~—If there is no dispute regarding a child's custody,
7 the court shall include in an order for support issued under this
8 act specific provisions governing custody of and parenting time for
9 the child in accordance with the child custody act of 1970, 1970 PA
10 91, MCL 722.21 to 722.31. If there is a dispute regarding custody
11 of and parenting time for the child, the court shall include in an
12 order for support issued under this act specific temporary
13 provisions governing custody of and parenting time for the child.
14 Pending a hearing on or other resolution of the dispute, the court
15 may refer the matter to the office of the friend of the court for a
16 written report and recommendation as provided in section 5 of the
17 friend of the court act, 1982 PA 294, MCL 552.505. In a dispute
18 regarding custody of and parenting time for a child, the
19 prosecuting attorney is not required to represent either party
20 regarding the dispute.

21 Sec. 8a. ~~The department, the SDU, and each office of the~~
22 ~~friend of the court shall cooperate in the transition to~~ **THE SDU IS**
23 **RESPONSIBLE FOR** the centralized receipt and disbursement of
24 support. ~~and fees.~~ An office of the friend of the court shall **MAY**
25 continue to receive ~~and disburse~~ support and fees. ~~through the~~
26 ~~transition, based on the schedule developed as required by section~~
27 ~~7 of the office of child support act, 1971 PA 174, MCL 400.237, and~~

1 ~~modifications to that schedule as the department considers~~
2 ~~necessary.~~

3 Enacting section 1. Section 7 of the family support act, 1966
4 PA 138, MCL 552.457, is repealed.

5 Enacting section 2. This amendatory act does not take effect
6 unless all of the following bills of the 95th Legislature are
7 enacted into law:

8 (a) Senate Bill No. 103.

9

10 (b) Senate Bill No. 104.

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12 (c) Senate Bill No. 106.

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