

SUBSTITUTE FOR
HOUSE BILL NO. 5469

A bill to amend 1996 PA 310, entitled
"Uniform interstate family support act,"
by amending sections 308 and 312 (MCL 552.1308 and 552.1312), as
amended by 1998 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 308. (1) When a responding tribunal of this state
2 receives a petition or comparable pleading from an initiating
3 tribunal or directly under section 301, the tribunal shall do all
4 of the following:

5 (a) Cause the petition or pleading to be filed.

6 (b) Notify the petitioner by first-class mail where and when
7 it was filed.

8 (c) Notify the prosecuting attorney or the office of the

1 friend of the court. If notified under this subdivision, the
2 prosecuting attorney or friend of the court shall conduct
3 proceedings as appropriate under this act.

4 (2) THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN
5 SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S
6 RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:

7 (A) THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF
8 JUDGE OF THE CIRCUIT COURT.

9 (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER
10 SECTION 1 OF 1941 PA 15, MCL 49.71.

11 (C) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
12 DEPARTMENT OF HUMAN SERVICES.

13 (3) A PROCEEDING UNDER THIS SECTION IS CONDUCTED ON BEHALF OF
14 THE STATE AND NOT AS THE ATTORNEY FOR ANY OTHER PARTY.

15 (4) ~~(2)~~—A responding tribunal of this state, to the extent
16 otherwise authorized by law, may do 1 or more of the following:

17 (a) Issue or enforce a support order, modify a child support
18 order, or render a judgment to determine parentage.

19 (b) Order an obligor to comply with a support order,
20 specifying the amount and the manner of compliance.

21 (c) Order income withholding.

22 (d) Determine the amount of an arrearage and specify a method
23 of payment.

24 (e) Enforce an order by civil or criminal contempt, or both.

25 (f) Set aside property for satisfaction of a support order.

26 (g) Place liens and order execution on an obligor's property.

27 (h) Order an obligor to keep the tribunal informed of the

1 obligor's current residential address and telephone number,
2 employer, and employment address and telephone number.

3 (i) Issue a bench warrant for an obligor who fails after
4 proper notice to appear at a hearing ordered by the tribunal and
5 enter the bench warrant in the L.E.I.N.

6 (j) Order an obligor to seek appropriate employment by
7 specified methods.

8 (k) Award reasonable attorney fees and other fees and costs.

9 (l) Grant another available remedy.

10 (5) ~~(3)~~ A responding tribunal of this state shall include in a
11 support order issued under this act or in the documents
12 accompanying the order the calculations on which the support order
13 is based.

14 (6) ~~(4)~~ A responding tribunal of this state shall not
15 condition the payment of a support order issued under this act upon
16 compliance by a party with provisions for parenting time.

17 (7) ~~(5)~~ If a responding tribunal of this state issues an order
18 under this act, the tribunal shall send a copy of the order to the
19 petitioner and the respondent and to the initiating tribunal, if
20 any.

21 Sec. 312. (1) Upon request, a support enforcement agency of
22 this state, or upon the support enforcement agency's request, the
23 prosecuting attorney or office of the friend of the court, shall
24 provide services to a petitioner in a proceeding under this act. A
25 support enforcement agency, prosecuting attorney, or office of the
26 friend of the court that is providing services to the petitioner as
27 appropriate shall do all of the following:

1 (a) Take all steps necessary to enable an appropriate tribunal
2 in this state or another state to obtain jurisdiction over the
3 respondent.

4 (b) Request an appropriate tribunal to set a hearing date,
5 time, and place.

6 (c) Make a reasonable effort to obtain all relevant
7 information, including information as to the parties' income and
8 property.

9 (d) Within 2 days, exclusive of Saturdays, Sundays, and legal
10 holidays, after receipt of a written notice from an initiating,
11 responding, or registering tribunal, send a copy of the notice to
12 the petitioner.

13 (e) Within 2 days, exclusive of Saturdays, Sundays, and legal
14 holidays, after receipt of a written communication from the
15 respondent or the respondent's attorney, send a copy of the
16 communication to the petitioner.

17 (f) Notify the petitioner if jurisdiction over the respondent
18 cannot be obtained.

19 (2) This act does not create or negate a relationship of
20 attorney and client or other fiduciary relationship between a
21 support enforcement agency or the attorney for the **SUPPORT**
22 **ENFORCEMENT** agency and the individual being assisted by the **SUPPORT**
23 **ENFORCEMENT** agency.

24 (3) **THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN**
25 **SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S**
26 **RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:**

27 (A) **THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF**

1 JUDGE OF THE CIRCUIT COURT.

2 (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER
3 SECTION 1 OF 1941 PA 15, MCL 49.71.

4 (C) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
5 DEPARTMENT OF HUMAN SERVICES.

6 (4) A PROCEEDING UNDER THIS SECTION IS CONDUCTED ON BEHALF OF
7 THE STATE AND NOT AS THE ATTORNEY FOR ANY OTHER PARTY.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.