

HOUSE BILL No. 5470

April 23, 2014, Introduced by Reps. Kesto and Hooker and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1952 PA 8, entitled
"Revised uniform reciprocal enforcement of support act,"
by amending sections 10a, 12b, 13, 13a, and 33 (MCL 780.160a,
780.162b, 780.163, 780.163a, and 780.183), section 10a as amended
and section 33 as added by 1985 PA 172 and sections 12b, 13, and
13a as amended by 1990 PA 241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10a. (1) If this state is acting as an initiating state,
2 the prosecuting attorney, upon the request of the state department
3 of ~~social~~-HUMAN services, shall represent the obligee in any
4 proceeding under this act.

5 (2) THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN

1 SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S
2 RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:

3 (A) THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF
4 CIRCUIT JUDGE.

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

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

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

11 Sec. 12b. (1) The office of child support of the state
12 department of ~~social~~-**HUMAN** services is designated as the state
13 information agency and the interstate central registry under
14 this act, and it shall do all of the following:

15 (a) Distribute copies of any amendments to the act and a
16 statement of their effective date to all other state information
17 agencies.

18 (b) Maintain a list of each interstate central registry in
19 the United States and its address, and provide the list to every
20 prosecutor's office, **EVERY ATTORNEY EMPLOYED OR CONTRACTED UNDER**
21 **SECTION 10A(2)**, and **EVERY** office of the friend of the court in
22 this state.

23 (c) Maintain a supply of duplicated copies of this act, as
24 amended, for the use of court officers in preparing cases to be
25 forwarded to responding states.

26 (d) Act generally as a clearing center for information and
27 maintain general liaison with the council of state governments,

1 law enforcement agencies, the legislature, other governmental or
2 private agencies concerned with this act, and the public.

3 (e) Forward to the court in this state ~~which~~**THAT** has
4 proper venue, as determined under section 10, the petitions,
5 certificates, and copies of the act it receives from courts or
6 information agencies of other states.

7 (2) If the state information agency does not know the
8 location of the obligor or the obligor's property, the agency
9 shall use its state locator service to obtain this information.

10 Sec. 13. (1) When the court of this state, acting as a
11 responding court, receives from the interstate central registry of
12 this state copies of the petition, certificate, and act, the clerk
13 of the court shall docket the case and notify the prosecuting
14 attorney of the county, **AN ATTORNEY EMPLOYED OR CONTRACTED UNDER**
15 **SECTION 10A(2), OR THE FRIEND OF THE COURT, AS APPLICABLE,** who
16 shall be charged with the duty of carrying on the proceedings.

17 (2) The prosecuting attorney, **AN ATTORNEY EMPLOYED OR**
18 **CONTRACTED UNDER SECTION 10A(2), OR THE FRIEND OF THE COURT** shall
19 take all action necessary in accordance with the laws of this state
20 to enable the court to obtain jurisdiction over the obligor or the
21 obligor's property. He or she shall prosecute the case diligently.

22 (3) A ~~prosecuting attorney~~**PARTY** petitioning for child support
23 under this act shall utilize as a guideline the child support
24 formula developed under section 19 of the friend of the court act,
25 ~~Act No. 294 of the Public Acts of 1982, being section 552.519 of~~
26 ~~the Michigan Compiled Laws.1982 PA 294, MCL 552.519.~~

27 Sec. 13a. If, because of inaccuracies in the petition or

1 otherwise, the court cannot obtain jurisdiction, the prosecuting
2 attorney, **AN ATTORNEY EMPLOYED OR CONTRACTED UNDER SECTION 10A(2),**
3 **OR THE FRIEND OF THE COURT** shall inform the court of what he or she
4 has done to locate the obligor or the property of the obligor and
5 request the court to continue the case pending receipt of more
6 accurate information or an amended petition from the court of the
7 initiating state. If the prosecuting attorney, **AN ATTORNEY EMPLOYED**
8 **OR CONTRACTED UNDER SECTION 10A(2), OR THE FRIEND OF THE COURT**
9 discovers that the proper venue is in another county of this state
10 or that the obligor or the property of the obligor may be found in
11 another state, he or she shall so inform the court. The clerk of
12 the court in the responding state shall forward the documents
13 received from the initiating state to the court of proper venue in
14 this state, or, upon approval of the initiating state, to the
15 interstate central registry of the state in which the obligor or
16 the property of the obligor can be located with a request that the
17 documents be forwarded to the proper court. All powers and duties
18 provided by this act apply to the recipient of the documents
19 forwarded ~~pursuant to~~ **UNDER** this section. If the clerk of a court
20 of the responding state forwards documents to another court, he or
21 she shall immediately notify the court of the initiating state. If
22 a prosecuting attorney, **AN ATTORNEY EMPLOYED OR CONTRACTED UNDER**
23 **SECTION 10A(2), OR THE FRIEND OF THE COURT** does not have any
24 information as to the location of the obligor or the property of
25 the obligor, he or she shall inform the court of the initiating
26 state of that fact.

27 Sec. 33. (1) If this state is the initiating, responding,

1 rendering, or registering state in proceedings under this act, and
2 the prosecuting attorney, **AN ATTORNEY EMPLOYED OR CONTRACTED UNDER**
3 **SECTION 10A(2), OR THE FRIEND OF THE COURT** neglects or refuses to
4 represent the obligee, the attorney general may undertake the
5 representation.

6 (2) The obligee may be represented in any proceedings under
7 this act by private legal counsel at the obligee's own expense.

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