

# HOUSE BILL No. 5471

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

A bill to amend 1968 PA 293, entitled

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

by amending section 3 (MCL 722.3), as amended by 2001 PA 110.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) The parents are jointly and severally obligated to  
2       support a minor as prescribed in section 5 of the support and  
3       parenting time enforcement act, 1982 PA 295, MCL 552.605, unless a  
4       court of competent jurisdiction modifies or terminates the  
5       obligation or the minor is emancipated by operation of law, except  
6       as otherwise ordered by a court of competent jurisdiction. Subject

1 to section 5b of the support and parenting time enforcement act,  
2 1982 PA 295, MCL 552.605b, a court of competent jurisdiction may  
3 order support as provided in this section for a child after he or  
4 she reaches 18 years of age.

5 (2) The duty of support may be enforced by the minor or the  
6 child who has reached 18 years of age, his or her guardian, any  
7 relative within the third degree, an authorized government agency,  
8 or if the minor or the child who has reached 18 years of age is  
9 being supported in whole or in part by public assistance under the  
10 social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, by the  
11 director of the ~~family independence agency~~ **DEPARTMENT OF HUMAN**  
12 **SERVICES** or his or her designated representative, or by the  
13 director of the county ~~family independence agency~~ **DEPARTMENT OF**  
14 **HUMAN SERVICES** or his or her designated representative of the  
15 county where an action under this act is brought. An action for  
16 enforcement shall be brought in the circuit court in the county  
17 where the minor or the child who has reached 18 years of age  
18 resides. If a designated official of either the state or a county  
19 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** brings an  
20 action under this act on behalf of the minor or the child who has  
21 reached 18 years of age, ~~then the prosecuting attorney or an~~  
22 ~~attorney employed by the county under section 1 of 1941 PA 15, MCL~~  
23 ~~49.71,~~ shall represent the official in initiating and conducting  
24 the proceedings under this act. The ~~prosecuting attorney shall~~  
25 ~~utilize the child support formula developed under section 19 of the~~  
26 ~~friend of the court act, 1982 PA 294, MCL 552.519, SHALL BE USED~~ as  
27 a guideline in petitioning for child support.

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

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

6           (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER  
7 SECTION 1 OF 1941 PA 14, MCL 49.71.

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

10          (4) ~~(3)~~—A judgment entered under this section providing for  
11 support is governed by and is enforceable as provided in the  
12 support and parenting time enforcement act, 1982 PA 295, MCL  
13 552.601 to 552.650. If this act contains a specific provision  
14 regarding the contents or enforcement of a support order that  
15 conflicts with a provision in the support and parenting time  
16 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act  
17 controls in regard to that provision.

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