

Act No. 371
Public Acts of 2014
Approved by the Governor
December 17, 2014
Filed with the Secretary of State
December 17, 2014
EFFECTIVE DATE: March 17, 2015

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Kesto and Hooker

ENROLLED HOUSE BILL No. 5470

AN ACT to amend 1952 PA 8, entitled "An act relative to the extradition of persons charged with failure to provide support for dependents and to provide for the enforcement by circuit courts in chancery of this state of the duty of such persons to support their dependents in accordance with the requirements of the laws of other states or any foreign state having reciprocal legislation, and to grant to such courts power to enforce such obligations by procedures including contempt; and to prescribe the procedure to be followed by such courts in case of proceedings to require enforcement of the duty to support residents of this state by those obligated to furnish such support through proceedings in courts of other states or any foreign state having reciprocal legislation; to prescribe certain powers and duties of the friend of the court; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to prescribe rules of evidence in such proceedings," 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:

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

(2) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:

- (a) The friend of the court, with the approval of the chief judge of the circuit court.
- (b) An attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71.
- (c) An attorney employed by, or under contract with, the department of human services.
- (3) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

Sec. 12b. (1) The office of child support of the state department of human services is designated as the state information agency and the interstate central registry under this act, and it shall do all of the following:

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

(b) Maintain a list of each interstate central registry in the United States and its address, and provide the list to every prosecutor's office, every attorney employed or contracted under section 10a(2), and every office of the friend of the court in this state.

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

(d) Act generally as a clearing center for information and maintain general liaison with the council of state governments, law enforcement agencies, the legislature, other governmental or private agencies concerned with this act, and the public.

(e) Forward to the court in this state that has proper venue, as determined under section 10, the petitions, certificates, and copies of the act it receives from courts or information agencies of other states.

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

Sec. 13. (1) When the court of this state, acting as a responding court, receives from the interstate central registry of this state copies of the petition, certificate, and act, the clerk of the court shall docket the case and notify the prosecuting attorney of the county, an attorney employed or contracted under section 10a(2), or the friend of the court, as applicable, who shall be charged with the duty of carrying on the proceedings.

(2) The prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or the obligor's property. He or she shall prosecute the case diligently.

(3) A party petitioning for child support under this act shall utilize as a guideline the child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519.

Sec. 13a. If, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court shall inform the court of what he or she has done to locate the obligor or the property of the obligor and request the court to continue the case pending receipt of more accurate information or an amended petition from the court of the initiating state. If the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court discovers that the proper venue is in another county of this state or that the obligor or the property of the obligor may be found in another state, he or she shall so inform the court. The clerk of the court in the responding state shall forward the documents received from the initiating state to the court of proper venue in this state, or, upon approval of the initiating state, to the interstate central registry of the state in which the obligor or the property of the obligor can be located with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents forwarded under this section. If the clerk of a court of the responding state forwards documents to another court, he or she shall immediately notify the court of the initiating state. If a prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court does not have any information as to the location of the obligor or the property of the obligor, he or she shall inform the court of the initiating state of that fact.

Sec. 33. (1) If this state is the initiating, responding, rendering, or registering state in proceedings under this act, and the prosecuting attorney, an attorney employed or contracted under section 10a(2), or the friend of the court neglects or refuses to represent the obligee, the attorney general may undertake the representation.

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor