

RELIEF AND SUPPORT OF POOR PERSONS (EXCERPT)

Act 146 of 1925

CHAPTER I

SUPPORT OF POOR BY PRIVATE PERSONS

401.1 Definitions.

Sec. 1. As used in this act:

(a) "Poor person" means a person who does not have property, exempt or otherwise, and who is unable, because of physical or mental disability or age, to earn a livelihood, or a person who has some means but is eligible to receive relief or assistance granted under Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws.

(b) "Settlement" means the place where a person last continuously lived, for 1 year, without receiving public relief or assistance.

(c) "Settled" means the place of settlement.

(d) "Dependent child" means a poor person under 18 years of age.

(e) "Relative" means a husband, wife, father, or mother.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8208;—CL 1948, 401.1;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

401.2 Expired. 1980, Act 480, Eff. Jan. 1, 1982.

Compiler's note: The expired section pertained to relieving, maintaining, and supporting poor persons and dependent children.

401.3 Failure of relative to provide support; application for order to compel relief; notice.

Sec. 3. Upon the failure of any relative of a poor person to relieve and maintain the poor person, the county department of social services in the county in which the poor person resides, shall apply with the advice and assistance of the prosecuting attorney to the probate court of the county where the poor person or relative dwells or the poor person has a legal settlement, for an order to compel the relief. Upon application for an order to compel relief, notice shall be given to necessary parties, as provided by law.

History: 1925, Act 146, Eff. Aug. 27, 1925;—Am. 1929, Act 49, Eff. Aug. 28, 1929;—CL 1929, 8210;—CL 1948, 401.3;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Former law: See section 2, R.S. 1846, Ch. 37, being CL 1857, § 1419; CL 1871, § 1802; How., § 1742; CL 1897, § 4488; and CL 1915, § 5192.

401.4 Failure of relatives to provide support; hearing, order.

Sec. 4. The court to which such application may be made, shall proceed in a summary way to hear the proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability and as appear to owe a duty of support under this act, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, and how it is to be paid.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8211;—CL 1948, 401.4;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 3, R.S. 1846, Ch. 37, being CL 1857, § 1420; CL 1871, § 1803; How., § 1743; CL 1897, § 4489; and CL 1915, § 5193.

401.5 Court order to perform duty of support.

Sec. 5. The court shall order the relative or relatives to perform the duty of support, in the following order: The husband or wife shall be first required to maintain the poor person, if of sufficient ability; if a husband or wife does not exist, or he or she is not of sufficient ability, then the father or mother of the poor person.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8212;—CL 1948, 401.5;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1957, Act 44, Eff. Sept. 27, 1957;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Former law: See section 4, R.S. 1846, Ch. 37, being CL 1857, § 1421; CL 1871, § 1804; How., § 1744; CL 1897, § 4490; and CL 1915, § 5194.

401.6 Direction of proportionate liability.

Sec. 6. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct 2 or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something therefor, the court shall direct the sum, in proportion to their

ability, which such relatives shall severally pay weekly or monthly for that purpose.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8213;—CL 1948, 401.6;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 5, R.S. 1846, Ch. 37, being CL 1857, § 1422; CL 1871, § 1805; How., § 1745; CL 1897, § 4491; and CL 1915, § 5195.

401.7 Duration of order; change in terms.

Sec. 7. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, or until the further order of the court; and the said court may from time to time vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of the county department of social welfare, or of the bureau of social aid of the county department of social welfare.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8214;—CL 1948, 401.7;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 6, R.S. 1846, Ch. 37, being CL 1857, § 1423; CL 1871, § 1806; How., § 1746; CL 1897, § 4492; and CL 1915, § 5196.

401.8 Cost of application; enforcement of orders.

Sec. 8. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the court, and paid by the relatives against whom any order may be made, and the payment thereof, and obedience to the order of maintenance, and to any order of such court for the payment of money as aforesaid, may be enforced by process of attachment from such court.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8215;—CL 1948, 401.8.

Former law: See section 7, R.S. 1846, Ch. 37, being CL 1857, § 1424; CL 1871, § 1807; How., § 1747; CL 1897, § 4493; and CL 1915, § 5197.

401.9 Failure to obey order; civil action by department of social welfare; contempt of court, penalty.

Sec. 9. If any relative, who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so, and shall neglect to pay the sum prescribed by the court for the support of such poor person, the county department of social welfare or the bureau of social aid of the county department of social welfare may maintain an action against such relatives, as for moneys paid, laid out and expended, and shall recover therein the sum so prescribed by the said court for every period of time as stated in said order during which the said order shall have been disobeyed, up to the time of such recovery, with costs of suit. If any such relative, being of sufficient ability, fails or refuses to obey the order of the court to relieve or maintain any poor person, and upon proceedings duly had for that purpose, has been found guilty of contempt of court for such failure or refusal, the court, on the making of such order, holding such party in contempt, in addition to the other remedies provided by law, may make an order placing such delinquent on probation or may order him confined in the county jail, where his earnings, or at least 1/2 of such earnings, shall be applied to the support of such poor person until the order or decree of such court has been complied with, or until the further order of the court, but for a period of not exceeding 1 year.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8216;—CL 1948, 401.9;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 8, R.S. 1846, Ch. 37, being CL 1857, § 1425; CL 1871, § 1808; How., § 1748; CL 1897, § 4494; and CL 1915, § 5198.

401.10-401.16 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed sections authorized seizure of and collection of rents from or sale of property of father, mother, or husband who has abandoned his or her children or wife, provided for restoration of such property, and permitted sale of poor person's personalty for support of such person.

401.17-401.21 Repealed. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Compiler's note: The repealed sections pertained to nonsupport of parent by adult resident of state.