

THE FAMILY SUPPORT ACT (EXCERPT)
Act 138 of 1966

552.452 Hearing; order; contents; burden of proving lack of ability to provide support; amount; medical and other expenses; enforcement of order; custody and parenting time.

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605. The order shall provide that payment shall be made to the friend of the court or the state disbursement unit. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability is on the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court. Support ordered may include expenses of medical, dental, and other health care, child care, and education, necessary medical expenses incurred in connection with the mother's pregnancy or the birth of the child, and the expense of genetic testing. A child support obligation is only retroactive to the date that the complaint for support was filed unless any of the following circumstances exist:

(a) The defendant was avoiding service of process.

(b) The defendant threatened or coerced through domestic violence or other means the complainant not to file a proceeding under this act.

(c) The defendant otherwise delayed the imposition of a support obligation.

(2) The court shall order medical expenses incurred in connection with the mother's pregnancy or the birth of the child under this section in the same manner as medical expenses are ordered under section 2 of the paternity act, 1956 PA 205, MCL 722.712, and shall include in its order provisions as required by that section for orders entered under that act.

(3) A support order entered under this section is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a child support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

(4) If there is no dispute regarding a child's custody, the court shall include in an order for support issued under this act specific provisions governing custody of and parenting time for the child in accordance with the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31. If there is a dispute regarding custody of and parenting time for the child, the court shall include in an order for support issued under this act specific temporary provisions governing custody of and parenting time for the child. Pending a hearing on or other resolution of the dispute, the court may refer the matter to the office of the friend of the court for a written report and recommendation as provided in section 5 of the friend of the court act, 1982 PA 294, MCL 552.505. In a dispute regarding custody of and parenting time for a child, the prosecuting attorney is not required to represent either party regarding the dispute.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1967, Act 75, Eff. Nov. 2, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1985, Act 212, Eff. Mar. 1, 1986;—Am. 1989, Act 276, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 5, Eff. June 1, 1996;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2001, Act 111, Eff. Sept. 30, 2001;—Am. 2002, Act 574, Eff. Dec. 1, 2002;—Am. 2009, Act 236, Imd. Eff. Jan. 8, 2010.