

HOUSE BILL No. 6306

September 17, 2002, Introduced by Rep. Wojno and referred to the Committee on Family and Children Services.

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 2, 3, 4, 7, and 8a (MCL 552.452, 552.453, 552.454, 552.457, and 552.458a), section 2 as amended by 2001 PA 111, section 3 as amended by 1985 PA 212, and sections 4 and 7 as amended and section 8a as added by 1999 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Upon the hearing of the complaint, in the
2 manner of a motion, the court may enter an order as it determines
3 proper for the support of the petitioner and the minor child or
4 children of the parties as prescribed in section 5 of the support
5 and parenting time enforcement act, 1982 PA 295, MCL 552.605.
6 The order shall provide that payment shall be made to the friend
7 of the ~~court~~ CHILD or the state disbursement unit. If the
8 parent complained of opposes the entry of the order upon the

1 ground that he or she is without sufficient financial ability to
2 provide necessary shelter, food, care, clothing, and other sup-
3 port for his or her spouse and child or children, the burden of
4 proving this lack of ability is on the parent against whom the
5 complaint is made. The order shall state in separate paragraphs
6 the amount of support for the petitioner until the further order
7 of the court, and the amount of support for each child until each
8 child reaches 18 years of age or until the further order of the
9 court. Subject to section 5b of the support and parenting time
10 enforcement act, 1982 PA 295, MCL 552.605b, the court may also
11 order support for the child after the child reaches 18 years of
12 age, or until the further order of the court.

13 (2) A support order entered under this section is enforce-
14 able as provided in the support and parenting time enforcement
15 act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a
16 specific provision regarding the contents or enforcement of a
17 child support order that conflicts with a provision in the sup-
18 port and parenting time enforcement act, 1982 PA 295, MCL 552.601
19 to 552.650, this act controls in regard to that provision.

20 Sec. 3. Upon the entry of any order for support under this
21 act, a copy of the order shall be transmitted to the friend of
22 the ~~court~~ CHILD of the county in which the order was entered.

23 Sec. 4. (1) If the county family independence agency where
24 the custodial parent or guardian of the minor child or children
25 or the child or children who have reached 18 years of age resides
26 determines the custodial parent, the minor child or children, the
27 child or children who have reached 18 years of age, or any of

1 them to be eligible for public or medical assistance, or if a
2 complaint is being filed under section 1b, the prosecuting attor-
3 ney shall act as the attorney for the petitioner.

4 (2) The prosecuting attorney shall utilize the child support
5 formula developed under section 19 of the friend of the ~~court~~
6 CHILD act, 1982 PA 294, MCL 552.519, as a guideline in petition-
7 ing for child support. Upon certification by the family independen-
8 dence agency that the custodial parent and minor child or chil-
9 dren or child or children who have reached 18 years of age are
10 receiving public assistance, a payment received by the friend of
11 the ~~court~~ CHILD or the state disbursement unit for the support
12 of the custodial parent and minor child or children or child or
13 children who have reached 18 years of age shall be transmitted to
14 the family independence agency.

15 Sec. 7. (1) To reimburse the county for the cost of enforc-
16 ing support or parenting time orders under this act, the court
17 shall order the payment of a service fee of \$2.00 per month, pay-
18 able semiannually on each January 2 and July 2, to the friend of
19 the ~~court~~ CHILD or state disbursement unit. The service fee
20 shall be paid by the person ordered to pay the support money.
21 The service fee shall be computed from the beginning date of the
22 support order and shall continue while the support order is
23 operative. The service fee shall be paid 6 months in advance on
24 each due date, except for the first payment which shall be paid
25 at the same time the support order is filed, and covers the
26 period of time from that month until the next calendar due date.
27 The friend of the ~~court~~ CHILD may deduct the service fee from

1 support money paid after the due date of the service fee. An
2 order that provides for the payment of support that requires col-
3 lection by the friend of the ~~court~~ CHILD under this act or by
4 the SDU shall provide for the payment of the service fee. Upon
5 its own motion, a court may amend such an order or judgment to
6 provide for the payment of the service fee, in the amount pro-
7 vided by this subsection, upon notice to the person ordered to
8 pay the support money. The service fees shall be turned over to
9 the county treasurer and credited to the general fund of the
10 county.

11 (2) The court may hold in contempt a person who fails or
12 refuses to pay a service fee ordered under subsection (1).

13 Sec. 8a. The department, the SDU, and each office of the
14 friend of the ~~court~~ CHILD shall cooperate in the transition to
15 the centralized receipt and disbursement of support and fees. An
16 office of the friend of the ~~court~~ CHILD shall continue to
17 receive and disburse support and fees through the transition,
18 based on the schedule developed as required by section ~~6~~ 7 of
19 the office of child support act, 1971 PA 174, MCL ~~400.236~~
20 400.237, and modifications to that schedule as the department
21 considers necessary.

22 Enacting section 1. This amendatory act does not take
23 effect unless Senate Bill No. _____ or House Bill No. 6317
24 (request no. 07684'02) of the 91st Legislature is enacted into
25 law.