

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4820

(As passed the House, September 30, 1999)

A bill to amend 1966 PA 138, entitled
"The family support act,"
by amending sections 2, 4, 7, and 9 (MCL 552.452, 552.454,
552.457, and 552.459), section 2 as amended by 1996 PA 5,
section 4 as amended by 1990 PA 292, and section 7 as amended by
1983 PA 195, and by adding section 8a.

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. The order shall provide that ~~all~~
5 ~~payments~~ PAYMENT shall be made to the friend of the court OR THE
6 STATE DISBURSEMENT UNIT. If the parent complained of opposes the
7 entry of the order upon the ground that he or she is without
8 sufficient financial ability to provide necessary shelter, food,

1 care, clothing, and other support for his or her spouse and child
2 or children, the burden of proving this lack of ability is on the
3 parent against whom the complaint is made. The order shall state
4 in separate paragraphs the amount of support for the petitioner
5 until the further order of the court, and the amount of support
6 for each child until each child reaches 18 years of age or until
7 the further order of the court. Subject to section 1c, the court
8 may also order support for the child after the child reaches
9 18 years of age, or until the further order of the court.

10 (2) Except as otherwise provided in this section, the court
11 shall order support in an amount determined by application of the
12 child support formula developed by the state friend of the court
13 bureau. The court may enter an order that deviates from the for-
14 mula if the court determines from the facts of the case that
15 application of the child support formula would be unjust or inap-
16 propriate and sets forth in writing or on the record all of the
17 following:

18 (a) The support amount determined by application of the
19 child support formula.

20 (b) How the support order deviates from the child support
21 formula.

22 (c) The value of property or other support awarded in lieu
23 of the payment of child support, if applicable.

24 (d) The reasons why application of the child support formula
25 would be unjust or inappropriate in the case.

26 (3) Subsection (2) does not prohibit the court from entering
27 a support order that is agreed to by the parties and that

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1 deviates from the child support formula, if the requirements of
2 subsection (2) are met.

3 (4) Beginning January 1, 1991, each support order entered by
4 the court shall provide that each party shall keep the office of
5 the friend of the court informed of both of the following:

6 (a) The name and address of his or her current source of
7 income. As used in this subdivision, "source of income" means
8 that term as defined in section 2 of the support and parenting
9 time enforcement act, ~~Act No. 295 of the Public Acts of 1982,~~
10 ~~being section 552.602 of the Michigan Compiled Laws~~ 1982 PA 295,
11 MCL 552.602.

12 (b) Any health care coverage that is available to him or her
13 as a benefit of employment or that is maintained by him or her;
14 the name of the insurance company, nonprofit health care corpora-
15 tion, or health maintenance organization; the policy, certifi-
16 cate, or contract number; and the names and birth dates of the
17 persons for whose benefit he or she maintains health care cover-
18 age under the policy, certificate, or contract.

19 (5) For the purposes of this act, "support" may include pay-
20 ment of the expenses of medical, dental, and other health care,
21 child care expenses, and educational expenses. The court shall
22 require that 1 or both parents ~~shall~~ obtain and maintain ~~any~~
23 health care coverage that is available to them at a reasonable
24 cost, as a benefit of employment, for the benefit of the minor
25 children of the parties and, subject to section 1c, for the bene-
26 fit of the parties' children who are not minor children. If a
27 parent is self-employed and maintains health care coverage, the

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1 court shall require the parent to obtain or maintain dependent
2 coverage for the benefit of the minor children of the parties
3 and, subject to section 1c, for the benefit of the parties' chil-
4 dren who are not minor children, if available at a reasonable
5 cost.

6 (6) An order entered under this section is enforceable as
7 provided in the support and parenting time enforcement act, ~~Act~~
8 ~~No. 295 of the Public Acts of 1982, being sections 552.601 to~~
9 ~~552.650 of the Michigan Compiled Laws~~ 1982 PA 295, MCL 552.601
10 TO 552.650.

11 Sec. 4. (1) If the ~~department of social services of the~~
12 county FAMILY INDEPENDENCE AGENCY where the custodial parent or
13 guardian of the minor child or children or the child or children
14 who have reached 18 years of age resides determines the custodial
15 parent, the minor child or children, the child or children who
16 have reached 18 years of age, or any of them to be eligible for
17 public OR MEDICAL assistance, or if a complaint is being filed
18 under section 1b, the prosecuting attorney shall act as the
19 attorney for the petitioner.

20 (2) The prosecuting attorney shall utilize the child support
21 formula developed under section 19 of the friend of the court
22 act, ~~Act No. 294 of the Public Acts of 1982, being section~~
23 ~~552.519 of the Michigan Compiled Laws~~ 1982 PA 294, MCL 552.519,
24 as a guideline in petitioning for child support. Upon certifica-
25 tion by the ~~county department of social services~~ FAMILY INDE-
26 PENDENCE AGENCY that the custodial parent and minor child or
27 children or child or children who have reached 18 years of age

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1 are receiving public assistance, ~~payments~~ A PAYMENT received by
2 the friend of the court OR THE STATE DISBURSEMENT UNIT for the
3 support of the custodial parent and minor child or children or
4 child or children who have reached 18 years of age shall be
5 transmitted to the ~~state department of social services~~ FAMILY
6 INDEPENDENCE AGENCY.

7 Sec. 7. (1) To reimburse the county for the cost of
8 ~~handling support payments~~ ENFORCING SUPPORT OR PARENTING TIME
9 ORDERS under this act, the court shall order the payment of a
10 service fee of \$2.00 per month, payable semiannually on EACH
11 January 2 and July 2, ~~thereafter,~~ to the friend of the court OR
12 STATE DISBURSEMENT UNIT. The service fee shall be paid by the
13 person ordered to pay the support money. The service fee shall
14 be computed from the beginning date of the support order and
15 shall continue while the support order is operative. The service
16 fee shall be paid 6 months in advance on each ~~of the~~ due
17 ~~dates~~ DATE, except for the first payment which shall be paid at
18 the same time the support order is ~~made~~ FILED, and ~~shall~~
19 ~~cover~~ COVERS the period of time from that month until the next
20 calendar due date. The friend of the court may deduct the serv-
21 ice fee from ~~any~~ support money paid after the due date of the
22 service fee. ~~Every~~ AN order ~~which~~ THAT provides for the pay-
23 ment of support ~~which~~ THAT requires collection by the friend of
24 the court under this act OR BY THE SDU shall provide for the pay-
25 ment of the service fee. ~~Any such~~ UPON ITS OWN MOTION, A COURT
26 MAY AMEND SUCH AN order or judgment ~~entered before the effective~~
27 ~~date of this 1983 amendatory act may be amended by the court,~~

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1 ~~upon its own motion,~~ to provide for the payment of the service
2 fee, in the amount provided by this subsection, upon notice to
3 the person ordered to pay the support money. The service fees
4 shall be turned over to the county treasurer and credited to the
5 general fund of the county.

6 (2) ~~A~~ THE COURT MAY HOLD IN CONTEMPT A person who fails or
7 refuses to pay a service fee ordered ~~pursuant to~~ UNDER subsec-
8 tion (1). ~~may be held in contempt of court.~~

9 SEC. 8A. THE DEPARTMENT, THE SDU, AND EACH OFFICE OF THE
10 FRIEND OF THE COURT SHALL COOPERATE IN THE TRANSITION TO THE CEN-
11 TRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND FEES. AN OFFICE
12 OF THE FRIEND OF THE COURT SHALL CONTINUE TO RECEIVE AND DISBURSE
13 SUPPORT AND FEES THROUGH THE TRANSITION, BASED ON THE SCHEDULE
14 DEVELOPED AS REQUIRED BY SECTION 6 OF THE OFFICE OF CHILD SUPPORT
15 ACT, 1971 PA 174, MCL 400.236, AND MODIFICATIONS TO THAT SCHEDULE
16 AS THE DEPARTMENT CONSIDERS NECESSARY.

17 Sec. 9. (1) This act shall be known and may be cited as
18 "the family support act".

19 (2) AS USED IN THIS ACT, "STATE DISBURSEMENT UNIT" OR "SDU"
20 MEANS THE ENTITY ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD
21 SUPPORT ACT, 1971 PA 174, MCL 400.236.

22 Enacting section 1. This amendatory act does not take
23 effect unless House Bill No. 4816 of the 90th Legislature is
24 enacted into law.