

HOUSE BILL No. 5985

April 30, 2002, Introduced by Rep. Scranton and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2a and 9 (MCL 552.502a and 552.509), as amended by 1999 PA 150.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. As used in this act:

2 (A) "MAJOR CONSUMER REPORTING AGENCY" MEANS A CONSUMER
3 REPORTING COMPANY THAT PROVIDES A SUBSTANTIAL AMOUNT OF CREDIT
4 REPORTING IN THE LOCATION WHERE THE PAYER SUBJECT TO THE SUPPORT
5 ORDER RESIDES.

6 (B) ~~(a)~~ "Medical assistance" means medical assistance as
7 established under title XIX of the social security act, chapter
8 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6
9 ~~,~~ and 1396r-8 to 1396v.

1 (C) ~~(b)~~ "Office" and "office of the friend of the court"
2 mean an agency created in section 3.

3 (D) ~~(c)~~ "Payer" means a person ordered by the circuit
4 court to pay support.

5 (E) ~~(d)~~ "Public assistance" means cash assistance provided
6 under the social welfare act, 1939 PA 280, 400.1 to 400.119b.

7 (F) ~~(e)~~ "Recipient of support" means the following:

8 (i) The spouse, if the support order orders spousal
9 support.

10 (ii) The custodial parent or guardian, if the support order
11 orders support for a minor child or a child who is 18 years of
12 age or older.

13 (iii) The family independence agency, if support has been
14 assigned to that department.

15 (G) ~~(f)~~ "State advisory committee" means the committee
16 established by the bureau under section 19.

17 (H) ~~(g)~~ "State disbursement unit" or "SDU" means the
18 entity established in section 6 of the office of child support
19 act, 1971 PA 174, MCL 400.236.

20 (I) ~~(h)~~ "Support" means all of the following:

21 (i) The payment of money for a child or a spouse ordered by
22 the circuit court, whether the order is embodied in an interim,
23 temporary, permanent, or modified order or judgment. Support may
24 include payment of the expenses of medical, dental, and other
25 health care, child care expenses, and educational expenses.

26 (ii) The payment of money ordered by the circuit court under
27 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the

1 necessary expenses incurred by or for the mother in connection
2 with her confinement, for other expenses in connection with the
3 pregnancy of the mother, or for the repayment of genetic testing
4 expenses.

5 (iii) A surcharge accumulated under section 3a of the sup-
6 port and parenting time enforcement act, MCL 552.603a.

7 (J) ~~(i)~~ "Support and parenting time enforcement act" means
8 1982 PA 295, MCL 552.601 to 552.650.

9 (K) ~~(j)~~ "Support order" means an order entered by the cir-
10 cuit court for the payment of support in a sum certain, whether
11 in the form of a lump sum or a periodic payment.

12 Sec. 9. (1) Except as otherwise provided in subsections (2)
13 and (3) or in the order or judgment, after a support order is
14 entered in a domestic relations matter, the office shall receive
15 each payment and service fee under the support order; shall, not
16 less than once each month, record each support payment due, paid,
17 and past due; and shall disburse each support payment to the
18 recipient of support within 14 days after the office receives
19 each payment or within the federally mandated time frame, which-
20 ever is shorter.

21 (2) An office shall receive support order and service fee
22 payments, and shall disburse support, as required by subsection
23 (1) until the state disbursement unit implements support and fee
24 receipt and disbursement for the cases administered by that
25 office. At the family independence agency's direction and in
26 cooperation with the SDU, an office shall continue support and
27 fee receipt and support disbursement to facilitate the transition

1 of that responsibility to the SDU as directed in, and in
2 accordance with the transition schedule developed as required by,
3 the office of child support act, 1971 PA 174, MCL 400.231 to
4 400.239.

5 (3) After SDU support and fee receipt and disbursement is
6 implemented in a circuit court circuit, the office for that court
7 may accept a support payment made in cash or by cashier's check
8 or money order. If the office accepts such a payment, the office
9 shall transmit the payment to the SDU and shall inform the payer
10 of the SDU's location and the requirement to make payments
11 through the SDU.

12 (4) Promptly after ~~the effective date of the amendatory act~~
13 ~~that added this subsection~~ NOVEMBER 3, 1999, each office shall
14 establish and maintain the support order and account records nec-
15 essary to enforce support orders and necessary to record obliga-
16 tions, support and fee receipt and disbursement, and related
17 payments. Each office shall provide the SDU with access to those
18 records and shall assist the SDU to resolve support and fee
19 receipt and disbursement problems related to inadequate identify-
20 ing information.

21 (5) WITHIN 90 DAYS AFTER A SUPPORT ORDER IS ISSUED IN A
22 DOMESTIC RELATIONS MATTER, THE OFFICE SHALL DISTRIBUTE A COPY OF
23 THE SUPPORT ORDER TO EACH MAJOR CONSUMER REPORTING AGENCY. THE
24 OFFICE SHALL CHARGE A FEE TO PAY, BUT NOT TO EXCEED, THE ACTUAL
25 COST OF THIS DISTRIBUTION AND SHALL ADD THE FEE TO THE AMOUNT OF
26 THE FIRST PAYMENT UNDER THE SUPPORT ORDER.

1 (6) ~~—(5)—~~ The office shall provide annually to each party,
2 without charge, 1 statement of account upon request. Additional
3 statements of account shall be provided at a reasonable fee suf-
4 ficient to pay for the cost of reproduction. Statements provided
5 under this subsection are in addition to statements provided for
6 administrative and judicial hearings.

7 (7) ~~—(6)—~~ The office shall initiate and carry out proceed-
8 ings to enforce an order entered in a domestic relations matter
9 regarding custody, parenting time, health care coverage, or sup-
10 port in accordance with this act, the support and parenting time
11 enforcement act, and supreme court rules.

12 (8) ~~—(7)—~~ Upon request of a child support agency of another
13 state, the office shall initiate and carry out certain proceed-
14 ings to enforce support orders entered in the other state without
15 the need to register the order as a domestic relations matter in
16 this state. The order shall be enforced using automated adminis-
17 trative enforcement actions authorized under the support and par-
18 enting time enforcement act.