

# HOUSE BILL No. 6315

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

A bill to amend 1846 RS 84, entitled  
"Of divorce,"  
by amending sections 15, 23, 24, and 45 (MCL 552.15, 552.23,  
552.24, and 552.45), section 15 as amended by 2001 PA 107 and  
section 23 as amended and section 24 as added by 1999 PA 159.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 15. (1) After the filing of a complaint in an action  
2 to annul a marriage or for a divorce or separate maintenance, on  
3 the motion of either party or the friend of the ~~court~~ CHILD, or  
4 on the court's own motion, the court may enter orders concerning  
5 the care, custody, and support of the minor children of the par-  
6 ties during the pendency of the action as prescribed in section 5  
7 of the support and parenting time enforcement act, 1982 PA 295,  
8 MCL 552.605, and as the court considers proper and necessary.  
9 Subject to section 5b of the support and parenting time

1 enforcement act, 1982 PA 295, MCL 552.605b, the court may also  
2 order support as provided in this subsection for the parties'  
3 children who are not minor children.

4 (2) An order concerning the support of a child of the par-  
5 ties is governed by and is enforceable as provided in the support  
6 and parenting time enforcement act, 1982 PA 295, MCL 552.601 to  
7 552.650.

8 Sec. 23. (1) Upon entry of a judgment of divorce or sepa-  
9 rate maintenance, if the estate and effects awarded to either  
10 party are insufficient for the suitable support and maintenance  
11 of either party and any children of the marriage as are committed  
12 to the care and custody of either party, the court may further  
13 award to either party the part of the real and personal estate of  
14 either party and spousal support out of the real and personal  
15 estate, to be paid to either party in gross or otherwise as the  
16 court considers just and reasonable, after considering the abil-  
17 ity of either party to pay and the character and situation of the  
18 parties, and all the other circumstances of the case.

19 (2) Upon certification by a county family independence  
20 agency that a complainant or petitioner in a proceeding under  
21 this chapter is receiving public assistance either personally or  
22 for children of the marriage, payments received by the friend of  
23 the ~~court~~ CHILD or the state disbursement unit for the support  
24 and education of the children or maintenance of the party shall  
25 be transmitted to the family independence agency.

26 (3) To reimburse the county for the cost of enforcing a  
27 spousal or child support order or a parenting time order, the

1 court shall order the payment of a service fee of \$2.00 per  
2 month, payable semiannually on each January 2 and July 2. The  
3 service fee shall be paid by the person ordered to pay the spou-  
4 sal or child support. The service fee shall be computed from the  
5 beginning date of the spousal or child support order and shall  
6 continue while the spousal or child support order is operative.  
7 The service fee shall be paid 6 months in advance on each due  
8 date, except for the first payment, which shall be paid at the  
9 same time the spousal or child support order is filed, and covers  
10 the period of time from that month until the next calendar due  
11 date. An order or judgment that provides for the payment of tem-  
12 porary or permanent spousal or child support that requires col-  
13 lection by the friend of the ~~court~~ CHILD or the SDU shall pro-  
14 vide for the payment of the service fee. Upon its own motion, a  
15 court may amend such an order or judgment for the payment of tem-  
16 porary or permanent spousal or child support to provide for the  
17 payment of the service fee in the amount provided by this subsec-  
18 tion, upon proper notice to the person ordered to pay the spousal  
19 or child support. The service fees shall be turned over to the  
20 county treasurer and credited to the general fund of the county.  
21 If the court appoints the friend of the ~~court~~ CHILD custodian,  
22 receiver, trustee, or escrow agent of assets owned by the husband  
23 and wife, or either of them, the court may fix the amount of the  
24 fee for ~~such~~ THAT service, to be turned over to the county  
25 treasurer and credited to the general fund of the county. The  
26 court may hold in contempt a person who fails or refuses to pay a  
27 fee ordered under this subsection.

1 (4) As used in this act, "state disbursement unit" or "SDU"  
2 means the entity established in section 6 of the office of child  
3 support act, 1971 PA 174, MCL 400.236.

4 Sec. 24. The department, the SDU, and each office of the  
5 friend of the ~~court~~ CHILD shall cooperate in the transition to  
6 the centralized receipt and disbursement of support and fees. An  
7 office of the friend of the ~~court~~ CHILD shall continue to  
8 receive and disburse support and fees through the transition,  
9 based on the schedule developed as required by section ~~6~~ 7 of  
10 the office of child support act, 1971 PA 174, MCL ~~400.236~~  
11 400.237, and modifications to that schedule as the department  
12 considers necessary.

13 Sec. 45. Every bill of complaint filed shall set forth the  
14 names and ages of all children of the marriage, and when there  
15 are children under 17 years of age a copy of the summons issued  
16 in the cause shall be served upon the the prosecuting attorney of  
17 the county where suit is commenced, or upon the friend of the  
18 ~~court~~ CHILD in those counties having a population of 500,000 or  
19 more ~~which~~ THAT have a friend of the ~~court~~ CHILD. The prose-  
20 cuting attorney or friend of the ~~court~~ ~~so~~ CHILD WHO IS served  
21 shall enter ~~his~~ AN appearance in the cause. ~~, and when, in~~  
22 ~~his~~ IF, IN THE PROSECUTING ATTORNEY'S OR FRIEND OF THE CHILD'S  
23 judgment, the interest of the children or the public good so  
24 requires, ~~he~~ THE PROSECUTING ATTORNEY OR FRIEND OF THE CHILD  
25 shall introduce evidence and appear at the hearing and oppose the  
26 granting of a decree of divorce. ~~In any case wherein there are~~  
27 ~~no children the issue of such marriage under the age of 17 years,~~

1 ~~when it shall appear to the court that the public good so~~  
2 ~~requires, an order may be entered~~ IF THE MARRIAGE HAS NO CHIL-  
3 DREN OR NO CHILDREN UNDER 17 YEARS OLD AND IF THE COURT FINDS THE  
4 PUBLIC GOOD SO REQUIRES, THE COURT MAY ENTER AN ORDER requiring  
5 the prosecuting attorney or friend of the ~~court~~ CHILD in coun-  
6 ties having a population of 500,000 or more to appear and oppose  
7 the granting of a decree of divorce. For every case ~~which~~ THAT  
8 the prosecuting attorney investigates, and ~~in which he~~ appears  
9 by and with the consent of the court, ~~he~~ THE PROSECUTING  
10 ATTORNEY shall receive the sum of \$5.00, to be paid by the county  
11 treasurer upon the certificate of the circuit judge that ~~such~~  
12 THE services have been performed. Nothing CONTAINED in this act  
13 ~~contained~~ shall be construed as preventing prosecuting attor-  
14 neys or their partners from acting as solicitors or counsel for  
15 either party to the suit. If a prosecuting attorney or friend of  
16 the ~~court~~ CHILD is in any way interested as solicitor or coun-  
17 sel for either of the parties, the court shall appoint some repu-  
18 table attorney to perform the services of prosecuting attorney,  
19 as provided in this act, who shall receive the compensation pro-  
20 vided for ~~such~~ THE service.

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