

SENATE BILL No. 683

October 2, 2001, Introduced by Senator HAMMERSTROM and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~Any~~ A married parent who has a minor child or
2 children living with him or her and who is living separate and
3 away from his or her spouse who is the noncustodial parent of the
4 child or children, and who is refused financial assistance by the
5 noncustodial parent to provide necessary shelter, food, care, and
6 clothing for the child or children, if the spouse is of suffi-
7 cient financial ability to provide ~~such~~ THAT assistance, may
8 complain to the circuit court for the county where either parent
9 resides for an order for support for himself or herself and the

1 minor child or children. Subject to section ~~1c~~ 5B OF THE
2 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL
3 552.605B, the parent may also complain to the circuit court for
4 support for a child or children after they reach 18 years of
5 age. The proceedings shall be commenced by the filing of a com-
6 plaint verified by the petitioner and by issuance of a summons
7 ~~which~~ THAT shall be personally served upon the noncustodial
8 parent of the children and spouse of the petitioner. A complaint
9 shall not be filed nor shall any summons issue if divorce or sep-
10 arate maintenance proceedings are then pending between the peti-
11 tioner and his or her spouse.

12 Sec. 1a. A custodial parent or guardian of a minor child or
13 children or a child or children who have reached 18 years of age
14 may proceed in the same manner, and under the same circumstances
15 as provided in section 1, against the noncustodial parent for the
16 support of the child or children. The order of support shall
17 provide only for the support of the child or children, and the
18 burden of proof shall be the same as provided in section 2. This
19 section applies only to legitimate, legitimated, and lawfully
20 adopted minor children and, subject to section ~~1c~~ 5B OF THE
21 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL
22 552.605B, children after they reach 18 years of age.

23 Sec. 5. ~~(1) Subject to section 2(2) or (3), an~~ AN order
24 entered under section 2 may be modified by the court upon proper
25 application to the court and due notice to the opposite party.
26 If ~~any~~ A judgment of divorce or of separate maintenance is
27 entered by ~~any~~ A court having personal jurisdiction over the

1 parties, ~~any~~ AN order entered ~~pursuant to the provisions of~~
2 UNDER this act ~~becomes~~ IS null and void upon the effective date
3 of the judgment.

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

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

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.~~