

HOUSE BILL No. 5343

February 20, 2014, Introduced by Reps. Jenkins, Cotter, Kelly, Kurtz, Goike and Graves and referred to the Committee on Judiciary.

A bill to amend 1968 PA 293, entitled

"An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,"

by amending section 3 (MCL 722.3), as amended by 2001 PA 110.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The parents are jointly and severally obligated to
2 support a minor as prescribed in section 5 of the support and
3 parenting time enforcement act, 1982 PA 295, MCL 552.605, unless a
4 court of competent jurisdiction modifies or terminates the
5 obligation or the minor is emancipated by operation of law, except
6 as otherwise ordered by a court of competent jurisdiction. Subject
7 to section 5b of the support and parenting time enforcement act,
8 1982 PA 295, MCL 552.605b, a court of competent jurisdiction may

1 order support as provided in this section for a child after he or
2 she reaches 18 years of age. **EXCEPT FOR A VOLUNTARY RELEASE OF**
3 **PARENTAL RIGHTS UNDER SECTION 29 OF CHAPTER X OF THE PROBATE CODE**
4 **OF 1939, 1939 PA 288, MCL 710.29, TERMINATION OF PARENTAL RIGHTS**
5 **DOES NOT END A PARENT'S DUTY OF SUPPORT UNLESS A COURT OF COMPETENT**
6 **JURISDICTION ENTERS AN ORDER TERMINATING PARENTAL RIGHTS THAT ALSO**
7 **ENDS THE PARENT'S DUTY OF SUPPORT.**

8 (2) The duty of support may be enforced by the minor or the
9 child who has reached 18 years of age, his or her guardian, any
10 relative within the third degree, an authorized government agency,
11 or if the minor or the child who has reached 18 years of age is
12 being supported in whole or in part by public assistance under the
13 social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, by the
14 director of the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
15 **SERVICES** or his or her designated representative, or by the
16 director of the county ~~family independence agency~~ **DEPARTMENT OF**
17 **HUMAN SERVICES** or his or her designated representative of the
18 county where an action under this act is brought. An action for
19 enforcement shall be brought in the circuit court in the county
20 where the minor or the child who has reached 18 years of age
21 resides. If a designated official of either the state or a county
22 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** brings an
23 action under this act on behalf of the minor or the child who has
24 reached 18 years of age, then the prosecuting attorney or an
25 attorney employed by the county under section 1 of 1941 PA 15, MCL
26 49.71, shall represent the official in initiating and conducting
27 the proceedings under this act. The prosecuting attorney shall

1 utilize the child support formula developed under section 19 of the
2 friend of the court act, 1982 PA 294, MCL 552.519, as a guideline
3 in petitioning for child support.

4 (3) A judgment entered under this section providing for
5 support is governed by and is enforceable as provided in the
6 support and parenting time enforcement act, 1982 PA 295, MCL
7 552.601 to 552.650. If this act contains a specific provision
8 regarding the contents or enforcement of a support order that
9 conflicts with a provision in the support and parenting time
10 enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act
11 controls in regard to that provision.