

**SUBSTITUTE FOR
HOUSE BILL NO. 5471**

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
9 order support as provided in this section for a child after he or

1 she reaches 18 years of age.

2 (2) The duty of support may be enforced by the minor or the
3 child who has reached 18 years of age, his or her guardian, any
4 relative within the third degree, an authorized government agency,
5 or if the minor or the child who has reached 18 years of age is
6 being supported in whole or in part by public assistance under the
7 social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, by the
8 director of the ~~family independence agency~~ **DEPARTMENT OF HUMAN**
9 **SERVICES** or his or her designated representative, or by the
10 director of the county ~~family independence agency~~ **DEPARTMENT OF**
11 **HUMAN SERVICES** or his or her designated representative of the
12 county where an action under this act is brought. An action for
13 enforcement shall be brought in the circuit court in the county
14 where the minor or the child who has reached 18 years of age
15 resides. If a designated official of either the state or a county
16 ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** brings an
17 action under this act on behalf of the minor or the child who has
18 reached 18 years of age, ~~then the prosecuting attorney or an~~
19 ~~attorney employed by the county under section 1 of 1941 PA 15, MCL~~
20 ~~49.71,~~ shall represent the official in initiating and conducting
21 the proceedings under this act. The ~~prosecuting attorney shall~~
22 ~~utilize the~~ child support formula developed under section 19 of the
23 friend of the court act, 1982 PA 294, MCL 552.519, **SHALL BE USED** as
24 a guideline in petitioning for child support.

25 (3) **THE PROSECUTING ATTORNEY AND THE DEPARTMENT OF HUMAN**
26 **SERVICES MAY ENTER INTO AN AGREEMENT TO TRANSFER THE PROSECUTOR'S**
27 **RESPONSIBILITIES UNDER THIS ACT TO 1 OF THE FOLLOWING:**

1 (A) THE FRIEND OF THE COURT, WITH THE APPROVAL OF THE CHIEF
2 JUDGE OF THE CIRCUIT COURT.

3 (B) AN ATTORNEY EMPLOYED OR CONTRACTED BY THE COUNTY UNDER
4 SECTION 1 OF 1941 PA 14, MCL 49.71.

5 (C) AN ATTORNEY EMPLOYED BY, OR UNDER CONTRACT WITH, THE
6 DEPARTMENT OF HUMAN SERVICES.

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

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.