

[No. 158]

(HB 4820)

AN ACT to amend 1966 PA 138, entitled "An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases," by amending sections 2, 4, 7, and 9 (MCL 552.452, 552.454, 552.457, and 552.459), section 2 as amended by 1996 PA 5, section 4 as amended by 1990 PA 292, and section 7 as amended by 1983 PA 195, and by adding section 8a.

*The People of the State of Michigan enact:*

552.452 Hearing; order; contents; burden of proving lack of ability to provide support; amount; deviation from formula; provisions of support order; "support" defined; health care coverage; enforcement of order. [M.S.A. 25.222(2)]

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties. The order shall provide that payment shall be made to the friend of the court or the state disbursement unit. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability is on the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. Subject to section 1c, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court.

(2) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (a) The support amount determined by application of the child support formula.
- (b) How the support order deviates from the child support formula.
- (c) The value of property or other support awarded in lieu of the payment of child support, if applicable.
- (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

(3) Subsection (2) does not prohibit the court from entering a support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met.

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

(a) The name and address of his or her current source of income. As used in this subdivision, "source of income" means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

(b) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, nonprofit health care corporation, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(5) For the purposes of this act, "support" may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses. The court shall require that 1 or both parents obtain and maintain health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of the minor children of the parties and, subject to section 1c, for the benefit of the parties' children who are not minor children. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the minor children of the parties and, subject to section 1c, for the benefit of the parties' children who are not minor children, if available at a reasonable cost.

(6) An order entered under this section is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

552.454 Prosecuting attorney as attorney for petitioner; utilization of child support formula as guideline; transmittal of payments to family independence agency. [M.S.A. 25.222(4)]

Sec. 4. (1) If the county family independence agency where the custodial parent or guardian of the minor child or children or the child or children who have reached 18 years of age resides determines the custodial parent, the minor child or children, the child or children who have reached 18 years of age, or any of them to be eligible for public or medical assistance, or if a complaint is being filed under section 1b, the prosecuting attorney shall act as the attorney for the petitioner.

(2) The prosecuting attorney shall utilize the child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519, as a guideline in petitioning for child support. Upon certification by the family independence agency that the custodial parent and minor child or children or child or children who have reached 18 years of age are receiving public assistance, a payment received by the friend of the court or the state disbursement unit for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age shall be transmitted to the family independence agency.

552.457 Reimbursement of county for cost of enforcing support or parenting time orders; service fee; computation, payment, and disposition; failure or refusal to pay service fee; contempt. [M.S.A. 25.222(7)]

Sec. 7. (1) To reimburse the county for the cost of enforcing support or parenting time orders under this act, the court shall order the payment of a service fee of \$2.00 per month, payable semiannually on each January 2 and July 2, to the friend of the court or state disbursement unit. The service fee shall be paid by the person ordered to pay the support money. The service fee shall be computed from the beginning date of the support

order and shall continue while the support order is operative. The service fee shall be paid 6 months in advance on each due date, except for the first payment which shall be paid at the same time the support order is filed, and covers the period of time from that month until the next calendar due date. The friend of the court may deduct the service fee from support money paid after the due date of the service fee. An order that provides for the payment of support that requires collection by the friend of the court under this act or by the SDU shall provide for the payment of the service fee. Upon its own motion, a court may amend such an order or judgment to provide for the payment of the service fee, in the amount provided by this subsection, upon notice to the person ordered to pay the support money. The service fees shall be turned over to the county treasurer and credited to the general fund of the county.

(2) The court may hold in contempt a person who fails or refuses to pay a service fee ordered under subsection (1).

552.458a Transition to centralized receipt and disbursement of support and fees. [M.S.A. 25.222(8a)]

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

552.459 Short title; "state disbursement unit" or "SDU" defined. [M.S.A. 25.222(9)]

Sec. 9. (1) This act shall be known and may be cited as "the family support act".

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

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4816 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved November 3, 1999.

Filed with Secretary of State November 3, 1999.

---

**Compiler's note:** House Bill No. 4816, referred to in enacting section 1, was filed with the Secretary of State November 3, 1999, and became P.A. 1999, No. 161, Imd. Eff. Nov. 3, 1999.

---