

HOUSE BILL No. 6298

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

A bill to amend 1996 PA 310, entitled "Uniform interstate family support act," by amending sections 308 and 312 (MCL 552.1308 and 552.1312), as amended by 1998 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 308. (1) When a responding tribunal of this state
2 receives a petition or comparable pleading from an initiating
3 tribunal or directly under section 301, the tribunal shall do all
4 of the following:

5 (a) Cause the petition or pleading to be filed.

6 (b) Notify the petitioner by first-class mail where and when
7 it was filed.

8 (c) Notify the prosecuting attorney or the office of the
9 friend of the ~~court~~ CHILD. If notified under this subdivision,

1 the prosecuting attorney or friend of the ~~court~~ CHILD shall
2 conduct proceedings as appropriate under this act.

3 (2) A responding tribunal of this state, to the extent oth-
4 erwise authorized by law, may do 1 or more of the following:

5 (a) Issue or enforce a support order, modify a child support
6 order, or render a judgment to determine parentage.

7 (b) Order an obligor to comply with a support order, speci-
8 fying the amount and the manner of compliance.

9 (c) Order income withholding.

10 (d) Determine the amount of an arrearage and specify a
11 method of payment.

12 (e) Enforce an order by civil or criminal contempt, or
13 both.

14 (f) Set aside property for satisfaction of a support order.

15 (g) Place liens and order execution on an obligor's
16 property.

17 (h) Order an obligor to keep the tribunal informed of the
18 obligor's current residential address and telephone number,
19 employer, and employment address and telephone number.

20 (i) Issue a bench warrant for an obligor who fails after
21 proper notice to appear at a hearing ordered by the tribunal and
22 enter the bench warrant in the L.E.I.N.

23 (j) Order an obligor to seek appropriate employment by spec-
24 ified methods.

25 (k) Award reasonable attorney fees and other fees and
26 costs.

1 (1) Grant another available remedy.

2 (3) A responding tribunal of this state shall include in a
3 support order issued under this act or in the documents accompa-
4 nying the order the calculations on which the support order is
5 based.

6 (4) A responding tribunal of this state shall not condition
7 the payment of a support order issued under this act upon compli-
8 ance by a party with provisions for parenting time.

9 (5) If a responding tribunal of this state issues an order
10 under this act, the tribunal shall send a copy of the order to
11 the petitioner and the respondent and to the initiating tribunal,
12 if any.

13 Sec. 312. (1) Upon request, a support enforcement agency of
14 this state ~~—~~ or, upon the support enforcement agency's request,
15 the prosecuting attorney or office of the friend of the ~~court,~~
16 CHILD shall provide services to a petitioner in a proceeding
17 under this act. A support enforcement agency, prosecuting attor-
18 ney, or office of the friend of the ~~court~~ CHILD that is provid-
19 ing services to the petitioner as appropriate shall do all of the
20 following:

21 (a) Take all steps necessary to enable an appropriate tribu-
22 nal in this state or another state to obtain jurisdiction over
23 the respondent.

24 (b) Request an appropriate tribunal to set a hearing date,
25 time, and place.

1 (c) Make a reasonable effort to obtain all relevant
2 information, including information as to the parties' income and
3 property.

4 (d) Within 2 days, exclusive of Saturdays, Sundays, and
5 legal holidays, after receipt of a written notice from an initi-
6 ating, responding, or registering tribunal, send a copy of the
7 notice to the petitioner.

8 (e) Within 2 days, exclusive of Saturdays, Sundays, and
9 legal holidays, after receipt of a written communication from the
10 respondent or the respondent's attorney, send a copy of the com-
11 munication to the petitioner.

12 (f) Notify the petitioner if jurisdiction over the respon-
13 dent cannot be obtained.

14 (2) This act does not create or negate a relationship of
15 attorney and client or other fiduciary relationship between a
16 support enforcement agency or the attorney for the agency and the
17 individual being assisted by the agency.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. _____ or House Bill No. 6317
20 (request no. 07684'02) of the 91st Legislature is enacted into
21 law.