



Senate Fiscal Agency  
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House Bill 5466 (Substitute H-1 as reported without amendment)  
House Bill 5467 (Substitute H-1 as reported without amendment)  
House Bill 5468 (Substitute H-1 as reported without amendment)  
House Bill 5469 (Substitute H-1 as reported without amendment)  
House Bill 5470 (Substitute H-1 as reported without amendment)  
House Bill 5471 (Substitute H-1 as reported without amendment)

Sponsor: Representative Robert L. Kosowski (H.B. 5466)  
Representative Thomas B. Hooker (H.B. 5467)  
Representative Roger Victory (H.B. 5468)  
Representative Kenneth Kurtz (H.B. 5469)  
Representative Klint Kesto (H.B. 5470)  
Representative Rick Outman (H.B. 5471)

House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

## **CONTENT**

The bills would amend various statutes to allow a prosecuting attorney and the Department of Human Services (DHS) to enter into an agreement to transfer the prosecutor's responsibilities under the statutes that would be amended.

The agreement could transfer the prosecutor's responsibilities to one of the following:

- The Friend of the Court, with the approval of the chief judge of the circuit court.
- An attorney employed by, or under contract with, the DHS.
- An attorney employed by, or under contract with the county under Section 1 of Public Act 15 of 1941 (which allows the board of supervisors of a county to employ an attorney to represent the county in civil matters, if it determines that the prosecuting attorney is unable to properly represent the county).

A proceeding would be conducted on behalf of the State and not as the attorney for any other party.

House Bill 5466 (H-1) would amend the Paternity Act, which requires the prosecuting attorney to initiate and conduct proceedings under the Act if the department of human services of the county in which the mother or alleged father resides determines that she or he has physical possession of the child and is eligible for public assistance or is without means to employ an attorney; if the DHS is the complainant; or if the mother, alleged father, or child is receiving Title IV-D services.

House Bill 5467 (H-1) would amend the Revocation of Paternity Act, which allows a prosecuting attorney, the mother, the acknowledged father, or an alleged father to file an action for revocation of acknowledgment of parentage.

House Bill 5468 (H-1) would amend the Family Support Act, which allows a prosecuting attorney to act as the attorney for the petitioner, if the DHS of the county where the custodial parent or guardian of a child or children resides determines that the parent, child,

or children are eligible for public or medical assistance or if a complaint is filed under Section 1b. (That section provides for an action against a noncustodial parent if a custodial parent and a child or children are receiving public assistance.)

House Bill 5469 (H-1) would amend the Uniform Interstate Family Support Act, which requires a prosecuting attorney or Friend of the Court to conduct a proceeding under the Act when a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal. The Act also requires a prosecuting attorney or Office of the Friend of the Court to provide services to a petitioner in a proceeding under the Act upon the request of a support enforcement agency.

House Bill 5470 (H-1) would amend the Revised Uniform Reciprocal Enforcement of Support Act, which requires a prosecuting attorney, upon the request of the DHS, to represent the obligee in a proceeding under the Act, if this State is acting as an initiating state.

House Bill 5471 (H-1) would amend the emancipation of minors law, which allows the DHS Director or the director of the county DHS to bring an action to enforce the parents' duty of support if a minor or a child who has reached 18 is being supported by public assistance. If a designated official of the State or county DHS brings an action, the Act requires the prosecuting attorney to represent the official in the proceeding.

Each bill would take effect 90 days after its enactment.

MCL 722.714 (H.B. 5466)

722.1437 (H.B. 5467)

552.454 (H.B. 5468)

552.1308 & 552.1312 (H.B. 5469)

780.160 et al. (H.B. 5470)

722.3 (H.B. 5471)

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

Each bill would have an indeterminate impact on the State and local units of government.

Currently, the counties receive Federal Title IV-D funding for the prosecuting attorneys, among other items, and provide matching funds for the expenditures. The Federal Title IV-D funding is currently funded at approximately 66%, which means that the counties pay 34% of the total claimable costs. If the responsibilities of a county's prosecuting attorneys shifted to the Friend of the Court or an attorney who was under contract with the county, the county costs to the county would not change.

To the extent that the duties of prosecuting attorneys were transferred to "an attorney employed by or under contract with the department of human services", the 34% match required to claim the Federal funds would shift to the State. In this scenario, the costs to a participating county would be reduced by the same amount as the costs to the State would increase.

Date Completed: 10-21-14

Fiscal Analyst: Frances Carley

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.