

HOUSE BILL No. 6314

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

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~~ A MINOR'S parents are jointly and sever-
2 ally obligated to support ~~a~~ THE minor as prescribed in section
3 5 of the support and parenting time enforcement act, 1982 PA 295,
4 MCL 552.605, unless a court of competent jurisdiction modifies or
5 terminates the obligation or the minor is emancipated by opera-
6 tion of law, except as otherwise ordered by a court of competent
7 jurisdiction. Subject to section 5b of the support and
8 parenting time enforcement act, 1982 PA 295, MCL 552.605b, a
9 court of competent jurisdiction may order support as provided in

1 this section for a child after he or she reaches 18 years of
2 age.

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

25 (3) A judgment entered under this section providing for sup-
26 port is governed by and is enforceable as provided in the support
27 and parenting time enforcement act, 1982 PA 295, MCL 552.601 to

1 552.650. If this act contains a specific provision regarding the
2 contents or enforcement of a support order that conflicts with a
3 provision in the support and parenting time enforcement act, 1982
4 PA 295, MCL 552.601 to 552.650, this act controls in regard to
5 that provision.

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