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BILL ANALYSIS

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Senate Bill 602 (as introduced 6-16-05)
Sponsor: Senator Deborah Cherry
Committee: Families and Human Services

Date Completed: 12-6-05

CONTENT

The bill would amend the Family Support Act to allow service of a court order to be made by certified mail and publication or posting or by other methods reasonably calculated to give actual notice, if a nonresident parent were avoiding personal service.

The Act provides that a married parent who has a minor child living with him or her and is living separately from his or her spouse, and who is refused financial assistance by the noncustodial parent to provide for the child, may complain to the circuit court for an order for support for himself or herself and the child. The proceedings must be commenced by the filing of a complaint and by issuance of a summons that must be personally served upon the noncustodial parent.

Under the bill, if the court found that a nonresident parent was avoiding personal service, the court would have to enter an order permitting service of process by other methods, including by publishing a copy of the order once a week for three consecutive weeks in a newspaper in the county where the defendant resided and sending a copy of the order to the defendant at his or her last known address by registered mail, return receipt requested, before the date of the last publication.

Alternatively, the court could permit service to be made by posting a copy of the order in the courthouse and two or more public places as directed by the court for three continuous weeks and sending a copy of the order to the defendant at his or her last known address by registered mail, return receipt requested, before the last week of posting. The court also could permit any other method of service reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.

The court order would have to include all of the following:

- The name of the court.
- The name of the parties.
- A statement describing the nature of the proceedings.
- A statement as to where and when the defendant could answer or take other action permitted by law.
- A statement as to the effect of the defendant's failure to answer.

MCL 552.451

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. To the extent that it would facilitate service of process on noncustodial parents in support complaints, the bill could reduce administrative costs in these cases.

Fiscal Analyst: Stephanie Yu

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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.