

HOUSE BILL No. 6705

November 30, 2006, Introduced by Rep. Lipsey and referred to the Committee on Judiciary.

A bill to amend 1952 PA 8, entitled
"Revised uniform reciprocal enforcement of support act,"
by amending sections 13 and 14 (MCL 780.163 and 780.164), section
13 as amended by 1990 PA 241 and section 14 as amended by 1999 PA
155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) When the court of this state, acting as a
2 responding court, receives from the interstate central registry of
3 this state copies of the petition, certificate, and act, the clerk
4 of the court shall docket the case and notify the prosecuting
5 attorney of the county, who shall be charged with the duty of
6 carrying on the proceedings.

(2) The prosecuting attorney shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or the obligor's property. He or she shall prosecute the case diligently.

(3) A prosecuting attorney petitioning for child support under this act shall utilize as a guideline the child support formula developed ~~under section 19 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.519 of the Michigan Compiled Laws~~ **PURSUANT TO THE CHILD SUPPORT FORMULA COMMISSION ACT.**

Sec. 14. (1) If the court of this state when acting as a responding court finds a duty of support, the court may order the obligor to furnish support and subject the property of the obligor to the order. The support order shall require that payments be made to the office of the friend of the court or the state disbursement unit, as appropriate.

(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~~ **PURSUANT TO THE CHILD SUPPORT FORMULA COMMISSION ACT.** 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

1 formula.

2 (c) The value of property or other support awarded in lieu of
3 the payment of child support, if applicable.

4 (d) The reasons why application of the child support formula
5 would be unjust or inappropriate in the case.

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

10 Enacting section 1. This amendatory act does not take effect
11 unless all of the following bills of the 93rd Legislature are
12 enacted into law:

13 (a) Senate Bill No.____ or House Bill No. 6698(request no.
14 03402'05).

15 (b) Senate Bill No.____ or House Bill No. 6699(request no.
16 03402'05 a).