

# SENATE BILL No. 602

June 16, 2005, Introduced by Senators CHERRY, PRUSI and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1966 PA 138, entitled  
"The family support act,"  
by amending section 1 (MCL 552.451), as amended by 2002 PA 8.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) A married parent who has a minor child or children  
2       living with him or her and who is living separate and away from his  
3       or her spouse who is the noncustodial parent of the child or  
4       children, and who is refused financial assistance by the  
5       noncustodial parent to provide necessary shelter, food, care, and  
6       clothing for the child or children, if the spouse is of sufficient  
7       financial ability to provide that assistance, may complain to the  
8       circuit court for the county where either parent resides for an  
9       order for support for himself or herself and the minor child or  
10      children. Subject to section 5b of the support and parenting time

1 enforcement act, 1982 PA 295, MCL 552.605b, the parent may also  
2 complain to the circuit court for support for a child or children  
3 after they reach 18 years of age. The proceedings shall be  
4 commenced by the filing of a complaint verified by the petitioner  
5 and by issuance of a summons that shall be personally served upon  
6 the noncustodial parent of the children and spouse of the  
7 petitioner. A complaint shall not be filed nor shall any summons  
8 issue if divorce or separate maintenance proceedings are then  
9 pending between the petitioner and his or her spouse.

10 (2) IF THE COURT FINDS THAT A NONRESIDENT PARENT IS AVOIDING  
11 PERSONAL SERVICE, THE COURT SHALL ENTER AN ORDER PERMITTING SERVICE  
12 OF PROCESS TO BE MADE BY ANY OF THE FOLLOWING METHODS:

13 (A) PUBLISHING A COPY OF THE ORDER ONCE A WEEK FOR 3  
14 CONSECUTIVE WEEKS IN A NEWSPAPER IN THE COUNTY WHERE THE DEFENDANT  
15 RESIDES AND SENDING A COPY OF THE ORDER TO THE DEFENDANT AT HIS OR  
16 HER LAST KNOWN ADDRESS BY REGISTERED MAIL, RETURN RECEIPT  
17 REQUESTED, BEFORE THE DATE OF THE LAST PUBLICATION.

18 (B) POSTING A COPY OF THE ORDER IN THE COURTHOUSE AND 2 OR  
19 MORE PUBLIC PLACES THE COURT DIRECTS FOR 3 CONTINUOUS WEEKS AND  
20 SENDING A COPY OF THE ORDER TO THE DEFENDANT AT HIS OR HER LAST  
21 KNOWN ADDRESS BY REGISTERED MAIL, RETURN RECEIPT REQUESTED, BEFORE  
22 THE LAST WEEK OF POSTING.

23 (C) ANY OTHER METHOD OF SERVICE REASONABLY CALCULATED TO GIVE  
24 THE DEFENDANT ACTUAL NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY  
25 TO BE HEARD.

26 (3) THE COURT ORDER UNDER SUBSECTION (2) SHALL INCLUDE THE  
27 FOLLOWING:

1 (A) THE NAME OF THE COURT.

2 (B) THE NAME OF THE PARTIES.

3 (C) A STATEMENT DESCRIBING THE NATURE OF THE PROCEEDINGS.

4 (D) A STATEMENT AS TO WHERE AND WHEN THE DEFENDANT MAY ANSWER

5 OR TAKE OTHER ACTION PERMITTED BY LAW.

6 (E) A STATEMENT AS TO THE EFFECT OF THE DEFENDANT'S FAILURE TO

7 ANSWER.