

SUBSTITUTE FOR
HOUSE BILL NO. 4819

A bill to amend 1846 RS 84, entitled
"Of divorce,"
by amending section 23 (MCL 552.23), as amended by 1983 PA 193,
and by adding section 24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) Upon entry of a judgment of divorce or sepa-
2 rate maintenance, if the estate and effects awarded to either
3 party are insufficient for the suitable support and maintenance
4 of either party and any children of the marriage as are committed
5 to the care and custody of either party, the court may further
6 award to either party the part of the real and personal estate of
7 either party and ~~alimony~~ SPOUSAL SUPPORT out of the ~~estate~~
8 real and personal ESTATE, to be paid to either party in gross or
9 otherwise as the court considers just and reasonable, after
10 considering the ability of either party to pay and the character

HB4819, As Passed House, September 30, 1999

House Bill No. 4819

2

1 and situation of the parties, and all the other circumstances of
2 the case.

3 (2) Upon certification by a county ~~department of social~~
4 ~~services~~ FAMILY INDEPENDENCE AGENCY that a complainant or peti-
5 tioner in a proceeding under this chapter is receiving public
6 assistance either personally or for children of the marriage,
7 payments received by the friend of the court OR THE STATE DIS-
8 BURSEMENT UNIT for the support and education of ~~such~~ THE chil-
9 dren or maintenance of the party shall be transmitted to the
10 ~~state department of social services~~ FAMILY INDEPENDENCE
11 AGENCY.

12 (3) To reimburse the county for the cost of ~~handling ali-~~
13 ~~mony or support money payments~~ ENFORCING A SPOUSAL OR CHILD SUP-
14 PORT ORDER OR A PARENTING TIME ORDER, the court shall order the
15 payment of a service fee of \$2.00 per month, payable semiannually
16 on EACH January 2 and July 2. ~~thereafter, to the friend of the~~
17 ~~court.~~ The service fee shall be paid by the person ordered to
18 pay the ~~alimony or~~ SPOUSAL OR CHILD support. ~~money.~~ The serv-
19 ice fee shall be computed from the beginning date of the ~~alimony~~
20 ~~or~~ SPOUSAL OR CHILD support order and shall continue while the
21 ~~alimony or~~ SPOUSAL OR CHILD support order is operative. The
22 service fee shall be paid 6 months in advance on each due date,
23 except for the first payment, which shall be paid at the same
24 time the ~~alimony or~~ SPOUSAL OR CHILD support order is filed,
25 and ~~shall cover~~ COVERS the period of time from that month until
26 the next calendar due date. ~~Every~~ AN order or judgment ~~which~~
27 THAT provides for the payment of temporary or permanent ~~alimony~~

HB4819, As Passed House, September 30, 1999

House Bill No. 4819

3

1 SPOUSAL or CHILD support ~~money which~~ THAT requires collection
2 by the friend of the court OR THE SDU shall provide for the pay-
3 ment of the service fee. ~~Any such~~ UPON ITS OWN MOTION, A COURT
4 MAY AMEND SUCH AN order or judgment for the payment of temporary
5 or permanent ~~alimony~~ SPOUSAL or CHILD support ~~money, entered~~
6 ~~before the effective date of this 1983 amendatory act, may be~~
7 ~~amended by the court, upon its own motion,~~ to provide for the
8 payment of the service fee in the amount provided by this subsec-
9 tion, upon proper notice to the person ordered to pay the
10 ~~alimony~~ SPOUSAL or CHILD support. ~~money.~~ The service fees
11 shall be turned over to the county treasurer and credited to the
12 general fund of the county. If the court appoints the friend of
13 the court custodian, receiver, trustee, or escrow agent of assets
14 owned by the husband and wife, or either of them, the court may
15 fix the amount of the fee for such service, to be turned over to
16 the county treasurer and credited to the general fund of the
17 county. ~~A~~ THE COURT MAY HOLD IN CONTEMPT A person who fails or
18 refuses to pay a fee ordered ~~pursuant to~~ UNDER this subsection.
19 ~~may be held in contempt of court.~~

20 (4) AS USED IN THIS ACT, "STATE DISBURSEMENT UNIT" OR "SDU"
21 MEANS THE ENTITY ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD
22 SUPPORT ACT, 1971 PA 174, MCL 400.236.

23 SEC. 24. THE DEPARTMENT, THE SDU, AND EACH OFFICE OF THE
24 FRIEND OF THE COURT SHALL COOPERATE IN THE TRANSITION TO THE CEN-
25 TRALIZED RECEIPT AND DISBURSEMENT OF SUPPORT AND FEES. AN OFFICE
26 OF THE FRIEND OF THE COURT SHALL CONTINUE TO RECEIVE AND DISBURSE
27 SUPPORT AND FEES THROUGH THE TRANSITION, BASED ON THE SCHEDULE

HB4819, As Passed House, September 30, 1999

House Bill No. 4819

4

1 DEVELOPED AS REQUIRED BY SECTION 6 OF THE OFFICE OF CHILD SUPPORT
2 ACT, 1971 PA 174, MCL 400.236, AND MODIFICATIONS TO THAT SCHEDULE
3 AS THE DEPARTMENT CONSIDERS NECESSARY.

4 Enacting section 1. This amendatory act does not take
5 effect unless House Bill No. 4816 of the 90th Legislature is
6 enacted into law.