

4315

CARRIE MUGGINS
COMPLAINANT

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA

FRANK MUGGINS
RESPONDENT

IN EQUITY, CASE NO. 4315

DE C R E E

It appearing to the Court that the above cause is inactive, upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the inactive docket of this Court, and

It further appearing to the Court that the execution for costs against the Defendant was returned by the Sheriff of this County, "No Property Found", it is therefore, ORDERED and DECREED by the Court that the costs be and hereby are now taxed against the State of Alabama pursuant of Section 119, (b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This 5th day of January, 1962.

Robert M. Stone
Judge Circuit Court, In Equity.

12



KENNETH COOPER
CIRCUIT SOLICITOR

STATE OF ALABAMA
OFFICE OF CIRCUIT SOLICITOR
28TH JUDICIAL CIRCUIT
BAY MINETTE, ALABAMA

10 July 1958

Hon Joseph L. Bannigan
Assistant Prosecuting Attorney
County of Wayne
1300 Beaubien Street
Detroit 26, Michigan

Re: MUGGINS, Carrie, vs.
MUGGINS, Frank
Your URESA No. 7165
Our URESA No. 4315

Dear Mr Bannigan:

A hearing was had of above styled case last Thursday in this Court. At this hearing the Respondent furnished evidence, as documented by inclosed Certificate of Marriage, that he and Complainant were married in this county, Baldwin, on the 16th day of December, 1955. According to the petition they were married in Toledo, Ohio, on the 10th day of March, 1956.

Naturally this Court will not proceed further in this case with the facts so much at odds. Could it be that Carrie married Frank Muggins here in December of 1955 and married someone else in Toledo in March of 1956?

This Court has always cooperated in these reciprocal non-support cases. But with these facts so much at odds it seems improper to proceed further at this time.

Very truly yours,

K.C.
Kenneth Cooper
Circuit Solicitor

1 incl
(Cert. of Marriage)

25 Aug
Harry Winters, Att. for Resp.
notified case is being dismissed
K.C.

4315

OFFICE OF
PROSECUTING ATTORNEY
COUNTY OF WAYNE
500 POLICE HEADQUARTERS BUILDING
1300 BEAUBIEN STREET
DETROIT 26, MICHIGAN

SAMUEL H. OLSEN
PROSECUTING ATTORNEY
ARTHUR J. KOSCINSKI
CHIEF ASSISTANT

June 16, 1958

Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

Re: CARRIE MUGGINS vs. FRANK MUGGINS

Our URESA No. 7165

Dear Sir:

Enclosed you will find the necessary papers for a determination in your State under the Uniform Reciprocal Enforcement of Support Law. We will appreciate it very much if your office can process this matter to a conclusion.

If an order for payment of support is entered in your Court, will you please mail a copy of the Order for Support to this office and make the checks for payment payable to Hazen E. Kunz and mail them to:

Office of the Friend of the Court
Wayne County Building
600 Randolph Street
Detroit 26, Michigan

Please complete and return the enclosed "acknowledgment" to this office. Thank you very kindly for your cooperation in this matter.

Very truly yours,

SAMUEL H. OLSEN
Prosecuting Attorney


Assistant Prosecuting Attorney
JOSEPH L. BANFIGNAN

Encl.
JLB/rs

Wayne County Prosecuting Attorney
Reciprocal Support Division
1300 Beaubien Street
Detroit 26, Michigan

Re: CARRIE MUGGINS vs. FRANK MUGGINS

Your URESA No. 7165 Our case No. _____

Dear Sir:

We hereby acknowledge receipt of the Uniform
Reciprocal Enforcement of Support papers in the above matter.

Any further correspondence should be sent to:

NAME: _____

TITLE: _____

ADDRESS: _____

This matter is expected to be heard on or about

_____.

ACKNOWLEDGED BY: _____

DATE: _____

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
IN CHANCERY

CARRIE MUGGINS

Petitioner,

vs.

FRANK MUGGINS

Respondent.

Chancery No. U-

URESA No. 7165

3058

PAUPER'S AFFIDAVIT

COUNTY OF WAYNE) SS.

Carrie Muggins, being duly sworn, deposes and says that she is the petitioner in the foregoing Petition; that she is advised and believes that she has a good cause of action for support under the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (Act 8 of the Public Acts of the State of Michigan for the year 1952) and that, owing to her poverty, she is unable to pay the costs or give such security as may be required by the State of ALABAMA, if any in such cases.

Carrie Muggins

Subscribed and sworn to before me this 9th day of JUNE
A. D. 1958.

Helen J. Riley
Helen J. Riley
Notary Public, Wayne County, Mich.
My Commission expires: 6-3-1960

STATE OF MICHIGAN
 IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
 IN CHANCERY

CARRIE MUGGINS

Petitioner,

VS.

FRANK MUGGINS

Respondent.

Chancery No. U- 8759

URESA NO. 7165

CERTIFICATE AND ORDER

At a session of said Court, held in
 the City-County Building, City of
 Detroit, County of Wayne, State of
 Michigan, on _____

JUN 16 1958

PRESENT: HON. NEAL FITZGERALD
 Circuit Judge

The above entitled matter this day having come to be heard upon the petition of
Carrie Muggins for
 a determination by this Court that **Frank Muggins** owes
 a duty of support to the minor children named in paragraph 3, namely; **SANDRA**, age 1 year,
 born on the 6th day of May, A.D. 1957 and **FRANK ANTHONY**, age 2 months,
 born on the 7th day of April, A.D. 1958;

and for objects more fully set forth in said Petition; and the Court having considered the matters set
 forth in said Petition together with exhibit annexed thereto, does hereby certify that the Petition
 sets forth facts from which it may be determined that the Respondent owes a duty of support to
the said minor children and, in order that the **Circuit**
 Court of the County of **Baldwin** State of **Alabama** may
 obtain jurisdiction of the above-named Respondent or his property.

IT IS HEREBY ORDERED that certified copies of the petition, the papers an-
 nexed thereto, this Order, and an authenticated copy of Act 8 of the Public Acts of 1952 be forthwith
 transmitted to the **Circuit** Court of the County of
Baldwin State of **Alabama** located at
BAY MINETTE, Alabama.

NEAL FITZGERALD

Circuit Judge

By Edgar M. Branigan
 Deputy Clerk

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

IN CHANCERY

CARRIE MUGGINS

Petitioner,

Chancery No. U-_____

VS
FRANK MUGGINS

COLORED/24/6'2"/161 lbs/dark complexion/brown eyes/black hair/scar on side of nose/
Respondent.
drives 1957 Chevrolet. (white)

URES NO. 7165

PETITION TO INITIATE SUPPORT PROCEEDINGS UNDER THE
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Your Petitioner, **Carrie Muggins**

respectfully shows as follows:

1. That she resides at ~~1744~~ **Tillman** in the City of **Detroit (8)**, Wayne County, Michigan and is **21** years of age.

2. That she ~~is~~ the lawful wife of the Respondent herein, **Frank Muggins**, and that Petitioner was duly married to said Respondent on or about the **10th** day of **March** A. D. **1956**, at the City of **Toledo** State of **OHIO** which marriage has ~~not~~ been dissolved.

3. That Petitioner is the mother and said Respondent is the father of **SANDRA**, age 1 year, born on the 6th day of May, A.D. 1957 and **FRANK ANTHONY**, age 2 months, born on the 7th day of April, A.D. 1958.

That the above-named children reside with your Petitioner and ~~are~~ persons to whom a duty of support is owed.

4. That the said Respondent owes a duty of support to the minor children named in paragraph 3, which duty has been imposed by **Section 750.161, Compiled Laws of 1948.**

5. That Respondent is ~~24~~ years of age, and that your Petitioner has been informed and believes that Respondent's address is P. O. Box 311 City of Loxley County of Baldwin State of Alabama.

Living with mother - Mrs. Elvin Jones. OCCUPATION - Cook at the South Alabama Rendering Plant located at P.O. Box 9, Loxley, Alabama.

6. That Respondent has failed, neglected and refused to provide support to the minor children named in paragraph 3 in accordance with their needs, and that such failure, neglect and refusal has continued for a long period of time; that since the month ~~REV~~ of April A. D. 19~~57~~ 58 the said Respondent has contributed nothing toward the support of the minor children named in paragraph 3.

7. That in order for Petitioner to properly support the minor children named in paragraph 3, the sum of \$30.00 per week will be required to provide for said support until said minor children attain~~(s)~~ the age of 18 years.

That the Petitioner is not receiving public welfare assistance for the minor children named in paragraph 3.

8. That, under Act 8 of the Public Acts of 1952 (Uniform Reciprocal Enforcement of Support Act), Petitioner is entitled to a Certificate by this Court that the Respondent owes a duty of support to the minor children named in Paragraph 3, and that it is necessary that such a certificate be made in order that the Circuit Court of the County of BALDWIN State of ALABAMA may obtain jurisdiction of the Respondent or his property, and that this Court cause certified copies of this Petition and the papers annexed thereto, said Certificate of this Court, and an authenticated copy of this Act to be transmitted to the Court of the responding State.

WHEREFORE, the Petitioner prays that this Honorable Court will certify that this Petition sets forth facts from which it may be determined by the **Circuit** Court of **Baldwin** County, that the Respondent owes a duty of support to those named in paragraph 3 hereof, and cause three certified copies of such certificate, this Petition, the exhibit annexed thereto, together with a duly authenticated copy of said Act of the Public Acts of 1952 to be transmitted to the **Circuit** Court of the County of **Baldwin** State of **Alabama** located at **BAY MINETTE, Alabama** for further procedure under the Reciprocal Laws of the State of **Alabama** and the State of Michigan.

And your Petitioner will ever pray.

Carrie Muggins
Petitioner

STATE OF MICHIGAN))
COUNTY OF WAYNE)) SS.

On this **9th** day of **JUNE** A. D. 19 **58**, before me, the undersigned Notary Public, in and for the County of Wayne, personally came the above-named **CARRIE MUGGINS** and made oath that she has read the foregoing petition by her subscribed and knows the contents thereof, and that the same is true of her own knowledge, except as to matters which are therein stated to be upon information and belief, and as to those matter, she believes them to be true.

Helen J. Riley
HELEN J. RILEY
Notary Public Wayne County, Michigan
My commission expires **June 3, 1960**

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 4315

July TERM, 1958

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FRANK MUGGINS

to appear and plead, answer or demur, within by July 3, 1958
~~thirty days~~ from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Frank Muggins, Defendant

by Carrie Muggins

Plaintiff

Witness my hand this 23 day of June 1958

Livingston J. Alford, Clerk

No. 4315

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The State of Alabama
Baldwin County

CIRCUIT COURT

CARRIE MUGGINS

Plaintiffs

vs.

FRANK MUGGINS

Defendants

Summons and Complaint

Filed June 23, 1958 19

Alice J. Duck Clerk

Living With Mother- Mrs.
Elvin Jones.

Occupation- Cook at the South
Ala. Rendering Plant, located
at P.O. Box 9 Loxley, Ala.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

6/23 1958

Sheriff

I have executed this summons

this 6-25 1958

by leaving a copy with

Frank Muggins

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY Edleigh Stradham
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Stradham Deputy Sheriff

Loxley, Ala

AUTHENTICATION OF RECORD

STATE OF MICHIGAN, }
County of Wayne. } ss.

CIRCUIT COURT FOR SAID COUNTY:

I, EDGAR M. BRANIGIN, Clerk of said Court, a Court of Record, do hereby certify that the writings annexed to this certificate are true copies of originals on file and of record in said office; and that said originals, together, constitute the record of the proceedings of said court in this cause.

Witness my hand and the seal of said Court, this JUN 16 1958 day of _____, 19_____

Edgar M. Branigin
Clerk.

Deputy Clerk.

(SEAL)

I, NEAL FITZGERALD, Executive Judge of said Court, do certify the foregoing attestation by EDGAR M. BRANIGIN, Clerk of the said Court, to be in due form.

Witness my hand and seal this JUN 16 1958 day of _____, 19_____

NEAL FITZGERALD
Executive Judge.

(SEAL)

I, EDGAR M. BRANIGIN, Clerk of said Court, hereby certify that the Honorable

NEAL FITZGERALD, whose genuine signature is subscribed to the foregoing certificate, was at the time of signing and attesting the same, Executive Judge of said Court, duly commissioned and qualified.

Witness my hand and the seal of said Court, this JUN 16 1958 day of _____, 19_____

Edgar M. Branigin
Clerk.

Deputy Clerk.

(SEAL)

STATE OF MICHIGAN
THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

ACT 8, P.A. 1952, AS AMENDED BY ACTS 202, P.A. 1953, 161, P.A. 1955, AND 147, P.A. 1957

AN ACT relative to the extradition of persons charged with failure to provide support for dependents and to provide for the enforcement by circuit courts in chancery of this state of the duty of such persons to support their dependents in accordance with the requirements of the laws of other states, having reciprocal legislation, and to grant to such courts power to enforce such obligations by procedures including contempt; and to prescribe the procedure to be followed by such courts in case of proceedings to require enforcement of the duty to support residents of this state by those obligated to furnish such support through proceedings in courts of other states; and to prescribe rules of evidence in such proceedings.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "uniform reciprocal enforcement of support act."

Sec. 2. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Sec. 3. As used in this act, unless the context requires otherwise.

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the chancery division of any of the circuit courts of this state and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial (legal) separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

Sec. 4. The remedies herein provided are in addition to and not in substitution for any other remedies.

Sec. 5. The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when failure to support commenced as provided in section 3 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

Sec. 6. The governor of this state (1) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state; and (2) may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand, although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath, nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

Sec. 7. Any obligor contemplated by section 6, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

Sec. 8. Duties of support enforceable under this law are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

Sec. 9. Whenever the state or a political subdivision thereof has furnished or is furnishing support to an obligee, it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

Sec. 10. Jurisdiction of all proceedings hereunder shall be vested in the circuit court in chancery of the county of petitioner's residence, whenever proceedings hereunder are initiated in this state, or of the county where the respondent resides or may be found, whenever such proceedings shall have been initiated in another state and regardless of whether a support order in favor of the petitioner against the respondent has been issued by some other court of this state. Proceedings for support hereunder may be initiated by petition filed in the appropriate court irrespective of the relationship between obligor and obligee.

Sec. 10a. In all instances in which a public support burden has been incurred or is threatened, it shall be the duty of the prosecuting attorney to represent the petitioner in initiating and conducting proceedings under this act: *Provided*, That the petitioner may be represented in any proceedings by private counsel, at his own expense.

Sec. 11. The petition shall be verified and shall state the name and, so far as known to the petitioner, the addresses and circumstances of the respondent, his dependents for whom support is sought and all other pertinent information. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent, including, but without limitation, by enumeration, a photograph of the respondent, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints or social security number.

All petitions filed in accordance with this act shall be filed by the clerk of the court as a miscellaneous matter.

Sec. 11a. A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as next friend.

Sec. 12. If the court of this state, acting as an initiating state, finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, he shall so certify and shall cause 3 copies of the petition, the court's certificate and this act, to be transmitted to the court in the responding state within the jurisdiction of which the respondent 159 alleged to reside or be present. If the name or address of such court is unknown, or if the respondent is no longer within the jurisdiction of the named court and the responding state has an information agency comparable to that established in the initiating state, such copies may be transmitted to the state information agency or other proper official of the responding

state with a request that it forward them to and file them with the proper court, and that such court acknowledge the receipt thereof to the initiating state.

Sec. 12a. When the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent may flee the jurisdiction, it may (1) as an initiating state, request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state; or (2) as a responding state, obtain the body of the respondent by appropriate process.

Sec. 12b. The state department of social welfare is hereby designated as the state information agency under this act, and it shall be its duty:

(1) To compile annually a list of the courts and their addresses in this state having jurisdiction under this act and the particular officers assigned duties in connection with the administration of this act and transmit the same to the state information agency of every other state which has adopted this or a substantially similar act together with a copy of this act whenever it has been amended, or otherwise upon request;

(2) To maintain a register of such lists received from other states and to supply information from such lists to every court in this state having jurisdiction under this act;

(3) To maintain in the bureaus of social aid a supply of duplicated copies of this act, as amended, for the use of court officers in preparing cases to be forwarded to responding states; and

(4) To act generally as a clearing center for information and maintaining general liaison with the council of state governments, law enforcement agencies, the legislature, other governmental or private agencies concerned with this act, and the public.

Sec. 13. When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause; (2) notify the prosecuting attorney of the county, who shall be thereby charged with the duty of carrying on the proceedings; (3) set a time and place for a hearing; and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

Sec. 13a. If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state. If the respondent has been located in some other county of this state it shall not be necessary to obtain an amended petition but the original petition shall be forwarded to the circuit court in chancery of the county where the respondent has been located which court shall have jurisdiction regardless of the language of the petition.

Sec. 13b. The court shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Sec. 14. If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order.

Sec. 15. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.

Sec. 16. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders, and in particular:

(a) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent.

(b) To require the respondent to make payments at specified intervals to the clerk of the court or the friend of the court, as specified in the order, and to report personally to such clerk or friend of the court at such times as may be deemed necessary and as required by such order.

(c) To punish the respondent who fails and refuses to obey and comply with the order of the court, having sufficient ability to comply, such punishment to be imposed by the court as a contempt of court, placing the respondent on probation or committing the respondent to the county jail of the county in which such person was convicted, or in Wayne County to the Detroit house of correction, for such period as said respondent shall continue to be in contempt, not to exceed 1 year.

Sec. 17. The court of this state, when acting as a responding state, shall have the following duties which may be carried out through the clerk of the court or the friend of the court, in counties having a friend of the court:

(a) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

Sec. 18. The court of this state, when acting as an initiating state, shall have the duty which may be carried out through the clerk of the court or the friend of the court, in counties having a friend of the court, to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

Sec. 19. Husband and wife are competent witnesses (and may be compelled) to testify to any relevant matter in connection herewith.

Sec. 20. Expenses of stenographic records of court proceedings and of exemplification of court records, and all other costs incurred by the court or other public agency, including filing fees in the responding state when Michigan is the initiating state, in proceedings under this act, shall be a county charge and shall be paid out of the county treasury, but the court, in its discretion, may require such reimbursement thereof from the respondent or other party to the proceeding as may appear equitable. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee in Michigan.

Sec. 21. Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both. Every circuit court in chancery of this state shall have concurrent jurisdiction with the court issuing an order of support under this act for the purpose of enforcing the order.

Sec. 22. Participation in any proceedings under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceedings.

Sec. 23. To reimburse the county for the cost of handling support payments under this act, the court shall order the payment of an initial fee of \$5.00, and an annual fee of \$5.00 thereafter, to the friend of the court. Said fees shall be paid by the person ordered to pay any support money for a child or other persons whom the court finds he has a duty to support. Said annual fee shall be paid on the second day of January each year after the entry of said order while the said order is operative. All fees paid to the office of the friend of the court shall be turned over to the county treasurer and credited to the general fund.