

SENATE BILL NO. 1090

September 09, 2020, Introduced by Senator BIZON and referred to the Committee on Families, Seniors, and Veterans.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 5d (MCL 552.605d), as amended by 2014 PA 380.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5d. (1) On and after June 1, 2003, each support order the
2 court enters or modifies ~~shall~~**must** include substantially the
3 following provisions:

4 (a) If a child for whom support is payable under the order is
5 under the state's jurisdiction and is placed in foster care, that
6 support payable under the order is assigned to the department.

(b) If a child for whom support is payable under the order is under court jurisdiction and is placed in county-funded foster care, that support payable under the order is assigned to the ~~funding county.~~**department.**

(c) For a friend of the court case, substantially the following statements:

(i) "The office of the friend of the court may consider the person who is providing the actual care, support, and maintenance of a child for whom support is ordered as the recipient of support for the child and may redirect support paid for that child to that recipient of support, subject to the procedures prescribed in section 5d of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605d.".

(ii) "If the payer resides full-time with a child for whom support is payable under this order, support for that child abates in accordance with policies established by the state friend of the court bureau and subject to the procedures prescribed in section 5d of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605d.".

(2) On and after 1 year after the effective date of the 2020 amendatory act that amended this section, each support order the court enters or modifies must include substantially the following statements: If the payer will be incarcerated for 180 consecutive days or more and will not have the ability to pay support, the monthly amount of support payable under the order must be abated, by operation of law, subject to section 17f of the friend of the court act, MCL 552.517f. The monthly amount of support must remain abated until the order is modified.

(3) ~~(2)~~—In a friend of the court case, a support order that

1 was entered before June 1, 2003 is considered to include, by
2 operation of law, the provisions stated in subsection (1).

3 (4) A support order entered before 1 year after the effective
4 date of the 2020 amendatory act that amended this section is
5 considered to include, by operation of law, the provisions stated
6 in subsection (2).

7 (5) A party to a domestic relations matter for which there is
8 not an open friend of the court case may file a motion with the
9 circuit court when a payer will be incarcerated for 180 consecutive
10 days or more with no ability to pay, to request that the provisions
11 of section 17f(1) of the friend of the court act, MCL 552.517f,
12 apply. When the payer is released from incarceration, a party may
13 file a motion with the circuit court to request that the provisions
14 of section 17f(9) of the friend of the court act, MCL 552.517f,
15 apply and that the order be modified.

16 (6) ~~(3)~~—If a child for whom support is payable under a support
17 order is under the state's jurisdiction and is placed in foster
18 care, support payable under the order is assigned to the
19 department. If the child is placed in county-funded foster care,
20 the support payable under the order is assigned to the ~~funding~~
21 ~~county~~ **department**. An assignment of support as required by this
22 subsection has priority over a redirection of support authorized by
23 this section.

24 (7) ~~(4)~~—Subject to subsection ~~(5)~~, **(8)**, for a friend of the
25 court case, the office of the friend of the court may consider the
26 person who is providing the actual care, support, and maintenance
27 of a child for whom support is ordered as the recipient of support
28 for the child and may redirect support paid for that child to that
29 recipient of support. Subject to subsection ~~(5)~~, **(8)**, the office of

1 the friend of the court ~~shall~~**must** abate support under a support
2 order that is payable as support for a child who resides full-time
3 with the payer, in accordance with policies established by the
4 state friend of the court bureau.

5 (8) ~~(5)~~—A party to a support order may object to redirection
6 or abatement of support under this section. Support shall not be
7 redirected or abated under this section until 21 days after the
8 office of the friend of the court notifies each party of the
9 proposed action and each party's right to object. If a party
10 objects within 21 days after the notification, support shall not be
11 redirected or abated under this section. After an objection, the
12 office of the friend of the court ~~shall~~**must** review the support
13 order under section 17 of the friend of the court act, MCL 552.517,
14 or ~~shall~~**must** notify each party that the party may file a motion to
15 modify support.

16 (9) ~~(6)~~—The state friend of the court bureau may implement
17 policies to assist offices of the friend of the court in
18 determining when an office of the friend of the court should give
19 notice of a proposed redirection or abatement of support under this
20 section.