

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 526**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 5d (MCL 552.605d), as amended by 2009 PA 193.

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 include substantially the following
3 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.

7 (b) If a child for whom support is payable under the order is
8 under court jurisdiction and is placed in county-funded foster
9 care, that support payable under the order is assigned to the

1 funding county.

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

4 (i) "The office of the friend of the court may consider the
5 person ~~legally responsible for~~ **WHO IS PROVIDING** the actual care,
6 support, and maintenance of a child for whom support is ordered as
7 the recipient of support for the child and may redirect support
8 paid for that child to that recipient of support, subject to the
9 procedures prescribed in section 5d of the support and parenting
10 time enforcement act, 1982 PA 295, MCL 552.605d.".

11 (ii) "If the payer resides full-time with a child for whom
12 support is payable under this order, support for that child abates
13 in accordance with policies established by the state friend of the
14 court bureau and subject to the procedures prescribed in section 5d
15 of the support and parenting time enforcement act, 1982 PA 295, MCL
16 552.605d.".

17 (2) In a friend of the court case, a support order that was
18 entered before June 1, 2003 ~~shall be~~ **IS** considered to include, by
19 operation of law, the provisions stated in subsection (1).

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

1 (4) Subject to subsection (5), for a friend of the court case,
2 the office of the friend of the court may consider the person
3 ~~legally responsible for~~ **WHO IS PROVIDING** the actual care, support,
4 and maintenance of a child for whom support is ordered as the
5 recipient of support for the child and may redirect support paid
6 for that child to that recipient of support. Subject to subsection
7 (5), the office of the friend of the court shall abate support
8 under a support order that is payable as support for a child who
9 resides full-time with the payer, in accordance with policies
10 established by the state friend of the court bureau.

11 (5) A party to a support order may object to redirection or
12 abatement of support under this section. Support shall not be
13 redirected or abated under this section until 21 days after the
14 office of the friend of the court notifies each party of the
15 proposed action ~~, advising the party of the~~ **AND EACH PARTY'S** right
16 to object. If a party objects within 21 days after the
17 notification, support shall not be redirected or abated under this
18 section. After an objection, the office of the friend of the court
19 shall review the support order under section 17 of the friend of
20 the court act, MCL ~~522.517,~~ **552.517**, or shall notify each party
21 that the party may file a motion to modify support.

22 (6) The state friend of the court bureau may implement
23 policies to assist offices of the friend of the court in
24 determining when an office of the friend of the court should give
25 notice of a proposed redirection or abatement of support under this
26 section.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.