

Senate Fiscal Agency
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SFA

BILL ANALYSIS

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House Bills 4819 through 4825 (Substitutes H-1 as reported without amendment)

Sponsor: Representative Mike Pumford (House Bill 4819)
Representative Joanne Voorhees (House Bill 4820)
Representative Gerald Law (House Bill 4821)
Representative Laura Toy (House Bill 4822)
Representative Marc Shulman (House Bill 4823)
Representative Mark Jansen (House Bill 4824)
Representative Doug Hart (House Bill 4825)

House Committee: Family and Children Services

Senate Committee: Families, Mental Health and Human Services

CONTENT

The bills would amend various acts to make revisions consistent with House Bill 4816 (H-3) regarding the establishment of a State Disbursement Unit (SDU) for the centralized collection and disbursement of child support payments and fees. The bills specify that the Family Independence Agency (FIA), the SDU, and each Friend of the Court (FOC) office would be required to cooperate in the transition to the centralized system. House Bill 4819 (H-1) would amend the divorce Act; House Bill 4820 (H-1) would amend the Family Support Act; House Bill 4821 (H-1) would amend the Paternity Act; House Bill 4822 (H-1) would amend the Child Custody Act; House Bill 4823 (H-1) would amend the Revised Uniform Reciprocal Enforcement of Support Act; House Bill 4824 (H-1) would amend the Interstate Income Withholding Act; and House Bill 4825 (H-1) would amend Public Act 379 of 1913, which pertains to the collection of alimony and child support. The bills all are tie-barred to House Bill 4816.

House Bill 4819 (H-1)

The bill would delete references to "alimony or support" in the divorce Act and replace them with references to "spousal or child support". The bill also would replace references to the "Department of Social Services" with references to the "Family Independence Agency".

House Bill 4820 (H-1)

Under the Family Support Act, a support order must require that all payments be made to the FOC. Under the bill, a support order would have to require that payment be made to the FOC or the SDU.

The Act provides that, upon certification by the "county department of social services" that a custodial parent and/or child are receiving public assistance, payments received by the FOC for their support must be transmitted to the "state department of social services". The bill would change "county department of social services" and "state department of social services" to "Family Independence Agency" and apply the requirement to payments received by the FOC or the SDU.

Under the Act, a court must order the payment of service fees to the FOC in order to reimburse a county for the cost of handling support payments. Under the bill, this requirement would apply to the payment of service fees to the FOC or the SDU for enforcing support or parenting time orders.

House Bill 4821 (H-1)

Under the Paternity Act, a court must require the payment of money to be made to the FOC or the clerk of the court, and those funds must be disbursed in accordance with the court order, except that, upon certification by a “county department of social services” that a complainant is receiving public assistance, a payment received by the FOC for support and education of a child born out of wedlock must be transmitted to the “state department of social services”. The bill would require that the payments be made to the FOC or the SDU and replace references to the “department of social services” with references to the “Family Independence Agency”.

In addition, the bill would require the court to order payment of service fees to the FOC or the SDU for enforcing support or parenting time orders, rather than to the FOC for handling support payments.

House Bill 4822 (H-1)

Under the Child Custody Act, a court may require that support payments be made through the FOC or the court clerk. Under the bill, a court could require that support payments be made through the FOC, the court clerk, or the SDU.

House Bill 4823 (H-1)

Under the Revised Uniform Reciprocal Enforcement of Support Act, a support order must require payments to be made to the FOC office. Under the bill, support orders would have to require that payment be made to the FOC office or the SDU, as appropriate.

The Act allows the collection and disbursement duties of a Michigan court to be carried out through the FOC or the clerk of the court. Under the bill, those duties could be carried out through the FOC, the court clerk, or the SDU, as appropriate. The bill also would include the SDU in the responsibilities of the FOC as a recipient of support payments from an out-of-state support order.

The bill would replace references to “alimony or support” with references to “spousal or child support”.

House Bill 4824 (H-1)

Under the Interstate Income Withholding Act, the FOC office must “receive, record, disburse, and monitor” payments made pursuant to an order of income withholding issued under the Act. Under the bill, the FOC office would have to monitor, but not receive, record, or disburse those payments.

Under the Act, an order of income withholding must direct payment to be made to the FOC office, and the FOC must promptly transmit payments received pursuant to an order of income withholding based on a support order of another jurisdiction to the appropriately designated agency. The bill would apply that requirement to the FOC or the SDU, as appropriate.

House Bill 4825 (H-1)

Under Public Act 379 of 1913, when a decree or order requires payment to be made to the clerk of the court or the FOC, and payment is in default, the party prejudiced may make a motion showing that the default has occurred, and the court may issue an order to arrest the party in default. The bill would include orders of payment to be made to the SDU within that provision.

MCL 552.23 et al. (H.B. 4819)
552.23 et al. (H.B. 4819)
552.452 et al. (H.B. 4820)
722.711 et al. (H.B. 4821)
722.22 et al. (H.B. 4822)
780.153b et al. (H.B. 4823)
552.673 et al. (H.B. 4824)
552.152 et al. (H.B. 4825)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Please see **FISCAL IMPACT** for House Bill 4816.

Date Completed: 10-12-99

Fiscal Analyst: C. Cole

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