



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4742 (Substitute S-2 as reported)
House Bills 4743, 4744, and 4745 (as reported without amendment)
Sponsor: Representative Robert L. Kosowski (H.B. 4742 & 4743)
Representative Klint Kesto (H.B. 4744)
Representative Kurt Heise (H.B. 4745)
House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services

CONTENT

House Bill 4742 (S-2) would repeal the Uniform Interstate Family Support Act (UIFSA) and reenact it with amendments, particularly with respect to support proceedings under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The Uniform Act provides for the recognition and enforcement of family support orders across state lines.

(The Convention provides for a system of cooperation between Contracting States (signatories to the Convention) in the processing of international applications for maintenance agreements, and provides for the recognition and enforcement of such agreements. The United States signed the Convention in 2007, and the Uniform Law Commission adopted amendments to UIFSA in 2008 to incorporate changes required by the Convention.)

In particular, Article 7 (Support Proceeding Under Convention) of the proposed Uniform Act specifies that it applies only to a support proceeding under the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded at The Hague on November 23, 2007.

The Office of Child Support would be recognized as the Michigan agency designated by the U.S. Central Authority to perform specific functions under the Convention. In a support proceeding under Article 7, the Office of Child Support would have to transmit and receive applications and initiate or facilitate the institution of a proceeding regarding an application in a Michigan tribunal.

Except as otherwise provided, a Michigan tribunal would have to recognize and enforce a registered Convention support order. A Michigan tribunal could refuse to recognize and enforce a registered Convention support order on specific grounds.

Under Article 9 (Miscellaneous Provisions) of the proposed Uniform Act, an order would be manifestly incompatible with public policy if it were issued in violation of the right of due process substantially similar to that guaranteed by the U.S. Constitution and the State Constitution. A law of another county would be manifestly incompatible with public policy if it failed to grant the parties the right of due process substantially similar to that guaranteed by the U.S. Constitution and the State Constitution.

House Bills 4743, 4744, and 4745 would amend the Office of Child Support Act, the Support and Parenting Time Enforcement Act, and the Friend of the Court Act, respectively, to delete Michigan Compiled Law citations to the current Uniform Interstate Family Support Act.

All of the bills would take effect on January 1, 2016. House Bills 4743, 4744, and 4745 are tie-barred to House Bill 4742.

MCL 400.233 (H.B. 4743)
552.602 (H.B. 4744)
552.502 (H.B. 4745)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no direct fiscal impact on State or local government. If the bills are not enacted, however, there is a risk of a significant fiscal impact on State government. As the bills would bring Michigan into compliance with current Federal law, any penalty for not enacting the bills would be avoided. If not in compliance with the Federal statute, the State risks losing an estimated \$175.0 million in child support funding for fiscal year 2015-16. There is a larger potential fiscal risk in that if the bills are not passed, the State might not be in compliance with policies that govern the Temporary Assistance for Needy Families (TANF) block grant. If the State is not in compliance with the TANF rules, approximately \$775.0 million could be at stake, depending on the interpretation of the Federal statutes and rules. Additionally, there could be a minor fiscal impact on the State if any child support orders originate from countries not currently served by Michigan courts.

Date Completed: 12-7-15

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.