



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 590 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Christopher D. Dingell
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Support and Visitation Enforcement Act to provide that an individual who received support for a child that a payer was required to pay under a court order, would have to use that money for the direct benefit of the child, including, but not limited to, paying for the child's medical care, dental care, other health care, child care, education, shelter, food, clothing, and recreational necessities. If the payer's support payments were current and he or she had a reasonable belief that the individual receiving the support had not complied with this requirement, the payer could file a motion for a hearing on the issue. If the payer's employer paid employees on a regular schedule other than weekly, that fact would have to be considered in a determination of whether the payer had been current.

If the court found that the individual had not complied with the bill's requirement and had the means to do so based upon the amount of support the payer actually paid, the court would have to order the individual to provide for the child those items listed above and file with the court an annual accounting that detailed expenditures the individual made on behalf of the child. If the court found that an individual had not complied because he or she had not had physical custody of the child, the court instead could order the individual to return the support paid for the time he or she did not have physical custody.

Based upon the same standard provided for a frivolous action or defense under Section 2591 of the Revised Judicature Act, the court could award costs and fees in the same manner as provided in that section to either the payer or the individual alleged to be in noncompliance. (Section 2591 provides for a court to award costs and fees to a prevailing party, and to assess the costs and fees against a nonprevailing party and his or her attorney, if the court finds that a civil action or defense was frivolous.)

The bill would take effect on June 1, 1996.

Proposed MCL 552.640

Legislative Analyst: L. Burghardt

FISCAL IMPACT

This bill could cause an increase in caseload for the Friend of the Court, but it is indeterminate as to how large the increase would be. It is likely that the bill would cause a greater increase in caseload at the outset. Because the court could award cost and fees if the court found that an action was frivolous, it is possible that the number of hearings requested by a payer would eventually be minimal.

Date Completed: 11-28-95

Fiscal Analyst: M. Bain

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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.