



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bill 769 (Substitute S-3 as passed by the Senate)  
 Sponsor: Senator Mike Rogers  
 Committee: Families, Mental Health and Human Services

Date Completed: 2-1-96

**RATIONALE**

According to an Auditor General's performance audit of the Statewide Child Support Program, Department of Social Services, the percentage of child support collected ranged from just under 62% to about 70% of current-year support obligations during fiscal years 1989-90 through 1993-94. This means that approximately one-third of the support obligations due each year were not paid. While current law already contains various tools and incentives for the collection and payment of support--such as imposing interest on arrearages, reporting arrearages to credit bureaus, withholding payers' income, and intercepting tax refunds--many people believe that additional measures are needed. Since a number of children are born to teen-aged parents, it has been suggested that parents who are still in school should be denied the opportunity to participate in extracurricular activities if support payments were delinquent.

**CONTENT**

**The bill would amend the Support and Visitation Enforcement Act to prohibit a minor parent who was delinquent in paying child support, or a custodial parent who wrongfully denied a child's visitation with the noncustodial parent, from participating in extracurricular activities.** "Extracurricular activity" would mean participation in an activity that was not part of the regular high school academic curriculum including, but not limited to, participation in athletics, theater, creative arts, or newspaper or yearbook production. Extracurricular activity would not include a work-study program.

Specifically, the bill provides that if the fixed amount of arrearage determined under the Friend of the Court Act were reached and the payer were attending high school, the Office of the Friend of

the Court (FOC) would have to include in the notice of the arrearage to the payer notice that he or she would be prohibited from participating in a high school extracurricular activity until payment of the entire arrearage, or until the payer and the Office of the FOC agreed on a payment plan and the payer had demonstrated adherence to the payment schedule set forth in the plan. Further, the Office of the FOC would have to inform a custodial parent who wrongfully denied a child's visitation with a noncustodial parent in violation of a court order that he or she was prohibited from participating in an extracurricular activity until he or she complied with the order.

The FOC would have to notify the principal of the payer's or custodial parent's high school about the prohibition, and the principal would have to inform the FOC as to whether the payer or custodial parent was participating in an extracurricular activity. If the support arrearage were paid or the visitation order were complied with, the Office of the FOC would have to notify the principal that the payer or custodial parent was no longer prohibited from participating in an extracurricular activity.

If a payer were attending high school, a support order would have to include a provision that if the payer were one month or more in arrears, he or she would be prohibited from participation in a high school extracurricular activity. If a custodial parent were attending high school, a visitation order would have to include a provision that, if the custodial parent wrongfully denied visitation, he or she would be prohibited from participation in a high school extracurricular activity. The support or visitation order would have to require the payer or custodial parent to keep the FOC informed of the name, the address, and the name of the principal of the high school that the payer or custodial parent was attending.

The bill would take effect August 1, 1996.

MCL 552.602 et al.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Any reasonable tool that would help in the collection of child support should be adopted. Reportedly, the majority of paternity cases these days involve teen-agers who are still in high school--and who are uncooperative in complying with support orders. It is this population that the bill would affect, by denying these minors the opportunity to participate in extracurricular activities if they were delinquent in paying support. In addition, to be even-handed, the bill also would deny minor parents the opportunity to participate if they wrongfully denied a child's visitation with the noncustodial parent.

### **Opposing Argument**

Many students remain in school and graduate primarily because they want to play sports or otherwise be involved in activities such as band or theater. Without this incentive, some students could be inclined to drop out, which would further reduce their ability to find adequate employment and make support payments in the future. In addition, some students' only way out of poverty might be sports. A student's potential to earn a scholarship could be lost if he or she had to work in order to pay support.

**Response:** The bill could motivate some students to pay support precisely because of the importance they place on sports and other activities. Since support orders are based on an individual's ability to pay, minor parents should be able to earn some money and participate in extracurricular activities at the same time. If they cannot, however, the responsibility of paying support should take precedence over the privilege of playing sports, belonging to the drama club, working on the yearbook, etc.

### **Opposing Argument**

The bill would place too much of the burden on the Friend of the Court and on school principals. Rather than requiring the FOC to notify delinquent or noncomplying parents that they were prohibited from participating in extracurricular activities, and to notify school principals of a prohibition and when it was lifted, and requiring principals to inform the FOC as to whether a student was participating in an extracurricular activity, the bill simply should require minor parents subject to support or visitation orders to get a statement of

compliance from the FOC and give it to their coach or teacher before the parents could participate.

**Response:** Without notice from the FOC, schools would not know which students were subject to a support or visitation order.

### **Opposing Argument**

Because schools are subject to Federal confidentiality requirements, it is not clear whether principals would have legal authority to disclose to anyone whether a student was participating in extracurricular activities.

### **Opposing Argument**

The bill would define "extracurricular activity" as participation in an activity that was not part of the regular high school academic curriculum, including theater, creative arts, or newspaper or yearbook production. In some schools, these activities are offered as courses for which credit toward graduation is given. It is not clear whether an activity such as band--which is taught as part of the curriculum but also involves evening or weekend concerts--would be considered an extracurricular activity.

Legislative Analyst: S. Margules

## **FISCAL IMPACT**

The fiscal impact on the Office of the FOC would be minimal, assuming a ban on extracurricular activities resulted in greater compliance with paying child support arrearages. The FOC also would incur minimal administrative costs for providing notification to the principal of the high school regarding a parent's compliance with his or her child support or visitation order.

A school district with a student in arrears or noncompliance also would incur minimal additional administrative expenses in complying with the notification requirements and limits on student participation that would be created by the bill.

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.