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BILL ANALYSIS

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House Bill 5388 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Representative Eric Bush

House Committee: Human Services

Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to provide for the suspension of an occupational license or driver's license for failure to pay a support arrearage or to comply with court-ordered parenting time. Specifically, the Friend of the Court (FOC) could petition the court for an order to suspend the payer's occupational license or driver's license, or both, if all other following were true: an arrearage had accrued in an amount greater than the amount of periodic support payments payable for three months under the payer's support order; the payer held an occupational or driver's license, or the payer's occupation required an occupational license; and an order of income withholding was not applicable or had been unsuccessful in assuring regular payments on the support obligation and on the arrearage. The FOC could not consider a payer to have an arrearage if the payer produced documentary evidence that money had been withheld from his or her income in an amount equal to or greater than the amount required under the payer's support order.

The payer could request a hearing on the proposed suspension. If the court determined that the payer had accrued an arrearage and that he or she had, or by the exercise of due diligence could have, the capacity to pay all or some portion of the amount due, the court would have to order the payment of the arrearage in installments. A court could not order the sanction unless it found that the payer had accrued an arrearage in an amount greater than the amount of periodic support payments payable for three months under the payer's support order. After the notice of intended license suspension was sent, the court could order the suspension of the payer's occupational license if the payer failed to comply with an arrearage payment schedule, or if the payer failed to pay the arrearage and failed either to request a hearing or to appear for a scheduled hearing.

A court also could order that the suspension of a parent's driver's or occupational license be conditional upon noncompliance with an order for makeup and ongoing parenting time. If the court entered such an order, and the parent failed to comply, the court would have to find the parent in contempt and, after notice and an opportunity for a hearing, could order suspension of the parent's occupational license.

The bill would take effect January 1, 1997. The bill is tie-barred to Senate Bill 881 and to House Bills 5384, 5386, 5387, and 5389, which would amend various acts to provide for the suspension of an occupational license or a driver's license for failure to pay a support arrearage or to comply with a support or parenting time order. The bill also is tie-barred to House Bill 5385, which would create the "Regulated Occupation Support Enforcement Act".

MCL 552.602 et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

Please see **FISCAL IMPACT** on House Bill 5384.

Date Completed: 5-10-96

Fiscal Analyst: M. Bain, B. Bowerman

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