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UNINSURED HEALTH CARE EXPENSES; PARENTING TIME ORDER VIOLATIONS

House Bill 6009

Sponsor: Rep. Barb Vander Veen
Committee: Family and Children
Services

Complete to 5-9-02

A SUMMARY OF HOUSE BILL 6009 AS INTRODUCED 5-7-02

The bill would add provisions to the Friend of the Court Act (Public Act 294 of 1982) pertaining to enforcement procedures for uninsured health care expenses and custody or parenting time order violations. The bill would change the name of the “Friend of the Court” to the “Court Family Services Office”.

Under the bill, a Court Family Services Office would be required to initiate enforcement proceedings under the Support and Parenting Time Enforcement Act (Public Act 295 of 1982) if a person responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint. The complaint seeking enforcement for the payment of a health care expense would have to show that all of the following have been met:

- The person who paid the uninsured portion of the health care expense submits the complaint.
- The parent against whom the complaint is issued is obligated to pay the uninsured health care expenses, a demand was made for payment of the uninsured portion within 28 days of the insurers’ final payment or denial, and that parent did not pay the uninsured portion.
- The complaint was submitted on or before one year after the expense was incurred, or six months after the insurers’ final payment or denial of coverage, if all measures necessary to submit a claim were completed within two months after the expense was incurred, whichever is later.

The office would send a copy of the complaint to the parent who is obligated to pay the uninsured health care expenses, and notify the person of his or her ability to file an objection. If the parent did not file a written objection within 14 days after receiving the complaint and notice, the amount of the expense stated in the complaint would become a support arrearage and would be subject to any enforcement procedure. If, however, the parent filed an objection within the 14-day period, the office would set a court hearing to resolve the matter.

The bill would delete a provision that allows the office to initiate enforcement proceedings on its own initiative regarding a custody or parenting time order. In addition, the act states that if the office receives a complaint alleging a custody or parenting time order violation, the office is required to send notice to the alleged violator informing him or her of the nature of the alleged violation, any proposed action, the availability of mediation, the right to petition to modify an

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order, and stating that a failure to respond within 14 days may result in contempt proceedings. Under the bill, if the office received a complaint, within 14 days after receiving the complaint, the office would send a copy of the complaint to the accused individual and each other party to the custody or parenting time order.

The bill would also clarify language pertaining to the duties of the office after it receives a complaint. Under the act, 14 days after notifying the alleged violator, the office may schedule joint meeting, refer the parties to a domestic relations mediator, or proceed with enforcement actions under section 41 of the Support and Parenting Time Enforcement Act (which includes commencing a civil contempt proceeding, filing a motion to modify an existing order, and applying the makeup policy). The bill states that if the office believed that the alleged violation could be addressed by taking an action under section 41, the office would be required to proceed with that action. [Note: House Bill 6007 would add to section 41 that the office could schedule a mediation hearing or schedule a joint meeting.]

Furthermore, the act allows the office to petition the court for a modification of the parenting time order, if there is a dispute regarding parenting after a final parenting time order has been entered in a domestic relations matter. Under the bill, if the office filed a motion for modification, the office would be required to send each party to the parenting time order a notice of the filing of the motion. The motion and each notice would have to include a written report and recommendation, and a statement notifying the parties of their ability to object to the modification. If no party objected to the modification within 14 days after receiving notice, the office could submit an order incorporating the recommendation to the court for the court's adoption. If a party objected within the 14-day period, there would be a hearing before a judge or referee. At that hearing, the judge or referee could use statements of fact in the office's report or recommendation as evidence to prove a fact, if no other evidence were presented concerning that fact.

MCL 552.502 et al.

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