

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 6009 (Substitute S-1 as reported)
Sponsor: Representative Barb Vander Veen
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Friend of the Court Act to require a Friend of the Court (FOC) office to initiate enforcement under the Support and Parenting Time Enforcement Act if it received a written complaint stating specific facts constituting a custody or parenting time order violation. Upon request, an FOC office would have to assist a parent who had the right to interact with his or her child under a custody or parenting time order in preparing a complaint. If the facts stated in a complaint alleged a violation that could be addressed by taking an action authorized under the Support and Parenting Time Enforcement Act, the FOC office would have to proceed under that Act.

The bill also provides that a complaint seeking payment of a health care expense would have to include information showing that: the parent against whom the complaint was directed was obligated to pay uninsured health care expenses, a demand for payment had been made within 28 days after the insurer's final payment or denial of coverage, and the parent did not pay the uninsured portion within 28 days after the demand. The FOC office would have to send a copy of the complaint to the parent named in it as obligated to pay the child's uninsured health care expenses. If the parent did not file an objection within 21 days, the amount of health care expenses in the complaint would become a support arrearage subject to any enforcement processes available to collect an arrearage. If the parent filed a written objection with the 21-day limit, the FOC office would have to set a court hearing to resolve the complaint.

Under the FOC Act, if there is an unresolved dispute as to parenting time, after a final judgment containing a parenting time order has been entered in a domestic relations matter, the FOC office may petition the court for a modification of the order. The bill provides that, if no party objected to the FOC's recommendation for modification within 21 days after the FOC notified the parties about the modification, the FOC office could submit an order incorporating the recommendation for the court's adoption. If a party objected within 21 days, however, the motion to modify the parenting time order would have to be noticed for a court hearing.

The bill would take effect on June 1, 2003, and is tie-barred to House Bill 6011, which would allow the parties to a domestic relations matter to opt-out of the FOC process.

MCL 552.517d et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Statewide standards regarding uninsured health care expenses and disputes involving custody and parenting time would result in administrative efficiencies for Friend of the Court offices.

Date Completed: 6-6-02

Fiscal Analyst: Bill Bowerman