



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4654 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Alexander Lipsey

House Committee: Family and Children Services

Senate Committee: Families and Human Services

CONTENT

The bill would amend the Office of Child Support (OCS) Act to require the Director of the Family Independence Agency (FIA) to direct the OCS to designate a child support amnesty period of at least 90 days, ending before seven months after the bill's effective date. Under the conditions set forth in the bill, the FIA Director would have to grant a support payer amnesty, waiving all criminal and civil penalties provided by law for failing or refusing to pay past due child support. To qualify for amnesty, a payer would have to submit a written waiver request and either pay the arrearage amount in total, or pay at least 50% of the total and the balance before the amnesty period ended. If a payer paid less than 100% of the total arrearage amount with the amnesty request, his or her amnesty would terminate at the end of the amnesty period, unless the balance was paid before then.

The OCS would have to administer the program, and notify individuals who could be eligible for the program at least 60 days before the start of the designated amnesty period.

An individual would not be eligible to participate in the amnesty program if, before seeking participation, he or she had been arrested on a criminal warrant or bench warrant related to his or her child support obligation. Additionally, an individual would not be eligible if, before he or she sought participation, prosecution had been initiated under sections of the Michigan Penal Code related to desertion and abandonment, failure to pay support as required by a court order, or refusing or neglecting to support one's family.

The bill would take effect June 1, 2005. It is tie-barred to House Bill 5259, which would prohibit a Friend of the Court office from initiating a support enforcement measure against a payer while he or she had amnesty, and House Bill 5262, which would prohibit prosecution for the violations of the Penal Code described above, if an individual were eligible and qualified for amnesty.

Proposed MCL 400.233b

Legislative Analyst: Julie Koval

FISCAL IMPACT

To the extent that a child support amnesty program would potentially decrease the number of child support cases with arrearages, the bills would provide indeterminate, and likely insignificant, savings in the administrative costs of collecting on cases with past due amounts and in the criminal justice costs of prosecuting such cases and incarcerating individuals convicted of failing to pay child support. By providing for the waiver of fines associated with failure to pay child support, the bills could decrease penal fine revenue, which is dedicated to public libraries.

Date Completed: 12-8-04

Fiscal Analyst: Bethany Wicksall