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House Bill 4770 (as passed by the House)
House Bill 4771 (Substitute H-1 as passed by the House)
Sponsor: Representative Matthew Milosch (H.B. 4770)
Representative Susan Tabor (H.B. 4771)
House Committee: Judiciary
Senate Committee: Families and Human Services

Date Completed: 2-9-04

CONTENT

House Bill 4770 would amend the Office of Child Support Act to do the following:

- Create the "Child Support Bench Warrant Enforcement Fund".
- Require that the Fund be used to administer and provide grants for activities to enforce bench warrants associated with child support enforcement.

House Bill 4771 (H-1) would amend Section 2529 of the Revised Judicature Act (which prescribes circuit court fees) to do the following:

- Add \$10 to the fees assessed in custody, support, and parenting time actions; and allocate the \$10 to the proposed Child Support Bench Warrant Enforcement Fund.
- Authorize the circuit court, in a final judgment, to order a party to pay a court fee that was waived or suspended.
- Require a fee to be waived if the person filing the action were a public officer acting in his or her official capacity.
- Provide that a motion fee could not be collected for a request for a hearing to contest income withholding.

The bills are tie-barred.

House Bill 4770

The bill would create the Child Support Bench Warrant Enforcement Fund in the State Treasury. The Office of Child Support would have to develop and administer the Fund. The fees collected under Section 2529 of the RJA would have to be deposited in the Fund. The Fund would have to be used to administer and provide grants for activities to enforce bench warrants associated with the collection of child support.

The State Treasurer could receive money or other assets from any source for deposit into the Fund. The Treasurer would have to direct investment of the Fund, and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would not lapse to the General Fund.

The bill states that money transmitted to the State Treasurer under these provisions would supplement and not supplant other money appropriated by the State for Office of Child Support functions.

House Bill 4771 (H-1)

Section 2529 of the RJA prescribes fees for filing a civil action, a claim of appeal, or a motion, or making a demand for a jury trial, in circuit court. This section also prescribes fees that must be paid before entry of a final judgment in an action for divorce or separate maintenance in which minor children are involved, or in a child custody dispute submitted to the court as an original action. The bill, instead, would require the payment of the fees before entry of a final judgment in an action in which the custody, support, or parenting time of minor children was decided.

The current fees are as follows:

- \$30 if the matter was not submitted to domestic relations mediation or investigation by the Friend of the Court (FOC).
- \$50 if the matter was submitted to domestic relations mediation.
- \$70 if the FOC Office conducted an investigation and made a recommendation to the court.

The bill would increase each of those fees by \$10. At the end of every month, the court clerk would have to submit \$10 of each fee to the State Treasurer for deposit in the proposed Child Support Bench Warrant Enforcement Fund. The balance of the fee would have to be paid to the county treasurer and deposited as provided under Section 2530 of the RJA. (Under that section, the county treasurer must deposit these fees into a Friend of the Court fund, and the county must appropriate the money for FOC functions. In the Third Judicial Circuit, however, the county treasurer must remit the fees to the State, and the Legislature must be appropriate the funds for FOC obligations in that circuit.)

Section 2529 requires a \$20 fee for filing a motion but specifies that the fee may not be collected for certain motions, including motions to modify or terminate a personal protection order (PPO), to show cause for a violation of a PPO or a foreign protection order, or to enforce a foreign protection order. Under the bill, a motion fee also could not be collected for a request for a hearing to contest income withholding under the Support and Parenting Time Enforcement Act.

The RJA requires the court to waive or suspend all or part of any of the fees prescribed in Section 2529 upon a showing by affidavit of indigency or inability to pay. The bill also would require the court to waive the fees if the person filing an action were a public officer acting in his or her official capacity. In addition, if a fee were waived or suspended, the court could require, by order in the final judgment, that one or more parties to the case pay the fee.

MCL 400.233 (H.B. 4770)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

There are insufficient court data to estimate the amount of additional revenue that would be generated if the circuit court fees prior to judgment were applied to actions in which the custody, support, or parenting time of minor children are determined and if the fees were increased by \$10 each.

As passed by the House, House Bill 4770 would require that all fees collected under Section 2529 of the RJA be deposited into the proposed Child Support Bench Warrant Enforcement Fund. Section 2529 of the RJA establishes multiple circuit court fees which are currently deposited into the Civil Filing Fee Fund, the Juror Reimbursement Fund, and the State Court Fund and also support the local court funding units. There are no data to indicate the amount of revenue that current recipients would lose, and that instead would be deposited into the proposed Fund.

There also are no data to indicate whether expanding the circumstances under which a motion fee may not be collected or under which the court may waive or suspend all or any part of the fees, would have any significant impact on revenue levels.

It appears that House Bill 4770 would have no fiscal impact on the Family Independence Agency.

Fiscal Analyst: Bethany Wicksall
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