

SUBSTITUTE FOR
HOUSE BILL NO. 5371

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
(MCL 552.501 to 552.535) by adding section 517f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 517f. (1) If a payer who is imprisoned for more than 1
2 year files a petition to modify his or her support obligation,
3 the court shall establish an interim support order based on the
4 payer's income and any assets available to the payer from which
5 support may be paid, pending a determination to be made for the
6 period of imprisonment as provided in subsection (2). The
7 interim order may be modified as of its effective date, but only
8 from the date that notice of the petition has been given to the
9 recipient of support.

10 (2) When the court becomes aware that the payer has been
11 released from imprisonment, the court shall enter an order for a

1 fixed amount to be paid as support for the period between the
2 date that the petition under subsection (1) was filed to the date
3 of the payer's release from imprisonment. The fixed amount of
4 support is in addition to any other support that may be payable.
5 In determining the fixed amount of support under this subsection,
6 the court shall use the child support formula established under
7 section 19 and shall consider the equities of the case and the
8 best interests of the child to establish the fixed amount to be
9 repaid. The court shall use 1 of the following as the payer's
10 income:

11 (a) The payer's current earnings and potential earning
12 capacity.

13 (b) The payer's most recent income before imprisonment
14 reduced by not more than 50% for a payer sentenced to serve a
15 maximum term of 5 years in prison, or by more than 75% for a
16 payer who is sentenced to serve more than a minimum term of 5
17 years.

18 (c) For an individual imprisoned as a result of a crime
19 against a child for whom support is ordered or that child's
20 parent, the payer's most recent income before imprisonment.

21 (3) The court shall order the fixed amount in subsection (2)
22 to be paid in installments. The fixed amount is not past due
23 except for installments that have not been paid under the court's
24 order.

25 (4) This section applies only to a payer who is sentenced to
26 imprisonment after the effective date of the amendatory act that
27 added this section.