

MILITARY SERVICE: CHILD SUPPORT

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Senate Bill 1128

Sponsor: Sen. Valde Garcia

House Committee: Family and Children Services

Senate Committee: Families and Human Services

Complete to 9-5-06

A SUMMARY OF SENATE BILL 1128 AS PASSED BY THE SENATE 5-10-06

The bill would amend the Support and Parenting Time Enforcement Act to allow a temporary modification of a child support order if a payer were called into emergency military service that reduced his or her income.

(A "payer" is a person ordered by the circuit court to pay child support. "Emergency military service" refers to a member of a Reserve Unit or National Guard Unit called into active military duty for more than 30 days.)

Under the bill, a payer who is called into emergency military service could submit to the Office of the Friend of the Court a written request for a military service adjustment of a support obligation along with information showing all military and civilian pay. A military adjustment would be made based on the relationship between the person's income during military service and income on which support was ordered.

A payer would not be eligible for a military service adjustment before the date the Friend of the Court received the request. If the payer requested an adjustment on or before 56 days from the date he or she was called to emergency military service, however, the adjustment would have to take effect on the date emergency military service began. The adjustment would continue until 35 days after the service ended.

Upon receiving a request for a military service adjustment, the Friend of the Court would calculate the adjustment and notify all parties of the following: the amount of the adjustment; that they could object to the adjustment within 21 days; and the place and manner for filing objections.

If a party objected to the adjustment, the adjustment would have to continue until the objection was resolved. The Friend of the Court would have to do one or more of the following: set a hearing before a judge or referee to determine whether the adjustment should be modified or set aside; schedule a meeting between the parties to attempt to resolve the dispute; or conduct a support review, in which case the notice of adjustment would have to be treated as a petition for modification of support for determining an effective date for the modification.

The hearing, meeting, or review would be held when the payer returned from emergency military service.

MCL 552.615

FISCAL IMPACT:

The bill would have no direct fiscal impact on the state or local units of government.

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