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BILL ANALYSIS

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Senate Bill 1128 (Substitute S-2 as reported)  
Sponsor: Senator Valde Garcia  
Committee: Families and Human Services

### **CONTENT**

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. ("Emergency military service" would mean that the payer was a member of a reserve or National Guard unit called into active military duty for a period of more than 30 days.)

Specifically, if a payer (i.e., a person ordered by the circuit court to pay child support) were called to emergency military service, he or she could submit to the Friend of the Court a written request for a military service adjustment of his or her support obligation, along with information showing all military and civilian pay. An adjustment would have to be proportional to the payer's reduction in income.

As a rule, a payer would not be eligible for a military service adjustment before the date the Friend of the Court received the request. If a 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 beginning on the date he or she entered emergency military service. The adjustment would continue until 35 days after the emergency service ended.

Upon receiving a request for a military service adjustment, the Friend of the Court would have to 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 an adjustment, the adjustment would have to continue until his or her objection was resolved. The Friend of the Court would have to schedule a hearing before a judge or referee to determine whether the support should be modified or set aside; schedule a meeting between the parties to resolve the dispute; or conduct a support review upon the payer's return from emergency military service.

Proposed MCL 552.615a

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 5-3-06

Fiscal Analyst: Stephanie Yu

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Analysis available @ <http://www.michiganlegislature.org>

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