

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1128

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
(MCL 552.601 to 552.650) by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 15A. (1) IF A PAYER IS CALLED TO EMERGENCY MILITARY
2 SERVICE, THAT PAYER MAY REQUEST A MILITARY SERVICE ADJUSTMENT ON
3 HIS OR HER SUPPORT OBLIGATION BY PROVIDING A WRITTEN REQUEST TO THE
4 OFFICE OF THE FRIEND OF THE COURT ALONG WITH INFORMATION SHOWING
5 ALL MILITARY AND CIVILIAN PAY. A MILITARY SERVICE ADJUSTMENT SHALL
6 BE MADE BY MULTIPLYING THE PAYER'S CHILD SUPPORT BY A FRACTION, THE
7 NUMERATOR OF WHICH IS THE PAYER'S INCOME DURING EMERGENCY MILITARY
8 SERVICE AND THE DENOMINATOR OF WHICH IS THE PAYER'S INCOME UPON
9 WHICH THE SUPPORT WAS ORDERED.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A PAYER
2 IS NOT ELIGIBLE FOR A MILITARY SERVICE ADJUSTMENT BEFORE THE DATE
3 THE FRIEND OF THE COURT RECEIVES THE REQUEST FOR THE MILITARY
4 SERVICE ADJUSTMENT. IF THE PAYER REQUESTS A MILITARY SERVICE
5 ADJUSTMENT ON OR BEFORE 56 DAYS FROM THE DATE THE PAYER IS CALLED
6 TO EMERGENCY MILITARY SERVICE, THE FRIEND OF THE COURT SHALL MAKE
7 THE MILITARY SERVICE ADJUSTMENT EFFECTIVE BEGINNING ON THE DATE OF
8 THE COMMENCEMENT OF EMERGENCY MILITARY SERVICE.

9 (3) IF THE FRIEND OF THE COURT RECEIVES A REQUEST FOR A
10 MILITARY SERVICE ADJUSTMENT UNDER SUBSECTION (1), THE FRIEND OF THE
11 COURT SHALL CALCULATE THE ADJUSTMENT AS PROVIDED UNDER THIS SECTION
12 AND SHALL NOTIFY ALL PARTIES OF THE AMOUNT OF THE ADJUSTMENT, THAT
13 THEY MAY OBJECT TO THE ADJUSTMENT WITHIN 21 DAYS, AND OF THE PLACE
14 AND MANNER FOR FILING OBJECTIONS.

15 (4) IF A PARTY OBJECTS TO A MILITARY SERVICE ADJUSTMENT UNDER
16 THIS SECTION, THE MILITARY SERVICE ADJUSTMENT SHALL CONTINUE UNTIL
17 A PARTY'S OBJECTION IS RESOLVED UNDER SUBSECTION (5) OR UNTIL 35
18 DAYS AFTER THE PAYER'S EMERGENCY MILITARY SERVICE ENDS, WHICHEVER
19 IS SOONER.

20 (5) IF A PARTY OBJECTS TO A MILITARY SERVICE ADJUSTMENT UNDER
21 THIS SECTION, THE FRIEND OF THE COURT SHALL SET A HEARING TO BE
22 HELD BEFORE A JUDGE OR REFEREE TO DETERMINE WHETHER THE MILITARY
23 SERVICE ADJUSTMENT SHOULD BE MODIFIED OR SET ASIDE. THE HEARING
24 SHALL BE HELD AS SOON AS POSSIBLE, AND THE COURT MAY PERMIT THE
25 PAYER TO APPEAR AT THE HEARING BY ANY MEANS AUTHORIZED BY SUPREME
26 COURT RULES. IF THE COURT CANNOT HOLD THE HEARING DURING THE
27 PAYER'S EMERGENCY MILITARY SERVICE, THE COURT SHALL DO 1 OF THE

1 FOLLOWING:

2 (A) HOLD THE HEARING NO LATER THAN 35 DAYS AFTER THE PAYER'S
3 EMERGENCY MILITARY SERVICE ENDS.

4 (B) CONDUCT A SUPPORT REVIEW UPON A PAYER'S RETURN FROM
5 EMERGENCY MILITARY SERVICE. IF A SUPPORT REVIEW IS CONDUCTED, THE
6 NOTICE OF ADJUSTMENT SHALL BE TREATED AS A PETITION FOR
7 MODIFICATION OF SUPPORT FOR DETERMINING AN EFFECTIVE DATE FOR THE
8 MODIFICATION.

9 (C) SCHEDULE A MEETING BETWEEN THE PARTIES TO BE HELD UPON THE
10 PAYER'S RETURN FROM EMERGENCY MILITARY SERVICE TO ATTEMPT TO
11 RESOLVE THE DISPUTE OVER WHETHER THE ADJUSTMENT SHOULD BE SET ASIDE
12 OR MODIFIED.

13 (6) AS USED IN THIS SECTION, "EMERGENCY MILITARY SERVICE"
14 MEANS THAT THE PAYER IS A MEMBER OF THE ARMED FORCES RESERVES OR
15 NATIONAL GUARD, CALLED INTO ACTIVE MILITARY DUTY FOR A PERIOD OF
16 MORE THAN 30 DAYS.