

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.

10 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A PAYER

1 IS NOT ELIGIBLE FOR A MILITARY SERVICE ADJUSTMENT BEFORE THE DATE
2 THE FRIEND OF THE COURT RECEIVES THE REQUEST FOR THE MILITARY
3 SERVICE ADJUSTMENT. IF THE PAYER REQUESTS A MILITARY SERVICE
4 ADJUSTMENT ON OR BEFORE 56 DAYS FROM THE DATE THE PAYER IS CALLED
5 TO EMERGENCY MILITARY SERVICE, THE FRIEND OF THE COURT SHALL MAKE
6 THE MILITARY SERVICE ADJUSTMENT EFFECTIVE BEGINNING ON THE DATE OF
7 THE COMMENCEMENT OF EMERGENCY MILITARY SERVICE. THE ADJUSTMENT
8 SHALL CONTINUE UNTIL 35 DAYS AFTER THE PAYER'S EMERGENCY MILITARY
9 SERVICE ENDS.

10 (3) UPON RECEIPT OF A REQUEST FOR A MILITARY SERVICE
11 ADJUSTMENT, THE FRIEND OF THE COURT SHALL CALCULATE THE ADJUSTMENT
12 AS PROVIDED UNDER THIS SECTION AND SHALL NOTIFY ALL PARTIES OF THE
13 AMOUNT OF THE ADJUSTMENT, THAT THEY MAY OBJECT TO THE ADJUSTMENT
14 WITHIN 21 DAYS, AND THE PLACE AND MANNER FOR FILING OBJECTIONS. IF
15 A PARTY OBJECTS TO THE ADJUSTMENT, THE FRIEND OF THE COURT SHALL DO
16 1 OR MORE OF THE FOLLOWING:

17 (A) SET A HEARING TO BE HELD UPON THE PAYER'S RETURN FROM
18 EMERGENCY MILITARY SERVICE BEFORE A JUDGE OR REFEREE TO DETERMINE
19 WHETHER THE ADJUSTMENT SHOULD BE MODIFIED OR SET ASIDE.

20 (B) SCHEDULE A MEETING BETWEEN THE PARTIES TO BE HELD UPON THE
21 PAYER'S RETURN FROM EMERGENCY MILITARY SERVICE TO ATTEMPT TO
22 RESOLVE THE DISPUTE OVER WHETHER THE ADJUSTMENT SHOULD BE SET ASIDE
23 OR MODIFIED.

24 (C) CONDUCT A SUPPORT REVIEW UPON A PAYER'S RETURN FROM
25 EMERGENCY MILITARY SERVICE. IF A SUPPORT REVIEW IS CONDUCTED, THE
26 NOTICE OF ADJUSTMENT SHALL BE TREATED AS A PETITION FOR
27 MODIFICATION OF SUPPORT FOR DETERMINING AN EFFECTIVE DATE FOR THE

1 MODIFICATION.

2 (4) IF A PARTY OBJECTS TO A MILITARY SERVICE ADJUSTMENT UNDER
3 SUBSECTION (3), THE ADJUSTMENT SHALL CONTINUE UNTIL A PARTY'S
4 OBJECTION IS RESOLVED.

5 (5) AS USED IN THIS SECTION, "EMERGENCY MILITARY SERVICE"
6 MEANS THAT THE PAYER IS A MEMBER OF A RESERVE UNIT OR NATIONAL
7 GUARD UNIT CALLED INTO ACTIVE MILITARY DUTY FOR A PERIOD OF MORE
8 THAN 30 DAYS.