

HOUSE BILL No. 6698

November 30, 2006, Introduced by Reps. Lipsey and Bieda and referred to the Committee on Judiciary.

A bill to create a child support formula commission; and to provide for its powers and duties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "child
2 support formula commission act".

3 Sec. 2. As used in this act:

4 (a) "Automatic annual changes" means regular adjustments in
5 the cost of living and the federal poverty guidelines.

6 (b) "Commission" means the child support formula commission
7 created in section 3.

8 Sec. 3. (1) The child support formula commission is created
9 within the department of human services.

10 (2) The commission shall consist of the following members:

11 (a) Seven voting members appointed by the governor as follows:

1 (i) One individual chosen from a list submitted by the office
2 of child support.

3 (ii) One individual chosen from a list submitted by the state
4 court administrative office.

5 (iii) One individual chosen from a list submitted by the
6 Michigan friend of the court association.

7 (iv) One individual chosen from a list submitted by the
8 prosecuting attorneys association of Michigan.

9 (v) One judge or referee chosen from a list submitted by the
10 Michigan judges association and the referees association of
11 Michigan.

12 (vi) One family law practitioner chosen from a list submitted
13 by the family law section of the state bar of Michigan.

14 (vii) One individual chosen from the general public.

15 (b) Eleven nonvoting members appointed by the governor as
16 follows:

17 (i) Two custodial party advocates, consisting of 1 individual
18 chosen from a list submitted jointly by the Michigan friend of the
19 court association and the family law council of the state bar of
20 Michigan and 1 individual who is a custodial parent.

21 (ii) Two noncustodial party advocates, consisting of 1
22 individual chosen from a list submitted jointly by the Michigan
23 friend of the court association and the family law council of the
24 state bar of Michigan and 1 individual who is a noncustodial
25 parent.

26 (iii) One advocate for children from the children's ombudsman
27 office.

1 (iv) One individual chosen from a list submitted by the office
2 of child support.

3 (v) One individual chosen from a list submitted by the state
4 court administrative office.

5 (vi) One individual chosen from a list submitted by the
6 Michigan friend of the court association.

7 (vii) One individual chosen from a list submitted by the
8 prosecuting attorneys association of Michigan.

9 (viii) One referee chosen from a list submitted by the referees
10 association of Michigan.

11 (ix) One family law practitioner chosen from a list submitted
12 by the family law section of the state bar of Michigan.

13 (3) The members first appointed to the commission shall be
14 appointed within 60 days after the effective date of this act.

15 (4) Members of the commission shall serve for terms of 4 years
16 or until a successor is appointed, whichever is later.

17 (5) If a vacancy occurs on the commission, the governor shall
18 make an appointment for the unexpired term in the same manner as
19 the original appointment.

20 (6) The governor may remove a member of the commission for
21 incompetency, dereliction of duty, malfeasance, misfeasance, or
22 nonfeasance in office, or any other good cause.

23 (7) The first meeting of the commission shall be called by the
24 director of the department of human services. At the first meeting,
25 the voting members of the commission shall elect from among their
26 members a chairperson and other officers as they consider necessary
27 or appropriate. After the first meeting, the commission shall meet

1 at least quarterly, or more frequently at the call of the
2 chairperson.

3 (8) A majority of the members of the commission constitute a
4 quorum for the transaction of business at a meeting of the
5 commission. A majority of the members present and serving are
6 required for official action of the commission.

7 (9) The business that the commission may perform shall be
8 conducted at a public meeting of the commission held in compliance
9 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

10 (10) A writing prepared, owned, used, in the possession of, or
11 retained by the commission in the performance of an official
12 function is subject to the freedom of information act, 1976 PA 442,
13 MCL 15.231 to 15.246.

14 (11) Members of the commission shall serve without
15 compensation. However, members of the commission may be reimbursed
16 for their actual and necessary expenses incurred in the performance
17 of their official duties as members of the commission.

18 Sec. 4. (1) The commission shall do all of the following:

19 (a) Adopt bylaws and rules to govern the operation of the
20 commission.

21 (b) Adopt the child support formula created by the friend of
22 the court bureau that is in effect on the effective date of this
23 act.

24 (c) Review the child support formula as required by federal
25 law and make any necessary revisions. The formula shall be used in
26 establishing and modifying a child support amount and health care
27 obligation and shall be based upon the needs of the child and the

1 actual resources of each parent. The formula shall establish a
2 minimum threshold for modification of a child support amount. The
3 formula shall consider the child care and dependent health care
4 coverage costs of each parent. The formula shall include guidelines
5 for setting and administratively adjusting the amount of periodic
6 payments for overdue support, including guidelines for adjustment
7 of arrearage payment schedules when the current support obligation
8 for a child terminates and the payer owes overdue support. The
9 formula shall be subject to any automatic annual changes.

10 (d) Hold public hearings on any recommended changes to the
11 formula in the following 4 geographical regions of the state:

12 (i) The Upper Peninsula.

13 (ii) That portion of the Lower Peninsula consisting of Oceana,
14 Newaygo, Mecosta, Isabella, Midland, and Bay counties and the area
15 north of those counties.

16 (iii) That portion of the Lower Peninsula consisting of Huron,
17 Tuscola, Saginaw, Shiawassee, Livingston, Washtenaw, and Lenawee
18 counties and the area south and east of those counties.

19 (iv) That portion of the Lower Peninsula consisting of
20 Hillsdale, Jackson, Ingham, Clinton, Gratiot, Montcalm, Kent, and
21 Muskegon counties and the area south and west of those counties.

22 (e) Accept written public comment on the proposed changes to
23 the formula for 10 days following the public hearings.

24 (f) Distribute printed copies of the formula to all Michigan
25 judges, friends of the court, prosecutors, referees, and depository
26 libraries in this state.

27 (g) Maintain a website providing public access to the child

1 support formula.

2 (h) Promulgate rules necessary to carry out the provisions of
3 this act pursuant to the administrative procedures act of 1969,
4 1969 PA 306, MCL 24.201 to 24.328.

5 (2) The commission may do 1 or more of the following:

6 (a) Consider changes to the formula any time that it
7 determines that a special circumstance exists.

8 (b) Consider issues relevant to the fair and just application
9 of the formula, including, but not limited to, a study of court
10 ordered deviations, a review of public comments received
11 immediately prior to initiation of the review process, the effect
12 of income differential on the application of the formula, potential
13 adjustments to the formula for differences in custodial
14 arrangements, and the effect of the existing tax code.

15 (c) Preserve any portion of the formula not subject to
16 automatic annual change.

17 Enacting section 1. This act does not take effect unless
18 Senate Bill No.____ or House Bill No. 6699(request no. 03402'05 a)
19 of the 93rd Legislature is enacted into law.