

Act No. 485  
Public Acts of 2006  
Approved by the Governor  
December 28, 2006  
Filed with the Secretary of State  
December 29, 2006  
EFFECTIVE DATE: December 29, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

Introduced by Senators Garcia, Jacobs, Jelinek, Goschka, Toy and Kuipers

# **ENROLLED SENATE BILL No. 1128**

AN ACT to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," (MCL 552.601 to 552.650) by adding section 15a.

*The People of the State of Michigan enact:*

Sec. 15a. (1) If a payer is called to emergency military service, that payer may request a military service adjustment on his or her support obligation by providing a written request to the office of the friend of the court along with information showing all military and civilian pay. A military service adjustment shall be made by multiplying the payer's child support by a fraction, the numerator of which is the payer's income during emergency military service and the denominator of which is the payer's income upon which the support was ordered.

(2) Except as otherwise provided in this subsection, a payer is not eligible for a military service adjustment before the date the friend of the court receives the request for the military service adjustment. If the payer requests a military service adjustment on or before 56 days from the date the payer is called to emergency military service, the friend of the court shall make the military service adjustment effective beginning on the date of the commencement of emergency military service.

(3) If the friend of the court receives a request for a military service adjustment under subsection (1), the friend of the court shall calculate the adjustment as provided under this section and shall notify all parties of the amount of the adjustment, that they may object to the adjustment within 21 days, and of the place and manner for filing objections.

(4) If a party objects to a military service adjustment under this section, the military service adjustment shall continue until a party's objection is resolved under subsection (5) or until 35 days after the payer's emergency military service ends, whichever is sooner.

(5) If a party objects to a military service adjustment under this section, the friend of the court shall set a hearing to be held before a judge or referee to determine whether the military service adjustment should be modified or set aside. The hearing shall be held as soon as possible, and the court may permit the payer to appear at the hearing by any means authorized by supreme court rules. If the court cannot hold the hearing during the payer's emergency military service, the court shall do 1 of the following:

(a) Hold the hearing no later than 35 days after the payer's emergency military service ends.

(b) Conduct a support review upon a payer's return from emergency military service. If a support review is conducted, the notice of adjustment shall be treated as a petition for modification of support for determining an effective date for the modification.

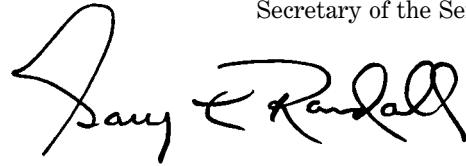
(c) Schedule a meeting between the parties to be held upon the payer's return from emergency military service to attempt to resolve the dispute over whether the adjustment should be set aside or modified.

(6) As used in this section, "emergency military service" means that the payer is a member of the armed forces reserves or national guard, called into active military duty for a period of more than 30 days.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor