

Legislative Analysis



SPOUSAL SUPPORT, CHILD SUPPORT, SUPPORT ORDER VIOLATIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5503

Sponsor: Rep. Kenneth Kurtz

Committee: Families and Children's Services

Complete to 10-13-09

A SUMMARY OF HOUSE BILL 5503 AS INTRODUCED 10-08-09

House Bill 5503 is part of a package of bills dealing with the Friend of the Court System and child support programs. It amends the Michigan Vehicle Code, and is a companion bill to Senate Bill 100, which amends the Support and Parenting Time Enforcement Act.

House Bill 5503 would amend the Michigan Vehicle Code to do all of the following:

- Require the Secretary of State to suspend a payer's license immediately upon notice from a Friend of the Court office that the payer had failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice.
- Require a suspension order to remain in effect until the person obtained a certificate from the Friend of the Court showing that he or she is complying with the custody, parenting time, or support order, had paid the circuit court clerk a \$45 driver license clearance fee, and (as currently required) paid the license reinstatement fee.
- Require the circuit court clerk to transmit, for each driver license clearance fee, \$15 to the Secretary of State, to defray the cost of processing license suspensions and reinstatements, and \$30 to the county treasurer, to be deposited in the county Friend of the Court fund.

The bill is tie-barred to Senate Bill 100 which, in brief, amends the Support and Parenting Time Enforcement Act to:

- Revise requirements for a support payer or payee to provide information to the Friend of the Court, and allow the court to impose a fee for failure to comply with the requirements.
- Permit the court to add a surcharge to past due amounts if a payer willfully failed to pay support, and delete provisions under which a surcharge must be added or may not be assessed.
- Require the amount withheld from a payer's income to include any costs, fines, and sanctions.
- Revise the limit on the maximum amount of income withholding.

- Require the friend of the court to notify the Secretary of State (SOS) if a payer failed to request or attend a license suspension hearing, and require the SOS to suspend the payer's driver license; and otherwise revise provisions concerning license suspension.
- Permit the court, in a civil contempt hearing for violation of a support order, to order the payer's vehicle rendered temporarily inoperable.
- Permit the court, in a civil contempt hearing for violation of a support order or parenting time order, to require the payer or parent to participate in certain counseling programs or other activities under the supervision of the FOC, and to commit the person to jail (as currently provided) or an alternative to jail.
- Require support to be assigned to the funding county if a child for whom support was payable were placed in county-funded foster care.

For additional information on Senate Bill 100, see the analysis of the Senate Fiscal Agency dated 3-11-09

FISCAL IMPACT:

House Bill 5503 would have a neutral, if not positive, fiscal impact on the Secretary of State. The bill would allow for the collection of a \$45 driver license clearance fee, in addition to the \$85 driver license reinstatement fee, from those persons having their license revoked under MCL 257.321c. Of the \$45, \$15 would go to the Secretary of State for deposit into the state General Fund to defray the expenses of the Secretary of State in processing the suspension and reinstatement of driver licenses. The remaining \$30 will go to the treasurer of the county for deposit in the county Friend of the Court Fund created in MCL 600.2530.

SB 100 would have an indeterminate fiscal impact on state and local government. The bill would allow for the imposition of a fee for failure to comply with support order requirements, which would be deposited in the Friend of the Court Fund. Administrative savings would likely be realized by changing the driver license suspension process. By directing support payments for children in county-supervised foster care directly to the county, there would likely be a reduction in local and State Child Care Fund expenditures.

Legislative Analyst: E. Best
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.