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Senate Bills 99, 101, and 103 through 107 (as reported without amendment)

Sponsor: Senator Mark C. Jansen (S.B. 99, 101 & 104)

Senator Valde Garcia (S.B. 103)

Senator Martha G. Scott (S.B. 105)

Senator Gilda Z. Jacobs (S.B. 106)

Senator Bill Hardiman (S.B. 107)

Committee: Families and Human Services

CONTENT

Senate Bill 99 would amend the Friend of the Court (FOC) Act to do the following:

- Allow the court, if custody had been established, to order an investigation only if proper cause had been shown or there had been a substantial change of circumstances.
- Permit the FOC, if it conducted a child custody and/or parenting time investigation, to charge the parties an amount that did not exceed its actual expenses for conducting the investigation and making its report and recommendation.
- Require the FOC to provide "alternative dispute resolution", rather than "domestic relations mediation", to assist the parties in settling a child custody or parenting time dispute.
- Require a person conducting alternative dispute resolution to have qualifications prescribed by the State Court Administrative Office.
- Provide that the FOC would not have any duty related to spousal support unless the support was ordered before April 1, 2009, or it was to be paid to a party who received services under Title IV-D of the Social Security Act for the enforcement of a child support order.

Senate Bill 101 would amend the Child Custody Act to refer to alternative dispute resolution, rather than domestic relations mediation, in provisions regarding a motion for grandparenting time.

Senate Bill 103 would amend the Revised Judicature Act (RJA) to do the following:

- Remove a requirement that \$10 of the fees paid in custody, support, and parenting time cases be deposited in the Child Support Bench Warrant Enforcement Fund.
- Increase from \$1.50 to \$3.50 the monthly fee for services that are not reimbursable under Title IV-D of the Social Security Act (dealing with child support and paternity), and allocate the additional \$2 to the county general fund.
- Specify the party responsible for paying certain fees in a proceeding in the circuit court.
- Specify that certain provisions regarding record retention would apply only to records filed with the court and maintained by the court clerk or register.

Senate Bill 104 would amend the Office of Child Support Act to require the Office of Child Support to do the following:

- Coordinate, through the FOC Bureau, the provision of Title IV-D services by FOC offices.
- Determine a method to calculate the maximum obligation for reimbursement of medical expenses in connection with a mother's pregnancy and the birth of a child.

The bill also would repeal a section of the Act that creates the Child Support Bench Warrant Enforcement Fund.

Senate Bill 105 would amend the divorce Act to delete a provision under which a person ordered to pay spousal or child support must pay a \$2 monthly service fee, which is credited to the county general fund.

Senate Bill 106 would amend the Paternity Act to do the following:

- Provide that the parents of a child born out of wedlock are liable for the medical expenses connected to the mother's pregnancy and the birth of the child.
- Revise the requirements for apportioning the cost of those expenses between the parents in a paternity action.

The bill also would repeal a section of the act that requires the court to order a person ordered to pay support, to pay a \$2 monthly service fee, which is credited to the county general fund.

Senate Bill 107 would amend the Family Support Act to do the following:

- Permit a support order to include expenses of health care, child care, and education, expenses connected with the mother's pregnancy or the birth of the child, and the expense of genetic testing.
- Prohibit a child support order from being retroactive before the date that the complaint for support was filed, except under certain circumstances.
- Provide for the abatement of any remaining unpaid pregnancy and birth expenses if the father married the mother after the birth of the child or if the father and mother were married at the time of the child's birth or conception and reconciled on terms the court considered appropriate.

The bill also would repeal a section of the Act that requires the court to order a person ordered to pay support, to pay a monthly fee of \$2, which is credited to the county general fund.

The FOC Act, the RJA, the divorce Act, the Paternity Act, and the Family Support Act all require the Department of Human Services, the State Disbursement Unit (SDU), and each FOC office to cooperate in the transition to the centralized receipt and disbursement of support and fees. An FOC office must continue to receive support and fees through the transition, based on the schedule developed under the Office of Child Support Act. Senate Bills 99, 103, 105, 106, and 107 each would remove the reference to the transition in the respective Act, and state that the SDU would be responsible for the centralized receipt and disbursement of support. An FOC office could continue to receive support and fees.

Senate Bills 99 and 101 are tie-barred to one another, as are Senate Bills 99 and 104. Senate Bills 105, 106, and 107 all are tie-barred to Senate Bill 103. In addition, Senate Bills 106 and 107 are tie-barred to Senate Bill 104, and Senate Bill 107 is tie-barred to Senate Bill 106.

MCL 552.502 et al. (S.B. 99)
722.27b (S.B. 101)
600.2137 et al. (S.B. 103)
400.233 & 400.233a (S.B. 104)
552.23 & 552.24 (S.B. 105)
722.712 et al. (S.B. 106)
552.451 et al. (S.B. 107)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bill 99: Indeterminate revenue increases would result from the provision allowing the Friend of the Court to charge parties for actual costs of investigations and reports regarding child custody and parenting time.

Replacing domestic relations mediation with alternative dispute resolution would allow more individuals to take advantage of dispute resolutions.

Senate Bill 101: The bill would have no fiscal impact on State or local government.

Senate Bill 103: The \$10 allocated to the Child Support Bench Warrant Enforcement Fund annually generates approximately \$360,000 to \$380,000. While up to 10% of the Fund may be used to administer the Fund, annual revenue has been allocated to counties. Eliminating the separate Child Support Bench Warrant Enforcement Fund allocation would streamline the collection of revenue and result in administrative savings.

The bill also would increase the monthly service fee from \$1.50 to \$3.50 and offset the elimination of the \$2 fee allocated to counties under the divorce Act, the Family Support Act, and the Paternity Act.

Senate Bill 104: Currently, the Office of Child Support in the Department of Human Services is the designated Title IV-D agency in the State of Michigan. Language in Senate Bill 104 would require the Office of Child Support and the State Court Administrative Office to contract with the Friend of the Court to provide Title IV-D services. To the extent that this requirement would lead to a change in how services are provided, the bill could result in a short-run increase in administrative cost to the Department of Human Services associated with identifying new processes for contracting for these Title IV-D services.

Senate Bill 105: Revenue from the service fee imposed under the divorce Act would continue to be available to counties through a \$2 increase in a service fee under the Revised Judicature Act proposed in Senate Bill 103, which is tie-barred to this legislation. Senate Bill 105 would have no fiscal impact on State or local government.

Senate Bill 106 likely would increase the financial contribution from noncustodial parents for medical expenses. Increases in collected funding from noncustodial parents for medical expenses could reduce State expenditure for Medicaid through increased reimbursement from fathers for medical services already provided to eligible children and through other assistance programs, by increasing financial resources available to custodial parents.

Senate Bill 107 would make provisions in the Family Support Act consistent with the Paternity Act and therefore would have no fiscal impact.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.