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Senate Bill 100 (as reported by the Committee of the Whole)  
Senate Bill 102 (as reported without amendment)  
Sponsor: Senator Mark C. Jansen (S.B. 100)  
Senator Valde Garcia (S.B. 102)  
Committee: Families and Human Services

### **CONTENT**

Senate Bill 100 would amend the Support and Parenting Time Enforcement Act to do the following:

- Revise requirements for a support payer or payee to provide information to the Friend of the Court (FOC), 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 FOC 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.

The provisions relating to the surcharge on past due amounts would take effect December 31, 2009. The provisions regarding the maximum amount of income withholding would take effect 90 days after the bill was enacted.

Senate Bill 102 would amend the Michigan Vehicle Code to do the following:

- Require the Secretary of State to suspend a payer's license immediately upon notice from an FOC office that the payer had failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice.
- Provide that a suspension order would remain in effect until the person obtained a certificate from the FOC showing that he or she was complying with the custody, parenting time, or support order, 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 SOS, to defray the cost of processing license suspensions and reinstatements, and \$30 to the county treasurer, to be deposited in the county FOC fund.

The bills are tie-barred to each other.

MCL 552.602 et al. (S.B. 100)  
257.321c (S.B. 102)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

Senate Bill 100 would lead to an indeterminate reduction in local and State Child Care Fund expenditure by requiring that support payments for children in county-supervised foster care be assigned to the funding county.

The proposed fee for failure to comply with information requirements would result in additional revenue. Changes to the driver license suspension process would result in administrative savings.

Senate Bill 102 would require a person who had his or her driver license suspended under the Support and Parenting Time Enforcement Act to pay a driver license clearance fee of \$45. The proposed fee would be in addition to the current \$85 license reinstatement fee, which the Secretary of State receives for costs associated with suspending a license and removing a suspension. Of the proposed additional \$45 fee, the SOS would receive \$15 to help with the costs associated with suspensions and removal of suspensions. In FY 2006-07, there were 2,115 transactions involving the reinstatement of driver licenses related to child support. Assuming that an estimated 2,100 cases are reinstated each year, the additional revenue to the SOS from the proposed driver license clearance fee would be an estimated \$31,500 annually.

The bill would have no fiscal impact on local government.

Date Completed: 2-5-09

Fiscal Analyst: Joe Carrasco  
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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.