

SENATE BILL No. 526

September 19, 2013, Introduced by Senators CASWELL and COLBECK and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 5d (MCL 552.605d), as amended by 2009 PA 193.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5d. (1) On and after June 1, 2003, each support order the
2 court enters or modifies shall include substantially the following
3 provisions:

4 (a) If a child for whom support is payable under the order is
5 under the state's jurisdiction and is placed in foster care, that
6 support payable under the order is assigned to the department.

7 (b) If a child for whom support is payable under the order is
8 under court jurisdiction and is placed in county-funded foster
9 care, that support payable under the order is assigned to the
10 funding county.

1 (c) For a friend of the court case, substantially the
2 following statements:

3 (i) "The office of the friend of the court may consider the
4 person ~~legally responsible for~~ **WHO IS PROVIDING** the actual care,
5 support, and maintenance of a child for whom support is ordered as
6 the recipient of support for the child and may redirect support
7 paid for that child to that recipient of support, subject to the
8 procedures prescribed in section 5d of the support and parenting
9 time enforcement act, 1982 PA 295, MCL 552.605d."

10 (ii) "If the payer resides full-time with a child for whom
11 support is payable under this order, support for that child abates
12 in accordance with policies established by the state friend of the
13 court bureau and subject to the procedures prescribed in section 5d
14 of the support and parenting time enforcement act, 1982 PA 295, MCL
15 552.605d."

16 (2) In a friend of the court case, a support order that was
17 entered before June 1, 2003 ~~shall be~~ **IS** considered to include, by
18 operation of law, the provisions stated in subsection (1).

19 (3) If a child for whom support is payable under a support
20 order is under the state's jurisdiction and is placed in foster
21 care, support payable under the order is assigned to the
22 department. If the child is placed in county-funded foster care,
23 the support payable under the order is assigned to the funding
24 county. An assignment of support ~~to the department~~ as required by
25 this subsection has priority over a redirection of support
26 authorized by this section.

27 (4) Subject to subsection (5), for a friend of the court case,

1 the office of the friend of the court may consider the person
2 ~~legally responsible for~~ **WHO IS PROVIDING** the actual care, support,
3 and maintenance of a child for whom support is ordered as the
4 recipient of support for the child and may redirect support paid
5 for that child to that recipient of support. Subject to subsection
6 (5), the office of the friend of the court shall abate support
7 under a support order that is payable as support for a child who
8 resides full-time with the payer, in accordance with policies
9 established by the state friend of the court bureau.

10 (5) A party to a support order may object to redirection or
11 abatement of support under this section. Support shall not be
12 redirected or abated under this section until 21 days after the
13 office of the friend of the court notifies each party of the
14 proposed action, ~~advising the party of the~~ **AND EACH PARTY'S** right
15 to object. If a party objects within 21 days after the
16 notification, support shall not be redirected or abated under this
17 section. After an objection, the office of the friend of the court
18 shall review the support order under section 17 of the friend of
19 the court act, ~~MCL 522.517~~ **552.517**, or shall notify each party that
20 the party may file a motion to modify support.

21 (6) The state friend of the court bureau may implement
22 policies to assist offices of the friend of the court in
23 determining when an office of the friend of the court should give
24 notice of a proposed redirection or abatement of support under this
25 section.