



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1090 (Substitute S-1 as reported)  
Senate Bill 1091 (Substitute S-1 as reported)  
Sponsor: Senator John Bizon, M.D.  
Committee: Families, Seniors and Veterans

## **CONTENT**

Senate Bill 1090 (S-1) would amend the Support and Parenting Time Enforcement Act to do the following:

- Specify that if a child for whom support was payable under a support order was under court jurisdiction and placed in county-funded foster care the Department of Health and Human Services (DHHS) would be assigned the support.
- Require each support order the court entered or modified on and after one year after the bill's effective date to include statements specifying that if the payer will be incarcerated for 180 consecutive days or more and will not be able to pay support, the monthly amount of support payable under the order would have to be abated.
- Allow a party to a domestic relations matter for which there was not an open friend of the court (FOC) case to file a motion with the circuit court to request provisions proposed by Senate Bill 1091 apply when a payer would be incarcerated for 180 consecutive days or more with no ability to pay.

Senate Bill 1091 (S-1) would amend the Friend of the Court Act to do the following:

- Delete a provision that specifies incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than one year as a reasonable ground to review a support order following a change in financial conditions of a recipient or payer of the support order.
- Require the monthly amount of support payable under an order to be abated, effective the later of the bill's effective date or the date the payer became incarcerated for 180 consecutive days or more and did not have the ability to pay support.
- Require the FOC to send a notice of abatement to the payer and recipient of support that included the effective date of the abatement and reason to object.
- Specify that the payer and recipient of support would have 21 days to object to the notice of abatement based on mistake of fact or mistake of identity and prohibit the FOC from adjusting the records until after the 21 days.
- Require the FOC to conduct an administrative review after receiving an objection and, if it found a mistake of fact or mistake of identity, require the FOC to notify the payer and recipient of support of the administrative review determination and take action appropriate to the mistake.
- Specify that adjustments to the record could not exceed the payer's monthly amount of support and the past due support.
- When the payer was released from incarceration, require the monthly amount of support payable under a support order to remain until the order was modified.

- Allow the State Court Administrative Office (SCAO) under the direction of the Supreme Court to implement a policy to assist offices of the FOC in implementing the abatement of support.
- Require the Michigan Department of Corrections and any local unit of government operating a jail to identify payers who were or would be incarcerated for 180 consecutive days or more and certain other information.

The bills are tie-barred.

MCL 552.605d (S.B. 1090)  
552.517 et al. (S.B. 1091)

Legislative Analyst: Tyler VanHuyse

### **FISCAL IMPACT**

The bills would have no fiscal impact on the DHHS as current policies and procedures allow for modifications to child support orders. The bills generally would automate existing manual processes. To the extent that the proposed changes increased child support collections, the State could increase its share of Federal child support incentive payments.

The bills would have a minor, negative fiscal impact on circuit courts, FOC offices, and SCAO. The bills likely would increase slightly the volume of motion filings in child support matters. They also likely would increase the amount of administrative reviews the FOC conducts to an unknown degree. The bills would require SCAO to develop forms to accommodate the bill's requirements for related motion filings and actions required of the FOC. These requirements could increase administrative costs for circuit courts, FOC offices, and SCAO, but these increases likely would be minor and would be absorbed with existing resources.

Date Completed: 9-24-20

Fiscal Analyst: John Maxwell  
Michael Siracuse