

**SUBSTITUTE FOR
SENATE BILL NO. 1090**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 5d (MCL 552.605d), as amended by 2014 PA 380.

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~~**must** include substantially the
3 following 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



1 ~~funding county.~~**department.**

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

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

11 (ii) "If the payer resides full-time with a child for whom
12 support is payable under this order, support for that child abates
13 in accordance with policies established by the state friend of the
14 court bureau and subject to the procedures prescribed in section 5d
15 of the support and parenting time enforcement act, 1982 PA 295, MCL
16 552.605d.".

17 **(2) On and after 1 year after the effective date of the 2020**
18 **amendatory act that amended this section, each support order the**
19 **court enters or modifies must include substantially the following**
20 **statements: If the payer will be incarcerated for 180 consecutive**
21 **days or more and will not have the ability to pay support, the**
22 **monthly amount of support payable under the order must be abated,**
23 **by operation of law, subject to section 17f of the friend of the**
24 **court act, MCL 552.517f.**

25 **(3) ~~(2)~~**In a friend of the court case, a support order that
26 was entered before June 1, 2003 is considered to include, by
27 operation of law, the provisions stated in subsection (1).

28 **(4) A support order entered before 1 year after the effective**
29 **date of the 2020 amendatory act that amended this section is**



1 considered to include, by operation of law, the provisions stated
2 in subsection (2).

3 (5) A party to a domestic relations matter for which there is
4 not an open friend of the court case may file a motion with the
5 circuit court when a payer will be incarcerated for 180 consecutive
6 days or more with no ability to pay, to request that the provisions
7 of section 17f(1) of the friend of the court act, MCL 552.517f,
8 apply. When the payer is released from incarceration, a party may
9 file a motion with the circuit court to request that the provisions
10 of section 17f(9) of the friend of the court act, MCL 552.517f,
11 apply and that the order be modified.

12 (6) ~~(3)~~—If a child for whom support is payable under a support
13 order is under the state's jurisdiction and is placed in foster
14 care, support payable under the order is assigned to the
15 department. If the child is placed in county-funded foster care,
16 the support payable under the order is assigned to the ~~funding~~
17 ~~county.~~ **department.** An assignment of support as required by this
18 subsection has priority over a redirection of support authorized by
19 this section.

20 (7) ~~(4)~~—Subject to subsection ~~(5)~~, **(8)**, for a friend of the
21 court case, the office of the friend of the court may consider the
22 person who is providing the actual care, support, and maintenance
23 of a child for whom support is ordered as the recipient of support
24 for the child and may redirect support paid for that child to that
25 recipient of support. Subject to subsection ~~(5)~~, **(8)**, the office of
26 the friend of the court ~~shall~~ **must** abate support under a support
27 order that is payable as support for a child who resides full-time
28 with the payer, in accordance with policies established by the
29 state friend of the court bureau.



1 (8) ~~(5)~~—A party to a support order may object to redirection
2 or abatement of support under this section. Support shall not be
3 redirected or abated under this section until 21 days after the
4 office of the friend of the court notifies each party of the
5 proposed action and each party's right to object. If a party
6 objects within 21 days after the notification, support shall not be
7 redirected or abated under this section. After an objection, the
8 office of the friend of the court ~~shall~~**must** review the support
9 order under section 17 of the friend of the court act, MCL 552.517,
10 or ~~shall~~**must** notify each party that the party may file a motion to
11 modify support.

12 (9) ~~(6)~~—The state friend of the court bureau may implement
13 policies to assist offices of the friend of the court in
14 determining when an office of the friend of the court should give
15 notice of a proposed redirection or abatement of support under this
16 section.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 1091 of the 100th Legislature is enacted
19 into law.

