

Act No. 348
Public Acts of 2020
Approved by the Governor
December 30, 2020
Filed with the Secretary of State
December 30, 2020
EFFECTIVE DATE: March 24, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senator Bizon

ENROLLED SENATE BILL No. 1090

AN ACT to amend 1982 PA 295, entitled “An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 5d (MCL 552.605d), as amended by 2014 PA 380.

The People of the State of Michigan enact:

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

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

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

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

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

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

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

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

(4) A support order entered before 1 year after the effective date of the 2020 amendatory act that amended this section is considered to include, by operation of law, the provisions stated in subsection (2).

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

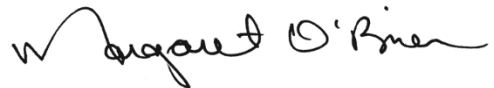
(6) If a child for whom support is payable under a support order is under the state's jurisdiction and is placed in foster care, support payable under the order is assigned to the department. If the child is placed in county-funded foster care, the support payable under the order is assigned to the department. An assignment of support as required by this subsection has priority over a redirection of support authorized by this section.

(7) Subject to subsection (8), for a friend of the court case, the office of the friend of the court may consider the person who is providing the actual care, support, and maintenance of a child for whom support is ordered as the recipient of support for the child and may redirect support paid for that child to that recipient of support. Subject to subsection (8), the office of the friend of the court must abate support under a support order that is payable as support for a child who resides full-time with the payer, in accordance with policies established by the state friend of the court bureau.

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

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

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



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor