



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4770 (Substitute S-1 as reported)
House Bill 4771 (Substitute S-3 as reported)
Sponsor: Representative Matthew Milosch (H.B. 4770)
Representative Susan Tabor (H.B. 4771)
House Committee: Judiciary
Senate Committee: Families and Human Services

CONTENT

House Bill 4770 (S-1) would amend the Office of Child Support Act to do the following:

- Create the "Child Support Bench Warrant Enforcement Fund".
- Require the Office of Child Support (OCS) to contract with law enforcement agencies to use the Fund to enforce bench warrants associated with child support.
- Require the OCS to make an annual report about the Fund to the House and Senate standing committees that consider child support issues, and the House and Senate Family Independence Agency Appropriations Subcommittees.
- Limit the amount of money used to administer the Fund to 10% of the annual money deposited into the Fund.
- Provide that money deposited in the Fund could not supplant other money appropriated by the State for OCS functions.

House Bill 4771 (S-3) would amend the Revised Judicature Act to do the following:

- Revise the court fees assessed in child custody actions, and provide for fees in support and parenting time actions, as shown in the following tables.
- Allocate \$10 of each fee to the proposed Child Support Bench Warrant Enforcement Fund, and the balance to the county treasurer for deposit into the county Friend of the Court Fund.
- Authorize the circuit court, in a final judgment, to order a party to pay a court fee that was waived or suspended.
- Require a fee to be waived if the person filing the action were a public officer acting in his or her official capacity.
- Provide that a motion fee could not be collected for a request for a hearing to contest income withholding.

Current Fees

<u>Type of Matter</u>	<u>Amount</u>
The matter was not submitted to domestic relations mediation or investigation.	\$30
The matter was submitted to domestic relations mediation.	\$50
The FOC conducted an investigation and made a recommendation to the court.	\$70

Proposed Fees

<u>Type of Action</u>	<u>Amount</u>
The custody or parenting time of minor children is determined.	\$80
The support of minor children is determined or modified (unless the \$80 fee is paid).*	\$40
*The court may order a party to reimburse the other party for all or part of the fee he or she paid.	

House Bill 4770 (S-1) is tie-barred to House Bill 4771. The bills would take effect on October 1, 2004.

MCL 400.233 (H.B. 4770)
600 2529 (H.B. 4771)

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

There are insufficient court data to estimate the amount of additional revenue that would be generated if the circuit court fees were applied to actions in which the support or parenting time of minor children is determined and if the fees in custody actions were changed as shown in the tables above. According to the State Court Administrator's Office (SCAO), based on past history of divorce cases in which the fee is already collected, the fees on those cases alone could generate approximately \$238,000 for the proposed Child Support Bench Warrant Enforcement Fund. It is harder to determine a revenue estimate, however, for fees on additional case types because of a lack of data for the number of overall cases as well as for potential assessment and collection rates. The SCAO believes that this provision of the bill potentially would increase overall revenue nominally and create further revenue for the proposed Fund. Exempting requests for a hearing to contest income withholding from motion fees should have no fiscal impact as it would reflect current practice.

Date Completed: 5-21-04

Fiscal Analyst: Bethany Wicksall

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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.