

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4742

A bill to make uniform the laws relating to support enforcement; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 1

GENERAL PROVISIONS

Sec. 101. This act shall be known and may be cited as the "uniform interstate family support act".

Sec. 102. As used in this act:

(a) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(b) "Child-support order" means a support order for a child,

1 including a child who has attained the age of majority under the
2 law of the issuing state or foreign country.

3 (c) "Convention" means the Convention on the International
4 Recovery of Child Support and Other Forms of Family Maintenance,
5 concluded at The Hague on November 23, 2007.

6 (d) "Duty of support" means an obligation imposed or imposable
7 by law to provide support for a child, spouse, or former spouse,
8 including an unsatisfied obligation to provide support.

9 (e) "Foreign country" means a country, including a political
10 subdivision thereof, other than the United States, that authorizes
11 the issuance of support orders and 1 or more of the following:

12 (i) That has been declared under the law of the United States
13 to be a foreign reciprocating country.

14 (ii) That has established a reciprocal arrangement for child
15 support with this state as provided in section 308.

16 (iii) That has enacted a law or established procedures for the
17 issuance and enforcement of support orders that are substantially
18 similar to the procedures under this act.

19 (iv) In which the Convention is in force with respect to the
20 United States.

21 (f) "Foreign support order" means a support order of a foreign
22 tribunal.

23 (g) "Foreign tribunal" means a court, administrative agency,
24 or quasi-judicial entity of a foreign country that is authorized to
25 establish, enforce, or modify support orders or to determine
26 parentage of a child. Foreign tribunal includes a competent
27 authority under the Convention.

1 (h) "Home state" means the state or foreign country in which a
2 child lived with a parent or a person acting as parent for at least
3 6 consecutive months immediately preceding the time of filing of a
4 petition or comparable pleading for support and, if a child is less
5 than 6 months old, the state or foreign country in which the child
6 lived from birth with any of them. A period of temporary absence of
7 any of them is counted as part of the 6-month or other period.

8 (i) "Income" includes earnings or other periodic entitlements
9 to money from any source and any other property subject to
10 withholding for support under the law of this state.

11 (j) "Income-withholding order" means an order or other legal
12 process directed to an obligor's employer or other debtor, as
13 defined by the support and parenting time enforcement act, 1982 PA
14 295, MCL 552.601 to 552.650, to withhold support from the income of
15 the obligor.

16 (k) "Initiating tribunal" means the tribunal of a state or
17 foreign country from which a petition or comparable pleading is
18 forwarded or in which a petition or comparable pleading is filed
19 for forwarding to another state or foreign country.

20 (l) "Issuing foreign country" means the foreign country in
21 which a tribunal issues a support order or a judgment determining
22 parentage of a child.

23 (m) "Issuing state" means the state in which a tribunal issues
24 a support order or a judgment determining parentage of a child.

25 (n) "Issuing tribunal" means the tribunal of a state or
26 foreign country that issues a support order or a judgment
27 determining parentage of a child.

1 (o) "Law" includes decisional and statutory law and rules and
2 regulations having the force of law.

3 (p) "Obligee" means 1 or more of the following:

4 (i) An individual to whom a duty of support is or is alleged
5 to be owed or in whose favor a support order or a judgment
6 determining parentage of a child has been issued.

7 (ii) A foreign country, state, or political subdivision of a
8 state to which the rights under a duty of support or support order
9 have been assigned or which has independent claims based on
10 financial assistance provided to an individual obligee in place of
11 child support.

12 (iii) An individual seeking a judgment determining parentage
13 of the individual's child.

14 (iv) A person that is a creditor in a proceeding under article
15 7.

16 (q) "Obligor" means an individual about whom 1 of the
17 following is true, or the estate of a decedent about whom 1 of the
18 following was true before the individual's death:

19 (i) Owes or is alleged to owe a duty of support.

20 (ii) Is alleged but has not been adjudicated to be a parent of
21 a child.

22 (iii) Is liable under a support order.

23 (iv) Is a debtor in a proceeding under article 7.

24 (r) "Outside this state" means a location in another state or
25 a country other than the United States, whether or not the country
26 is a foreign country.

27 (s) "Person" means an individual, corporation, business trust,

1 estate, trust, partnership, limited liability company, association,
2 joint venture, public corporation, government or governmental
3 subdivision, agency, or instrumentality, or any other legal or
4 commercial entity.

5 (t) "Record" means information that is inscribed on a tangible
6 medium or that is stored in an electronic or other medium and is
7 retrievable in perceivable form.

8 (u) "Register" means to record in a tribunal of this state a
9 support order or judgment determining parentage of a child issued
10 in another state or a foreign country.

11 (v) "Registering tribunal" means a tribunal in which a support
12 order or judgment determining parentage of a child is registered.

13 (w) "Responding state" means a state in which a petition or
14 comparable pleading for support or to determine parentage of a
15 child is filed or to which a petition or comparable pleading is
16 forwarded for filing from another state or a foreign country.

17 (x) "Responding tribunal" means the authorized tribunal in a
18 responding state or foreign country.

19 (y) "Spousal-support order" means a support order for a spouse
20 or former spouse of the obligor.

21 (z) "State" means a state of the United States, the District
22 of Columbia, Puerto Rico, the United States Virgin Islands, or any
23 territory or insular possession subject to the jurisdiction of the
24 United States. State includes an Indian nation or tribe.

25 (aa) "Support enforcement agency" means a public official or
26 governmental entity or private agency authorized to do 1 or more of
27 the following:

1 (i) Seek enforcement of support orders or laws relating to the
2 duty of support.

3 (ii) Seek establishment or modification of child support.

4 (iii) Request determination of parentage of a child.

5 (iv) Attempt to locate obligors or their assets.

6 (v) Request determination of the controlling child-support
7 order.

8 (bb) "Support order" means a judgment, decree, order,
9 decision, or directive, whether temporary, final, or subject to
10 modification, issued in a state or foreign country for the benefit
11 of a child, a spouse, or a former spouse, that provides for
12 monetary support, health care, arrearages, retroactive support, or
13 reimbursement for financial assistance provided to an individual
14 obligee in place of child support. Support order may include
15 related costs and fees, interest, income withholding, automatic
16 adjustment, reasonable attorney's fees, and other relief.

17 (cc) "Tribunal" means a court, administrative agency, or
18 quasi-judicial entity authorized to establish, enforce, or modify
19 support orders or to determine parentage of a child.

20 STATE TRIBUNAL AND SUPPORT ENFORCEMENT AGENCY

21 Sec. 103. (1) The court is the tribunal of this state.

22 (2) The title IV-D agency as defined by section 2 of the
23 support and parenting time enforcement act, 1982 PA 295, MCL
24 552.602, is the support enforcement agency of this state.

25 Sec. 104. (1) Remedies provided by this act are cumulative and
26 do not affect the availability of remedies under other law, or the
27 recognition of a support order on the basis of comity.

1 (2) This act does not do either of the following:

2 (a) Provide the exclusive method of establishing or enforcing
3 a support order under the law of this state.

4 (b) Grant a tribunal of this state jurisdiction to render
5 judgment or issue an order relating to child custody or parenting
6 time in a proceeding under this act.

7 Sec. 105. (1) A tribunal of this state shall apply articles 1
8 through 6 and, as applicable, article 7, to a support proceeding
9 involving 1 or more of the following:

10 (a) A foreign support order.

11 (b) A foreign tribunal.

12 (c) An obligee, obligor, or child residing in a foreign
13 country.

14 (2) A tribunal of this state that is requested to recognize
15 and enforce a support order on the basis of comity may apply the
16 procedural and substantive provisions of articles 1 through 6.

17 (3) Article 7 applies only to a support proceeding under the
18 Convention. In such a proceeding, if a provision of article 7 is
19 inconsistent with articles 1 through 6, article 7 controls.

20 ARTICLE 2

21 JURISDICTION

22 Sec. 201. (1) In a proceeding to establish or enforce a
23 support order or to determine parentage of a child, a tribunal of
24 this state may exercise personal jurisdiction over a nonresident
25 individual or the individual's guardian or conservator if 1 or more
26 of the following apply:

27 (a) The individual is personally served with notice within

1 this state.

2 (b) The individual submits to the jurisdiction of this state
3 by consent in a record, by entering a general appearance, or by
4 filing a responsive document having the effect of waiving any
5 contest to personal jurisdiction.

6 (c) The individual resided with the child in this state.

7 (d) The individual resided in this state and provided prenatal
8 expenses or support for the child.

9 (e) The child resides in this state as a result of the acts or
10 directives of the individual.

11 (f) The individual engaged in sexual intercourse in this state
12 and the child may have been conceived by that act of intercourse.

13 (g) The individual asserted parentage of a child in the
14 central paternity registry maintained in this state by the
15 department of health and human services.

16 (h) There is any other basis consistent with the constitutions
17 of this state and the United States for the exercise of personal
18 jurisdiction.

19 (2) The bases of personal jurisdiction set forth in subsection
20 (1) or in any other law of this state may not be used to acquire
21 personal jurisdiction for a tribunal of this state to modify a
22 child support order of another state unless the requirements of
23 section 611 are met, or in the case of a foreign support order,
24 unless the requirements of section 615 are met.

25 Sec. 202. Personal jurisdiction acquired by a tribunal of this
26 state in a proceeding under this act or other law of this state
27 relating to a support order continues as long as a tribunal of this

1 state has continuing, exclusive jurisdiction to modify its order or
2 continuing jurisdiction to enforce its order as provided by
3 sections 205, 206, and 211.

4 Sec. 203. Under this act, a tribunal of this state may serve
5 as an initiating tribunal to forward proceedings to a tribunal of
6 another state, and as a responding tribunal for proceedings
7 initiated in another state or a foreign country.

8 Sec. 204. (1) A tribunal of this state may exercise
9 jurisdiction to establish a support order if the petition or
10 comparable pleading is filed after a pleading is filed in another
11 state or a foreign country only if 1 of the following applies:

12 (a) The petition or comparable pleading in this state is filed
13 before the expiration of the time allowed in the other state or the
14 foreign country for filing a responsive pleading challenging the
15 exercise of jurisdiction by the other state or the foreign country.

16 (b) The contesting party timely challenges the exercise of
17 jurisdiction in the other state or foreign country.

18 (c) If relevant, this state is the home state of the child.

19 (2) A tribunal of this state may not exercise jurisdiction to
20 establish a support order if the petition or comparable pleading is
21 filed before a petition or comparable pleading is filed in another
22 state or a foreign country if all of the following apply:

23 (a) The petition or comparable pleading in the other state or
24 foreign country is filed before the expiration of the time allowed
25 in this state for filing a responsive pleading challenging the
26 exercise of jurisdiction by this state.

27 (b) The contesting party timely challenges the exercise of

1 jurisdiction in this state.

2 (c) If relevant, the other state or foreign country is the
3 home state of the child.

4 CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY CHILD-SUPPORT ORDER

5 Sec. 205. (1) A tribunal of this state that has issued a
6 child-support order consistent with the law of this state has and
7 shall exercise continuing, exclusive jurisdiction to modify its
8 child-support order if the order is the controlling order and
9 either of the following applies:

10 (a) At the time of the filing of a request for modification,
11 this state is the residence of the obligor, the individual obligee,
12 or the child for whose benefit the support order is issued.

13 (b) Even if this state is not the residence of the obligor,
14 the individual obligee, or the child for whose benefit the support
15 order is issued, the parties consent in a record or in open court
16 that the tribunal of this state may continue to exercise
17 jurisdiction to modify its order.

18 (2) A tribunal of this state that has issued a child-support
19 order consistent with the law of this state may not exercise
20 continuing, exclusive jurisdiction to modify the order if either of
21 the following applies:

22 (a) All of the parties who are individuals file consent in a
23 record with the tribunal of this state that a tribunal of another
24 state that has jurisdiction over at least 1 of the parties who is
25 an individual or that is located in the state of residence of the
26 child may modify the order and assume continuing, exclusive
27 jurisdiction.

1 (b) Its order is not the controlling order.

2 (3) If a tribunal of another state has issued a child-support
3 order according to the uniform interstate family support act or a
4 law substantially similar to that act that modifies a child-support
5 order of a tribunal of this state, tribunals of this state shall
6 recognize the continuing, exclusive jurisdiction of the tribunal of
7 the other state.

8 (4) A tribunal of this state that lacks continuing, exclusive
9 jurisdiction to modify a child-support order may serve as an
10 initiating tribunal to request a tribunal of another state to
11 modify a support order issued in that state.

12 (5) A temporary support order issued ex parte or pending
13 resolution of a jurisdictional conflict does not create continuing,
14 exclusive jurisdiction in the issuing tribunal.

15 Sec. 206. (1) A tribunal of this state that has issued a
16 child-support order consistent with the law of this state may serve
17 as an initiating tribunal to request a tribunal of another state to
18 enforce either of the following:

19 (a) The order if the order is the controlling order and has
20 not been modified by a tribunal of another state that assumed
21 jurisdiction according the uniform interstate family support act.

22 (b) A money judgment for arrears of support and interest on
23 the order accrued before a determination that an order of a
24 tribunal of another state is the controlling order.

25 (2) A tribunal of this state having continuing jurisdiction
26 over a support order may act as a responding tribunal to enforce
27 the order.

1 Sec. 207. (1) If a proceeding is brought under this act and
2 only 1 tribunal has issued a child-support order, the order of that
3 tribunal controls and must be so recognized.

4 (2) If a proceeding is brought under this act, and 2 or more
5 child-support orders have been issued by tribunals of this state,
6 another state, or a foreign country with regard to the same obligor
7 and same child, a tribunal of this state having personal
8 jurisdiction over both the obligor and individual obligee shall
9 apply the following rules and by order shall determine which order
10 controls and must be recognized:

11 (a) If only 1 of the tribunals would have continuing,
12 exclusive jurisdiction under this act, the order of that tribunal
13 controls and must be so recognized.

14 (b) If more than 1 of the tribunals would have continuing,
15 exclusive jurisdiction under this act, 1 of the following applies:

16 (i) An order issued by a tribunal in the current home state of
17 the child controls.

18 (ii) If an order has not been issued in the current home state
19 of the child, the order most recently issued controls.

20 (c) If none of the tribunals would have continuing, exclusive
21 jurisdiction under this act, the tribunal of this state shall issue
22 a child-support order, which controls.

23 (3) If 2 or more child-support orders have been issued for the
24 same obligor and same child, upon request of a party who is an
25 individual or that is a support enforcement agency, a tribunal of
26 this state having personal jurisdiction over both the obligor and
27 the obligee who is an individual shall determine which order

1 controls under subsection (2). The request may be filed with a
2 registration for enforcement or registration for modification under
3 article 6 or may be filed as a separate proceeding.

4 (4) A request to determine which is the controlling order must
5 be accompanied by a copy of every child-support order in effect and
6 the applicable record of payments. The requesting party shall give
7 notice of the request to each party whose rights may be affected by
8 the determination.

9 (5) The tribunal that issued the controlling order under
10 subsection (1), (2), or (3) has continuing jurisdiction to the
11 extent provided in section 205 or 206.

12 (6) A tribunal of this state that determines by order which is
13 the controlling order under subsection (2)(a) or (b) or subsection
14 (3), or that issues a new controlling order under subsection
15 (2)(c), shall state the following in that order:

16 (a) The basis upon which the tribunal made its determination.

17 (b) The amount of prospective support, if any.

18 (c) The total amount of consolidated arrears and accrued
19 interest, if any, under all of the orders after all payments made
20 are credited as provided by section 209.

21 (7) Within 30 days after issuance of an order determining
22 which is the controlling order, the party obtaining the order shall
23 file a certified copy of it in each tribunal that issued or
24 registered an earlier order of child support. A party or support
25 enforcement agency obtaining the order that fails to file a
26 certified copy is subject to appropriate sanctions by a tribunal in
27 which the issue of failure to file arises. The failure to file does

1 not affect the validity or enforceability of the controlling order.

2 (8) An order that has been determined to be the controlling
3 order, or a judgment for consolidated arrears of support and
4 interest, if any, made under this section must be recognized in
5 proceedings under this act.

6 Sec. 208. In responding to registrations or petitions for
7 enforcement of 2 or more child-support orders in effect at the same
8 time with regard to the same obligor and different individual
9 obligees, at least 1 of which was issued by a tribunal of another
10 state or a foreign country, a tribunal of this state shall enforce
11 those orders in the same manner as if the orders had been issued by
12 a tribunal of this state.

13 Sec. 209. A tribunal of this state shall credit amounts
14 collected for a particular period according to any child-support
15 order against the amounts owed for the same period under any other
16 child-support order for support of the same child issued by a
17 tribunal of this state, another state, or a foreign country.

18 Sec. 210. A tribunal of this state exercising personal
19 jurisdiction over a nonresident in a proceeding under this act,
20 under other law of this state relating to a support order, or
21 recognizing a foreign support order may receive evidence from
22 outside this state under section 316, communicate with a tribunal
23 outside this state under section 317, and obtain discovery through
24 a tribunal outside this state under section 318. In all other
25 respects, articles 3 through 6 do not apply, and the tribunal shall
26 apply the procedural and substantive law of this state.

27 Sec. 211. (1) A tribunal of this state issuing a spousal-

1 support order consistent with the law of this state has continuing,
2 exclusive jurisdiction to modify the spousal-support order
3 throughout the existence of the support obligation.

4 (2) A tribunal of this state may not modify a spousal-support
5 order issued by a tribunal of another state or a foreign country
6 having continuing, exclusive jurisdiction over that order under the
7 law of that state or foreign country.

8 (3) A tribunal of this state that has continuing, exclusive
9 jurisdiction over a spousal-support order may serve as either of
10 the following:

11 (a) An initiating tribunal to request a tribunal of another
12 state to enforce the spousal-support order issued in this state.

13 (b) A responding tribunal to enforce or modify its own
14 spousal-support order.

15 ARTICLE 3

16 CIVIL PROVISIONS OF GENERAL APPLICATION

17 Sec. 301. (1) Except as otherwise provided in this act, this
18 article applies to all proceedings under this act.

19 (2) An individual petitioner or a support enforcement agency
20 may initiate a proceeding authorized under this act by filing a
21 petition in an initiating tribunal for forwarding to a responding
22 tribunal or by filing a petition or a comparable pleading directly
23 in a tribunal of another state or a foreign country that has or can
24 obtain personal jurisdiction over the respondent.

25 Sec. 302. A minor parent, or a guardian or other legal
26 representative of a minor parent, may maintain a proceeding on
27 behalf of or for the benefit of the minor's child.

1 Sec. 303. Except as otherwise provided in this act, a
2 responding tribunal of this state shall do both of the following:

3 (a) Apply the procedural and substantive law, generally
4 applicable to similar proceedings originating in this state and may
5 exercise all powers and provide all remedies available in those
6 proceedings.

7 (b) Determine the duty of support and the amount payable in
8 accordance with the law and support guidelines of this state.

9 Sec. 304. (1) Upon the filing of a petition authorized by this
10 act, an initiating tribunal of this state shall forward the
11 petition and its accompanying documents as follows:

12 (a) To the responding tribunal or appropriate support
13 enforcement agency in the responding state.

14 (b) If the identity of the responding tribunal is unknown, to
15 the state information agency of the responding state with a request
16 that they be forwarded to the appropriate tribunal and that receipt
17 be acknowledged.

18 (2) If requested by the responding tribunal, a tribunal of
19 this state shall issue a certificate or other document and make
20 findings required by the law of the responding state. If the
21 responding tribunal is in a foreign country, upon request the
22 tribunal of this state shall specify the amount of support sought,
23 convert that amount into the equivalent amount in the foreign
24 currency under applicable official or market exchange rate as
25 publicly reported, and provide any other documents necessary to
26 satisfy the requirements of the responding foreign tribunal.

27 Sec. 305. (1) When a responding tribunal of this state

1 receives a petition or comparable pleading from an initiating
2 tribunal or directly under section 301(1), it shall cause the
3 petition or pleading to be filed and notify the petitioner where
4 and when it was filed.

5 (2) A responding tribunal of this state, to the extent not
6 prohibited by other law, may do 1 or more of the following:

7 (a) Establish or enforce a support order, modify a child-
8 support order, determine the controlling child-support order, or
9 determine parentage of a child.

10 (b) Order an obligor to comply with a support order,
11 specifying the amount and the manner of compliance.

12 (c) Order income withholding.

13 (d) Determine the amount of any arrearages and specify a
14 method of payment.

15 (e) Enforce orders by civil or criminal contempt, or both.

16 (f) Set aside property for satisfaction of the support order.

17 (g) Place liens and order execution on the obligor's property.

18 (h) Order an obligor to keep the tribunal informed of the
19 obligor's current residential address, electronic-mail address,
20 telephone number, employer, address of employment, and telephone
21 number at the place of employment.

22 (i) Issue a bench warrant for an obligor who has failed after
23 proper notice to appear at a hearing ordered by the tribunal and
24 enter the bench warrant in any local and state computer systems for
25 criminal warrants.

26 (j) Order the obligor to seek appropriate employment by
27 specified methods.

1 (k) Award reasonable attorney's fees and other fees and costs.

2 (l) Grant any other available remedy.

3 (3) A responding tribunal of this state shall include in a
4 support order issued under this act, or in the documents
5 accompanying the order, the calculations on which the support order
6 is based.

7 (4) A responding tribunal of this state may not condition the
8 payment of a support order issued under this act upon compliance by
9 a party with provisions for visitation.

10 (5) If a responding tribunal of this state issues an order
11 under this act, the tribunal shall send a copy of the order to the
12 petitioner and the respondent and to the initiating tribunal, if
13 any.

14 (6) If requested to enforce a support order, arrears, or
15 judgment or modify a support order stated in a foreign currency, a
16 responding tribunal of this state shall convert the amount stated
17 in the foreign currency to the equivalent amount in dollars under
18 the applicable official or market exchange rate as publicly
19 reported.

20 Sec. 306. If a petition or comparable pleading is received by
21 an inappropriate tribunal of this state, the tribunal shall forward
22 the pleading and accompanying documents to an appropriate tribunal
23 in this state or another state and notify the petitioner where and
24 when the pleading was sent.

25 Sec. 307. (1) In a proceeding under this act, a support
26 enforcement agency of this state, upon request:

27 (a) Shall provide services to a petitioner residing in a

1 state.

2 (b) Shall provide services to a petitioner requesting services
3 through a central authority of a foreign country as described in
4 section 102(e) (i) or (iv).

5 (c) May provide services to a petitioner who is an individual
6 not residing in a state.

7 (2) A support enforcement agency of this state that is
8 providing services to the petitioner shall do the following:

9 (a) Take all steps necessary to enable an appropriate tribunal
10 of this state, another state, or a foreign country to obtain
11 jurisdiction over the respondent.

12 (b) Request an appropriate tribunal to set a date, time, and
13 place for a hearing.

14 (c) Make a reasonable effort to obtain all relevant
15 information, including information as to income and property of the
16 parties.

17 (d) Within 5 days, exclusive of Saturdays, Sundays, and legal
18 holidays, after receipt of notice in a record from an initiating,
19 responding, or registering tribunal, send a copy of the notice to
20 the petitioner.

21 (e) Within 5 days, exclusive of Saturdays, Sundays, and legal
22 holidays, after receipt of communication in a record from the
23 respondent or the respondent's attorney, send a copy of the
24 communication to the petitioner.

25 (f) Notify the petitioner if jurisdiction over the respondent
26 cannot be obtained.

27 (3) A support enforcement agency of this state that requests

1 registration of a child-support order in this state for enforcement
2 or for modification shall make reasonable efforts to do the
3 following:

4 (a) Ensure that the order to be registered is the controlling
5 order.

6 (b) If 2 or more child-support orders exist and the identity
7 of the controlling order has not been determined, ensure that a
8 request for such a determination is made in a tribunal having
9 jurisdiction to do so.

10 (4) A support enforcement agency of this state that requests
11 registration and enforcement of a support order, arrears, or
12 judgment stated in a foreign currency shall convert the amounts
13 stated in the foreign currency into the equivalent amounts in
14 dollars under the applicable official or market exchange rate as
15 publicly reported.

16 (5) A support enforcement agency of this state shall request a
17 tribunal of this state to issue a child-support order and an
18 income-withholding order that redirect payment of current support,
19 arrears, and interest if requested to do so by a support
20 enforcement agency of another state under section 319.

21 (6) This act does not create or negate a relationship of
22 attorney and client or other fiduciary relationship between a
23 support enforcement agency or the attorney for the agency and the
24 individual being assisted by the agency.

25 Sec. 308. (1) If the attorney general determines that the
26 support enforcement agency is neglecting or refusing to provide
27 services to an individual, the attorney general may order the

1 agency to perform its duties under this act or may provide those
2 services directly to the individual.

3 (2) The attorney general may determine that a foreign country
4 has established a reciprocal arrangement for child support with
5 this state and take appropriate action for notification of the
6 determination.

7 Sec. 309. An individual may employ private counsel to
8 represent the individual in proceedings authorized by this act.

9 Sec. 310. (1) The office of child support is the state
10 information agency under this act.

11 (2) The state information agency shall do the following:

12 (a) Compile and maintain a current list, including addresses,
13 of the tribunals in this state that have jurisdiction under this
14 act and any support enforcement agencies in this state and transmit
15 a copy to the state information agency of every other state.

16 (b) Maintain a register of names and addresses of tribunals
17 and support enforcement agencies received from other states.

18 (c) Forward to the appropriate tribunal in the county in this
19 state in which the obligee who is an individual or the obligor
20 resides, or in which the obligor's property is believed to be
21 located, all documents concerning a proceeding under this act
22 received from another state or a foreign country.

23 (d) Obtain information concerning the location of the obligor
24 and the obligor's property within this state not exempt from
25 execution, by such means as postal verification and federal or
26 state locator services, examination of telephone directories,
27 requests for the obligor's address from employers, and examination

1 of governmental records, including, to the extent not prohibited by
2 other law, those relating to real property, vital statistics, law
3 enforcement, taxation, motor vehicles, driver's licenses, and
4 social security.

5 Sec. 311. (1) In a proceeding under this act, a petitioner
6 seeking to establish a support order, to determine parentage of a
7 child, or to register and modify a support order of a tribunal of
8 another state or a foreign country must file a petition. Unless
9 otherwise ordered under section 312, the petition or accompanying
10 documents must provide, so far as known, the name, residential
11 address, and social security numbers of the obligor and the obligee
12 or the parent and alleged parent, and the name, sex, residential
13 address, social security number, and date of birth of each child
14 for whose benefit support is sought or whose parentage is to be
15 determined. Unless filed at the time of registration, the petition
16 must be accompanied by a copy of any support order known to have
17 been issued by another tribunal. The petition may include any other
18 information that may assist in locating or identifying the
19 respondent.

20 (2) The petition must specify the relief sought. The petition
21 and accompanying documents must conform substantially with the
22 requirements imposed by the forms mandated by federal law for use
23 in cases filed by a support enforcement agency.

24 Sec. 312. If a party alleges in an affidavit or a pleading
25 under oath that the health, safety, or liberty of a party or child
26 would be jeopardized by disclosure of specific identifying
27 information, that information must be sealed and may not be

1 disclosed to the other party or the public. After a hearing in
2 which a tribunal takes into consideration the health, safety, or
3 liberty of the party or child, the tribunal may order disclosure of
4 information that the tribunal determines to be in the interest of
5 justice.

6 Sec. 313. (1) The petitioner may not be required to pay a
7 filing fee or other costs.

8 (2) If an obligee prevails, a responding tribunal of this
9 state may assess against an obligor filing fees, reasonable
10 attorney's fees, other costs, and necessary travel and other
11 reasonable expenses incurred by the obligee and the obligee's
12 witnesses. The tribunal may not assess fees, costs, or expenses
13 against the obligee or the support enforcement agency of either the
14 initiating or the responding state or foreign country, except as
15 provided by other law. Attorney's fees may be taxed as costs, and
16 may be ordered paid directly to the attorney, who may enforce the
17 order in the attorney's own name. Payment of support owed to the
18 obligee has priority over fees, costs, and expenses.

19 (3) The tribunal shall order the payment of costs and
20 reasonable attorney's fees if it determines that a hearing was
21 requested primarily for delay. In a proceeding under article 6, a
22 hearing is presumed to have been requested primarily for delay if a
23 registered support order is confirmed or enforced without change.

24 Sec. 314. (1) Participation by a petitioner in a proceeding
25 under this act before a responding tribunal, whether in person, by
26 private attorney, or through services provided by the support
27 enforcement agency, does not confer personal jurisdiction over the

1 petitioner in another proceeding.

2 (2) A petitioner is not amenable to service of civil process
3 while physically present in this state to participate in a
4 proceeding under this act.

5 (3) The immunity granted by this section does not extend to
6 civil litigation based on acts unrelated to a proceeding under this
7 act committed by a party while physically present in this state to
8 participate in the proceeding.

9 Sec. 315. A party whose parentage of a child has been
10 previously determined by or according to law may not plead
11 nonparentage as a defense to a proceeding under this act.

12 Sec. 316. (1) The physical presence of a nonresident party who
13 is an individual in a tribunal of this state is not required for
14 the establishment, enforcement, or modification of a support order
15 or the rendition of a judgment determining parentage of a child.

16 (2) An affidavit, a document substantially complying with
17 federally mandated forms, or a document incorporated by reference
18 in any of them, that would not be excluded under the hearsay rule
19 if given in person, is admissible in evidence if given under
20 penalty of perjury by a party or witness residing outside this
21 state.

22 (3) A copy of the record of child-support payments certified
23 as a true copy of the original by the custodian of the record may
24 be forwarded to a responding tribunal. The copy is evidence of
25 facts asserted in it, and is admissible to show whether payments
26 were made.

27 (4) Copies of bills for testing for parentage of a child, and

1 for prenatal and postnatal health care of the mother and child,
2 furnished to the adverse party at least 10 days before trial, are
3 admissible in evidence to prove the amount of the charges billed
4 and that the charges were reasonable, necessary, and customary.

5 (5) Documentary evidence transmitted from outside this state
6 to a tribunal of this state by telephone, telecopier, or other
7 electronic means that do not provide an original record may not be
8 excluded from evidence on an objection based on the means of
9 transmission.

10 (6) In a proceeding under this act, a tribunal of this state
11 shall permit a party or witness residing outside this state to be
12 deposed or to testify under penalty of perjury by telephone,
13 audiovisual means, or other electronic means at a designated
14 tribunal or other location. A tribunal of this state shall
15 cooperate with other tribunals in designating an appropriate
16 location for the deposition or testimony.

17 (7) If a party called to testify at a civil hearing refuses to
18 answer on the ground that the testimony may be self-incriminating,
19 the trier of fact may draw an adverse inference from the refusal.

20 (8) A privilege against disclosure of communications between
21 spouses does not apply in a proceeding under this act.

22 (9) The defense of immunity based on the relationship between
23 spouses or parent and child does not apply in a proceeding under
24 this act.

25 (10) A voluntary acknowledgment of paternity, certified as a
26 true copy, is admissible to establish parentage of the child.

27 Sec. 317. A tribunal of this state may communicate with a

1 tribunal outside this state in a record, or by telephone,
2 electronic mail, or other means, to obtain information concerning
3 the laws, the legal effect of a judgment, decree, or order of that
4 tribunal, and the status of a proceeding. A tribunal of this state
5 may furnish similar information by similar means to a tribunal of
6 outside this state.

7 Sec. 318. A tribunal of this state may do the following:

8 (a) Request a tribunal outside this state to assist in
9 obtaining discovery.

10 (b) Upon request, compel a person over which it has
11 jurisdiction to respond to a discovery order issued by a tribunal
12 outside this state.

13 Sec. 319. (1) A support enforcement agency or tribunal of this
14 state shall disburse promptly any amounts received under a support
15 order, as directed by the order. The agency or tribunal shall
16 furnish to a requesting party or tribunal of another state or a
17 foreign country a certified statement by the custodian of the
18 record of the amounts and dates of all payments received.

19 (2) If neither the obligor, nor the obligee who is an
20 individual, nor the child resides in this state, upon request from
21 the support enforcement agency of this state or another state, the
22 support enforcement agency of this state or a tribunal of this
23 state shall do the following:

24 (a) Direct that the support payment be made to the support
25 enforcement agency in the state in which the obligee is receiving
26 services.

27 (b) Issue and send to the obligor's employer a conforming

1 income-withholding order or an administrative notice of change of
2 payee, reflecting the redirected payments.

3 (3) The support enforcement agency of this state receiving
4 redirected payments from another state under a law similar to
5 subsection (2) shall furnish to a requesting party or tribunal of
6 the other state a certified statement by the custodian of the
7 record of the amount and dates of all payments received.

8 ARTICLE 4

9 ESTABLISHMENT OF SUPPORT ORDER

10 Sec. 401. (1) If a support order entitled to recognition under
11 this act has not been issued, a responding tribunal of this state
12 with personal jurisdiction over the parties may issue a support
13 order if either of the following apply:

14 (a) The individual seeking the order resides outside this
15 state.

16 (b) The support enforcement agency seeking the order is
17 located outside this state.

18 (2) The tribunal may issue a temporary child-support order if
19 the tribunal determines that a temporary child-support order is
20 appropriate and the individual ordered to pay is any of the
21 following:

22 (a) A presumed father of the child.

23 (b) Petitioning to have his paternity adjudicated.

24 (c) Identified as the father of the child through genetic
25 testing.

26 (d) An alleged father who has declined to submit to genetic
27 testing.

1 (e) Shown by clear and convincing evidence to be the father of
2 the child.

3 (f) An acknowledged father as provided by the acknowledgment
4 of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

5 (g) The mother of the child.

6 (h) An individual who has been ordered to pay child support in
7 a previous proceeding and the order has not been reversed or
8 vacated.

9 (3) Upon finding, after notice and opportunity to be heard,
10 that an obligor owes a duty of support, the tribunal shall issue a
11 support order directed to the obligor and may issue other orders
12 under section 305.

13 Sec. 402. A tribunal of this state authorized to determine
14 parentage of a child may serve as a responding tribunal in a
15 proceeding to determine parentage of a child brought under this act
16 or a law or procedure substantially similar to this act.

17 ARTICLE 5

18 ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

19 Sec. 501. An income-withholding order issued in another state
20 may be sent by or on behalf of the obligee, or by the support
21 enforcement agency, to the person defined as the obligor's employer
22 under section 2 of the support and parenting time enforcement act,
23 1982 PA 295, MCL 552.602, without first filing a petition or
24 comparable pleading or registering the order with a tribunal of
25 this state.

26 Sec. 502. (1) Upon receipt of an income-withholding order, the
27 obligor's employer shall immediately provide a copy of the order to

1 the obligor.

2 (2) The employer shall treat an income-withholding order
3 issued in another state that appears regular on its face as if it
4 had been issued by a tribunal of this state.

5 (3) Except as otherwise provided in subsection (4) and section
6 503, the employer shall withhold and distribute the funds as
7 directed in the withholding order by complying with terms of the
8 order that specify the following:

9 (a) The duration and amount of periodic payments of current
10 child-support, stated as a sum certain.

11 (b) The person designated to receive payments and the address
12 to which the payments are to be forwarded.

13 (c) Medical support, whether in the form of periodic cash
14 payment, stated as a sum certain, or ordering the obligor to
15 provide health insurance coverage for the child under a policy
16 available through the obligor's employment.

17 (d) The amount of periodic payments of fees and costs for a
18 support enforcement agency, the issuing tribunal, and the obligee's
19 attorney, stated as sums certain.

20 (e) The amount of periodic payments of arrearages and interest
21 on arrearages, stated as sums certain.

22 (4) An employer shall comply with the law of the state of the
23 obligor's principal place of employment for withholding from income
24 with respect to the following:

25 (a) The employer's fee for processing an income-withholding
26 order.

27 (b) The maximum amount permitted to be withheld from the

1 obligor's income.

2 (c) The times within which the employer must implement the
3 withholding order and forward the child-support payment.

4 Sec. 503. If an obligor's employer receives 2 or more income-
5 withholding orders with respect to the earnings of the same
6 obligor, the employer satisfies the terms of the orders if the
7 employer complies with the law of the state of the obligor's
8 principal place of employment to establish the priorities for
9 withholding and allocating income withheld for 2 or more child-
10 support obligees.

11 Sec. 504. An employer that complies with an income-withholding
12 order issued in another state in accordance with this article is
13 not subject to civil liability to an individual or agency with
14 regard to the employer's withholding of child support from the
15 obligor's income.

16 Sec. 505. An employer that willfully fails to comply with an
17 income-withholding order issued in another state and received for
18 enforcement is subject to the same penalties that may be imposed
19 for noncompliance with an order issued by a tribunal of this state.

20 Sec. 506. (1) An obligor may contest the validity or
21 enforcement of an income-withholding order issued in another state
22 and received directly by an employer in this state by registering
23 the order in a tribunal of this state and filing a contest to that
24 order as provided in article 6, or otherwise contesting the order
25 in the same manner as if the order had been issued by a tribunal of
26 this state.

27 (2) The obligor shall give notice of the contest to all of the

1 following:

2 (a) A support enforcement agency providing services to the
3 obligee.

4 (b) Each employer that has directly received an income-
5 withholding order relating to the obligor.

6 (c) The person designated to receive payments in the income-
7 withholding order or, if no person is designated, to the obligee.

8 Sec. 507. (1) A party or support enforcement agency seeking to
9 enforce a support order or an income-withholding order, or both,
10 issued in another state or a foreign support order may send the
11 documents required for registering the order to a support
12 enforcement agency of this state.

13 (2) Upon receipt of the documents, the support enforcement
14 agency, without initially seeking to register the order, shall
15 consider and, if appropriate, use any administrative procedure
16 authorized by the law of this state to enforce a support order or
17 an income-withholding order, or both. If the obligor does not
18 contest administrative enforcement, the order need not be
19 registered. If the obligor contests the validity or administrative
20 enforcement of the order, the support enforcement agency shall
21 register the order according to this act.

22

ARTICLE 6

23

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER

24

PART 1

25

REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

26

Sec. 601. A support order or income-withholding order issued

27

in another state or a foreign support order may be registered in

1 this state for enforcement.

2 Sec. 602. (1) Except as provided in section 706, a support
3 order or income-withholding order of another state or a foreign
4 support order may be registered in this state by sending the
5 following records to the appropriate tribunal in this state:

6 (a) A letter of transmittal to the tribunal requesting
7 registration and enforcement.

8 (b) Two copies, including one certified copy, of the order to
9 be registered, including any modification of the order.

10 (c) A sworn statement by the person requesting registration or
11 a certified statement by the custodian of the records showing the
12 amount of any arrearage.

13 (d) The name of the obligor and, if known, the following:

14 (i) The obligor's address and social security number.

15 (ii) The name and address of the obligor's employer and any
16 other source of income of the obligor.

17 (iii) A description and the location of property of the
18 obligor in this state not exempt from execution.

19 (e) Except as otherwise provided in section 312, the name and
20 address of the obligee and, if applicable, the person to whom
21 support payments are to be remitted.

22 (2) On receipt of a request for registration, the registering
23 tribunal shall cause the order to be filed as an order of a
24 tribunal of another state or a foreign support order, together with
25 1 copy of the documents and information, regardless of their form.

26 (3) A petition or comparable pleading seeking a remedy that
27 must be affirmatively sought under other law of this state may be

1 filed at the same time as the request for registration or later.
2 The pleading must specify the grounds for the remedy sought.

3 (4) If 2 or more orders are in effect, the person requesting
4 registration shall do the following:

5 (a) Furnish to the tribunal a copy of every support order
6 asserted to be in effect in addition to the documents specified in
7 this section.

8 (b) Specify the order alleged to be the controlling order, if
9 any.

10 (c) Specify the amount of consolidated arrears, if any.

11 (5) A request for a determination of which is the controlling
12 order may be filed separately or with a request for registration
13 and enforcement or for registration and modification. The person
14 requesting registration shall give notice of the request to each
15 party whose rights may be affected by the determination.

16 Sec. 603. (1) A support order or income-withholding order
17 issued in another state or a foreign support order is registered
18 when the order is filed in the registering tribunal of this state.

19 (2) A registered support order issued in another state or a
20 foreign country is enforceable in the same manner and is subject to
21 the same procedures as an order issued by a tribunal of this state.

22 (3) Except as otherwise provided in this act, a tribunal of
23 this state shall recognize and enforce, but may not modify, a
24 registered support order if the issuing tribunal had jurisdiction.

25 Sec. 604. (1) Except as otherwise provided in subsection (4),
26 the law of the issuing state or foreign country governs all of the
27 following:

1 (a) The nature, extent, amount, and duration of current
2 payments under a registered support order.

3 (b) The computation and payment of arrearages and accrual of
4 interest on the arrearages under the support order.

5 (c) The existence and satisfaction of other obligations under
6 the support order.

7 (2) In a proceeding for arrears under a registered support
8 order, the statute of limitation of this state or of the issuing
9 state or foreign country, whichever is longer, applies.

10 (3) A responding tribunal of this state shall apply the
11 procedures and remedies of this state to enforce current support
12 and collect arrears and interest due on a support order of another
13 state or a foreign country registered in this state.

14 (4) After a tribunal of this state or another state determines
15 which is the controlling order and issues an order consolidating
16 arrears, if any, a tribunal of this state shall prospectively apply
17 the law of the state or foreign country issuing the controlling
18 order, including its law on interest on arrears, on current and
19 future support, and on consolidated arrears.

20 PART 2

21 CONTEST OF VALIDITY OR ENFORCEMENT

22 Sec. 605. (1) When a support order or income-withholding order
23 issued in another state or a foreign support order is registered,
24 the registering tribunal of this state shall notify the
25 nonregistering party. The notice must be accompanied by a copy of
26 the registered order and the documents and relevant information
27 accompanying the order.

1 (2) A notice must inform the nonregistering party of the
2 following:

3 (a) That a registered order is enforceable as of the date of
4 registration in the same manner as an order issued by a tribunal of
5 this state.

6 (b) That a hearing to contest the validity or enforcement of
7 the registered order must be requested within 20 days after notice
8 unless the registered order is under section 707.

9 (c) That failure to contest the validity or enforcement of the
10 registered order in a timely manner will result in confirmation of
11 the order and enforcement of the order and the alleged arrearages.

12 (d) The amount of any alleged arrearages.

13 (3) If the registering party asserts that 2 or more orders are
14 in effect, a notice must also do the following:

15 (a) Identify the 2 or more orders and the order alleged by the
16 registering party to be the controlling order and the consolidated
17 arrears, if any.

18 (b) Notify the nonregistering party of the right to a
19 determination of which is the controlling order.

20 (c) State that the procedures provided in subsection (2) apply
21 to the determination of which is the controlling order.

22 (d) State that failure to contest the validity or enforcement
23 of the order alleged to be the controlling order in a timely manner
24 may result in confirmation that the order is the controlling order.

25 (4) Upon registration of an income-withholding order for
26 enforcement, the support enforcement agency or the registering
27 tribunal shall notify the obligor's employer according to the

1 income-withholding law of this state.

2 Sec. 606. (1) A nonregistering party seeking to contest the
3 validity or enforcement of a registered order in this state shall
4 request a hearing within the time required by section 605. The
5 nonregistering party may seek to vacate the registration, to assert
6 any defense to an allegation of noncompliance with the registered
7 order, or to contest the remedies being sought or the amount of any
8 alleged arrearages according to section 607.

9 (2) If the nonregistering party fails to contest the validity
10 or enforcement of the registered support order in a timely manner,
11 the order is confirmed by operation of law.

12 (3) If a nonregistering party requests a hearing to contest
13 the validity or enforcement of the registered order, the
14 registering tribunal shall schedule the matter for hearing and give
15 notice to the parties of the date, time, and place of the hearing.

16 Sec. 607. (1) A party contesting the validity or enforcement
17 of a registered support order or seeking to vacate the registration
18 has the burden of proving 1 or more of the following defenses:

19 (a) The issuing tribunal lacked personal jurisdiction over the
20 contesting party.

21 (b) The order was obtained by fraud.

22 (c) The order has been vacated, suspended, or modified by a
23 later order.

24 (d) The issuing tribunal has stayed the order pending appeal.

25 (e) There is a defense under the law of this state to the
26 remedy sought.

27 (f) Full or partial payment has been made.

1 (g) The statute of limitation under section 604 precludes
2 enforcement of some or all of the alleged arrearages.

3 (h) The alleged controlling order is not the controlling
4 order.

5 (2) If a party presents evidence establishing a full or
6 partial defense under subsection (1), a tribunal may stay
7 enforcement of a registered support order, continue the proceeding
8 to permit production of additional relevant evidence, and issue
9 other appropriate orders. An uncontested portion of the registered
10 support order may be enforced by all remedies available under the
11 law of this state.

12 (3) If the contesting party does not establish a defense under
13 subsection (1) to the validity or enforcement of a registered
14 support order, the registering tribunal shall issue an order
15 confirming the order.

16 Sec. 608. Confirmation of a registered support order, whether
17 by operation of law or after notice and hearing, precludes further
18 contest of the order with respect to any matter that could have
19 been asserted at the time of registration.

20 PART 3

21 REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER
22 STATE

23 Sec. 609. A party or support enforcement agency seeking to
24 modify, or to modify and enforce, a child-support order issued in
25 another state shall register that order in this state in the same
26 manner provided in sections 601 through 608 if the order has not
27 been registered. A petition for modification may be filed at the

1 same time as a request for registration or later. The pleading must
2 specify the grounds for modification.

3 Sec. 610. A tribunal of this state may enforce a child-support
4 order of another state registered for purposes of modification, in
5 the same manner as if the order had been issued by a tribunal of
6 this state, but the registered support order may be modified only
7 if the requirements of section 611 or 613 have been met.

8 Sec. 611. (1) If section 613 does not apply, upon petition a
9 tribunal of this state may modify a child-support order issued in
10 another state that is registered in this state if, after notice and
11 hearing, the tribunal finds that either of the following applies:

12 (a) The following requirements are met:

13 (i) Neither the child, nor the obligee who is an individual,
14 nor the obligor resides in the issuing state.

15 (ii) A petitioner who is a nonresident of this state seeks
16 modification.

17 (iii) The respondent is subject to the personal jurisdiction
18 of the tribunal of this state.

19 (b) This state is the residence of the child, or a party who
20 is an individual is subject to the personal jurisdiction of the
21 tribunal of this state, and all of the parties who are individuals
22 have filed consents in a record in the issuing tribunal for a
23 tribunal of this state to modify the support order and assume
24 continuing, exclusive jurisdiction.

25 (2) Modification of a registered child-support order is
26 subject to the same requirements, procedures, and defenses that
27 apply to the modification of an order issued by a tribunal of this

1 state, and the order may be enforced and satisfied in the same
2 manner.

3 (3) A tribunal of this state may not modify any aspect of a
4 child-support order that may not be modified under the law of the
5 issuing state, including the duration of the obligation of support.
6 If 2 or more tribunals have issued child-support orders for the
7 same obligor and same child, the order that controls and must be so
8 recognized under section 207 establishes the aspects of the support
9 order that are nonmodifiable.

10 (4) In a proceeding to modify a child-support order, the law
11 of the state that is determined to have issued the initial
12 controlling order governs the duration of the obligation of
13 support. The obligor's fulfillment of the duty of support
14 established by that order precludes imposition of a further
15 obligation of support by a tribunal of this state.

16 (5) On the issuance of an order by a tribunal of this state
17 modifying a child-support order issued in another state, the
18 tribunal of this state becomes the tribunal having continuing,
19 exclusive jurisdiction.

20 (6) Notwithstanding subsections (1) through (5) and section
21 201(1), a tribunal of this state retains jurisdiction to modify an
22 order issued by a tribunal of this state if both of the following
23 apply:

24 (a) One party resides in another state.

25 (b) The other party resides outside the United States.

26 Sec. 612. If a child-support order issued by a tribunal of
27 this state is modified by a tribunal of another state that assumed

1 jurisdiction under the uniform interstate family support act, all
2 of the following apply:

3 (a) A tribunal of this state may enforce its order that was
4 modified only as to arrears and interest accruing before the
5 modification.

6 (b) A tribunal of this state may provide appropriate relief
7 for violations of its order that occurred before the effective date
8 of the modification.

9 (c) A tribunal of this state shall recognize the modifying
10 order of the other state, upon registration, for the purpose of
11 enforcement.

12 Sec. 613. (1) If all of the parties who are individuals reside
13 in this state and the child does not reside in the issuing state, a
14 tribunal of this state has jurisdiction to enforce and to modify
15 the issuing state's child-support order in a proceeding to register
16 that order.

17 (2) A tribunal of this state exercising jurisdiction under
18 this section shall apply the provisions of articles 1 and 2, this
19 article, and the procedural and substantive law of this state to
20 the proceeding for enforcement or modification. Articles 3, 4, 5,
21 7, and 8 do not apply.

22 Sec. 614. Within 30 days after issuance of a modified child-
23 support order, the party obtaining the modification shall file a
24 certified copy of the order with the issuing tribunal that had
25 continuing, exclusive jurisdiction over the earlier order, and in
26 each tribunal in which the party knows the earlier order has been
27 registered. A party who obtains the order and fails to file a

1 certified copy is subject to appropriate sanctions by a tribunal in
2 which the issue of failure to file arises. The failure to file does
3 not affect the validity or enforceability of the modified order of
4 the new tribunal having continuing, exclusive jurisdiction.

5 PART 4

6 REGISTRATION AND MODIFICATION OF FOREIGN CHILD-SUPPORT ORDER

7 Sec. 615. (1) Except as otherwise provided in section 711, if
8 a foreign country lacks or refuses to exercise jurisdiction to
9 modify its child-support order according to its laws, a tribunal of
10 this state may assume jurisdiction to modify the child-support
11 order and bind all individuals subject to the personal jurisdiction
12 of the tribunal whether the consent to modification of a child-
13 support order otherwise required of the individual under section
14 611 has been given or whether the individual seeking modification
15 is a resident of this state or of the foreign country.

16 (2) An order issued by a tribunal of this state modifying a
17 foreign child-support order under this section is the controlling
18 order.

19 Sec. 616. A party or support enforcement agency seeking to
20 modify, or to modify and enforce, a foreign child-support order not
21 under the Convention may register that order in this state under
22 sections 601 through 608 if the order has not been registered. A
23 petition for modification may be filed at the same time as a
24 request for registration or at another time. The petition must
25 specify the grounds for modification.

26 ARTICLE 7

27 SUPPORT PROCEEDING UNDER CONVENTION

1 Sec. 701. As used in this article:

2 (a) "Application" means a request under the Convention by an
3 obligee or obligor, or on behalf of a child, made through a central
4 authority for assistance from another central authority.

5 (b) "Central authority" means the entity designated by the
6 United States or a foreign country described in section 102(e) (iv)
7 to perform the functions specified in the Convention.

8 (c) "Convention support order" means a support order of a
9 tribunal of a foreign country described in section 102(e) (iv).

10 (d) "Direct request" means a petition filed by an individual
11 in a tribunal of this state in a proceeding involving an obligee,
12 obligor, or child residing outside the United States.

13 (e) "Foreign central authority" means the entity designated by
14 a foreign country described in section 102(e) (iv) to perform the
15 functions specified in the Convention.

16 (f) "Foreign support agreement" means an agreement for support
17 in a record that is enforceable as a support order in the country
18 of origin, has been formally drawn up or registered as an authentic
19 instrument by a foreign tribunal, has been authenticated by, or
20 concluded, registered, or filed with, a foreign tribunal, and may
21 be reviewed and modified by a foreign tribunal. Foreign support
22 agreement includes a maintenance arrangement or authentic
23 instrument under the Convention.

24 (g) "United States central authority" means the Secretary of
25 the United States Department of Health and Human Services.

26 Sec. 702. This article applies only to a support proceeding
27 under the Convention. In such a proceeding, if a provision of this

1 article is inconsistent with articles 1 through 6, this article
2 controls.

3 Sec. 703. The office of child support is recognized as the
4 agency designated by the United States central authority to perform
5 specific functions under the Convention.

6 Sec. 704. (1) In a support proceeding under this article, the
7 office of child support of this state shall do the following:

8 (a) Transmit and receive applications.

9 (b) Initiate or facilitate the institution of a proceeding
10 regarding an application in a tribunal of this state.

11 (2) The following support proceedings are available to an
12 obligee under the Convention:

13 (a) Recognition or recognition and enforcement of a foreign
14 support order.

15 (b) Enforcement of a support order issued or recognized in
16 this state.

17 (c) Establishment of a support order if there is no existing
18 order, including, if necessary, determination of parentage of a
19 child.

20 (d) Establishment of a support order if recognition of a
21 foreign support order is refused under section 708(2)(b), (d), or
22 (i).

23 (e) Modification of a support order of a tribunal of this
24 state.

25 (f) Modification of a support order of a tribunal of another
26 state or a foreign country.

27 (3) The following support proceedings are available under the

1 Convention to an obligor against which there is an existing support
2 order:

3 (a) Recognition of an order suspending or limiting enforcement
4 of an existing support order of a tribunal of this state.

5 (b) Modification of a support order of a tribunal of this
6 state.

7 (c) Modification of a support order of a tribunal of another
8 state or a foreign country.

9 (4) A tribunal of this state may not require security, bond,
10 or deposit, however described, to guarantee the payment of costs
11 and expenses in proceedings under the Convention.

12 Sec. 705. (1) A petitioner may file a direct request seeking
13 establishment or modification of a support order or determination
14 of parentage of a child. In the proceeding, the law of this state
15 applies.

16 (2) A petitioner may file a direct request seeking recognition
17 and enforcement of a support order or support agreement. In the
18 proceeding, sections 706 through 713 apply.

19 (3) In a direct request for recognition and enforcement of a
20 Convention support order or foreign support agreement, the
21 following apply:

22 (a) A security, bond, or deposit is not required to guarantee
23 the payment of costs and expenses.

24 (b) An obligee or obligor that in the issuing country has
25 benefited from free legal assistance is entitled to benefit, at
26 least to the same extent, from any free legal assistance provided
27 for by the law of this state under the same circumstances.

1 (4) A petitioner filing a direct request is not entitled to
2 assistance from the office of child support.

3 (5) This article does not prevent the application of laws of
4 this state that provide simplified, more expeditious rules
5 regarding a direct request for recognition and enforcement of a
6 foreign support order or foreign support agreement.

7 Sec. 706. (1) Except as otherwise provided in this article, a
8 party who is an individual or a support enforcement agency seeking
9 recognition of a Convention support order shall register the order
10 in this state as provided in article 6.

11 (2) Notwithstanding sections 311 and 602(1), a request for
12 registration of a Convention support order must be accompanied by
13 the following:

14 (a) A complete text of the support order or an abstract or
15 extract of the support order drawn up by the issuing foreign
16 tribunal, which may be in the form recommended by the Hague
17 Conference on Private International Law.

18 (b) A record stating that the support order is enforceable in
19 the issuing country.

20 (c) If the respondent did not appear and was not represented
21 in the proceedings in the issuing country, a record attesting, as
22 appropriate, either that the respondent had proper notice of the
23 proceedings and an opportunity to be heard or that the respondent
24 had proper notice of the support order and an opportunity to be
25 heard in a challenge or appeal on fact or law before a tribunal.

26 (d) A record showing the amount of arrears, if any, and the
27 date the amount was calculated.

1 (e) A record showing a requirement for automatic adjustment of
2 the amount of support, if any, and the information necessary to
3 make the appropriate calculations.

4 (f) If necessary, a record showing the extent to which the
5 applicant received free legal assistance in the issuing country.

6 (3) A request for registration of a Convention support order
7 may seek recognition and partial enforcement of the order.

8 (4) A tribunal of this state may vacate the registration of a
9 Convention support order without the filing of a contest under
10 section 707 only if, acting on its own motion, the tribunal finds
11 that recognition and enforcement of the order would be manifestly
12 incompatible with public policy.

13 (5) The tribunal shall promptly notify the parties of the
14 registration or the order vacating the registration of a Convention
15 support order.

16 Sec. 707. (1) Except as otherwise provided in this article,
17 sections 605 through 608 apply to a contest of a registered
18 Convention support order.

19 (2) A party contesting a registered Convention support order
20 shall file a contest not later than 30 days after notice of the
21 registration, but if the contesting party does not reside in the
22 United States, the contest must be filed not later than 60 days
23 after notice of the registration.

24 (3) If the nonregistering party fails to contest the
25 registered Convention support order by the time specified in
26 subsection (2), the order is enforceable.

27 (4) A contest of a registered Convention support order may be

1 based only on grounds set forth in section 708. The contesting
2 party bears the burden of proof.

3 (5) In a contest of a registered Convention support order, the
4 following apply:

5 (a) A tribunal of this state is bound by the findings of fact
6 on which the foreign tribunal based its jurisdiction.

7 (b) A tribunal of this state may not review the merits of the
8 order.

9 (6) A tribunal of this state deciding a contest of a
10 registered Convention support order shall promptly notify the
11 parties of its decision.

12 (7) A challenge or appeal, if any, does not stay the
13 enforcement of a Convention support order unless there are
14 exceptional circumstances.

15 Sec. 708. (1) Except as otherwise provided in subsection (2),
16 a tribunal of this state shall recognize and enforce a registered
17 Convention support order.

18 (2) The following grounds are the only grounds on which a
19 tribunal of this state may refuse recognition and enforcement of a
20 registered Convention support order:

21 (a) Recognition and enforcement of the order is manifestly
22 incompatible with public policy, including the failure of the
23 issuing tribunal to observe minimum standards of due process, which
24 include notice and an opportunity to be heard.

25 (b) The issuing tribunal lacked personal jurisdiction
26 consistent with section 201.

27 (c) The order is not enforceable in the issuing country.

1 (d) The order was obtained by fraud in connection with a
2 matter of procedure.

3 (e) A record transmitted in accordance with section 706 lacks
4 authenticity or integrity.

5 (f) A proceeding between the same parties and having the same
6 purpose is pending before a tribunal of this state, and that
7 proceeding was the first to be filed.

8 (g) The order is incompatible with a more recent support order
9 involving the same parties and having the same purpose if the more
10 recent support order is entitled to recognition and enforcement
11 under this act in this state.

12 (h) Payment, to the extent alleged arrears have been paid in
13 whole or in part.

14 (i) In a case in which the respondent neither appeared nor was
15 represented in the proceeding in the issuing foreign country, 1 of
16 the following applies:

17 (i) If the law of that country provides for prior notice of
18 proceedings, the respondent did not have proper notice of the
19 proceedings and an opportunity to be heard.

20 (ii) If the law of that country does not provide for prior
21 notice of the proceedings, the respondent did not have proper
22 notice of the order and an opportunity to be heard in a challenge
23 or appeal on fact or law before a tribunal.

24 (j) The order was made in violation of section 711.

25 (3) If a tribunal of this state does not recognize a
26 Convention support order under subsection (2)(b), (d), or (i), the
27 following apply:

1 (a) The tribunal may not dismiss the proceeding without
2 allowing a reasonable time for a party to request the establishment
3 of a new Convention support order.

4 (b) The office of child support shall take all appropriate
5 measures to request a child-support order for the obligee if the
6 application for recognition and enforcement was received under
7 section 704.

8 Sec. 709. If a tribunal of this state does not recognize and
9 enforce a Convention support order in its entirety, it shall
10 enforce any severable part of the order. An application or direct
11 request may seek recognition and partial enforcement of a
12 Convention support order.

13 Sec. 710. (1) Except as otherwise provided in subsections (3)
14 and (4), a tribunal of this state shall recognize and enforce a
15 foreign support agreement registered in this state.

16 (2) An application or direct request for recognition and
17 enforcement of a foreign support agreement must be accompanied by
18 the following:

19 (a) A complete text of the foreign support agreement.

20 (b) A record stating that the foreign support agreement is
21 enforceable as an order of support in the issuing country.

22 (3) A tribunal of this state may vacate the registration of a
23 foreign support agreement only if, acting on its own motion, the
24 tribunal finds that recognition and enforcement would be manifestly
25 incompatible with public policy.

26 (4) In a contest of a foreign support agreement, a tribunal of
27 this state may refuse recognition and enforcement of the agreement

1 if it finds the following:

2 (a) Recognition and enforcement of the agreement is manifestly
3 incompatible with public policy.

4 (b) The agreement was obtained by fraud or falsification.

5 (c) The agreement is incompatible with a support order
6 involving the same parties and having the same purpose in this
7 state, another state, or a foreign country if the support order is
8 entitled to recognition and enforcement under this act in this
9 state.

10 (d) The record submitted under subsection (2) lacks
11 authenticity or integrity.

12 (5) A proceeding for recognition and enforcement of a foreign
13 support agreement must be suspended during the pendency of a
14 challenge to or appeal of the agreement before a tribunal of
15 another state or a foreign country.

16 Sec. 711. (1) A tribunal of this state may not modify a
17 Convention child-support order if the obligee remains a resident of
18 the foreign country where the support order was issued unless 1 of
19 the following applies:

20 (a) The obligee submits to the jurisdiction of a tribunal of
21 this state, either expressly or by defending on the merits of the
22 case without objecting to the jurisdiction at the first available
23 opportunity.

24 (b) The foreign tribunal lacks or refuses to exercise
25 jurisdiction to modify its support order or issue a new support
26 order.

27 (2) If a tribunal of this state does not modify a Convention

1 child-support order because the order is not recognized in this
2 state, section 708(3) applies.

3 Sec. 712. Personal information gathered or transmitted under
4 this article may be used only for the purposes for which it was
5 gathered or transmitted.

6 Sec. 713. A record filed with a tribunal of this state under
7 this article must be in the original language and, if not in
8 English, must be accompanied by an English translation.

9 ARTICLE 8

10 INTERSTATE RENDITION

11 Sec. 801. (1) For purposes of this article, "governor"
12 includes an individual performing the functions of governor or the
13 executive authority of a state covered by this act.

14 (2) The governor of this state may do the following:

15 (a) Demand that the governor of another state surrender an
16 individual found in the other state who is charged criminally in
17 this state with having failed to provide for the support of an
18 obligee.

19 (b) On the demand of the governor of another state, surrender
20 an individual found in this state who is charged criminally in the
21 other state with having failed to provide for the support of an
22 obligee.

23 (3) A provision for extradition of individuals not
24 inconsistent with this act applies to the demand even if the
25 individual whose surrender is demanded was not in the demanding
26 state when the crime was allegedly committed and has not fled
27 therefrom.

1 Sec. 802. (1) Before making a demand that the governor of
 2 another state surrender an individual charged criminally in this
 3 state with having failed to provide for the support of an obligee,
 4 the governor of this state may require a prosecutor of this state
 5 to demonstrate that at least 60 days previously the obligee had
 6 initiated proceedings for support under this act or that the
 7 proceeding would be of no avail.

8 (2) If, under this act or a law substantially similar to this
 9 act, the governor of another state makes a demand that the governor
 10 of this state surrender an individual charged criminally in that
 11 state with having failed to provide for the support of a child or
 12 other individual to whom a duty of support is owed, the governor
 13 may require a prosecutor to investigate the demand and report
 14 whether a proceeding for support has been initiated or would be
 15 effective. If it appears that a proceeding would be effective but
 16 has not been initiated, the governor may delay honoring the demand
 17 for a reasonable time to permit the initiation of a proceeding.

18 (3) If a proceeding for support has been initiated and the
 19 individual whose rendition is demanded prevails, the governor may
 20 decline to honor the demand. If the petitioner prevails and the
 21 individual whose rendition is demanded is subject to a support
 22 order, the governor may decline to honor the demand if the
 23 individual is complying with the support order.

24 ARTICLE 9

25 MISCELLANEOUS PROVISIONS

26 Sec. 901. In applying and construing this uniform act,
 27 consideration must be given to the need to promote uniformity of

House Bill No. 4742 as amended December 15, 2015

1 the law with respect to its subject matter among states that enact
2 it.

3 Sec. 902. This act applies to proceedings begun on or after
4 the effective date of this act to establish a support order or
5 determine parentage of a child or to register, recognize, enforce,
6 or modify a prior support order, determination, or agreement,
7 whenever issued or entered.

8 Sec. 903. If any provision of this act or its application to
9 any person or circumstance is held invalid, the invalidity does not
10 affect other provisions or applications of this act which can be
11 given effect without the invalid provision or application, and to
12 this end the provisions of this act are severable.

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23 ~~Sec. 904~~>>. The uniform interstate family support act, 1996 PA
24 310, MCL 552.1101 to 552.1901, is repealed.

25 <<~~Sec. 905~~>>. This act takes effect January 1, 2016.