CHAPTER 552. DIVORCE
REVISED STATUTES OF 1846

CHAPTER 84

Chapter 84. Of Divorce.

DIVORCE

552.1 Invalidity of marriages; legitimacy of issue.

Sec. 1. If solemnized within this state, a marriage that is prohibited by law because of consanguinity or affinity between the parties, because either party had a wife or husband living at the time of solemnization, or because either party was not capable in law of contracting at the time of solemnization is absolutely void. The issue of such a marriage are legitimate.

History: R.S. 1846, Ch. 84;—CL 1857, 3222;—CL 1871, 4733;—How. 6223;—Am. 1883, Act 24, Imd. Eff. Apr. 11, 1883;—CL 1897, 8616;—CL 1915, 11392;—CL 1929, 12723;—CL 1948, 552.1;—Am. 1967, Act 229, Eff. Nov. 2, 1967;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.2 Invalidity of marriages; marriage of person under age of consent, marriage by fraud, lack of cohabitation.

Sec. 2. In case of a marriage solemnized when either of the parties was under the age of legal consent, if they shall separate during such non-age, and not cohabit together afterwards, or in case the consent of 1 of the parties was obtained by force or fraud, and there shall have been no subsequent voluntary cohabitation of the parties, the marriage shall be deemed void, without any decree of divorce or other legal process.

History: R.S. 1846, Ch. 84;—CL 1857, 3223;—CL 1871, 4734;—How. 6224;—CL 1897, 8617;—CL 1915, 11393;—CL 1929, 12724;—CL 1948, 552.2.

Popular name: No-Fault Divorce

552.3 Marriage of doubtful validity; procedure to annul.

Sec. 3. When a marriage is supposed to be void, or the validity thereof is doubted, for any of the causes mentioned in the 2 preceding sections; either party, excepting in the cases where a contrary provision is hereinafter made, may file a petition or bill in the circuit court of the county where the parties, or 1 of them, reside, or in the court of chancery, for annulling the same, and such petition or bill shall be filed, and proceedings shall be had thereon, as in the case of a petition or bill filed in said court for a divorce; and upon due proof of the nullity of the marriage, it shall be declared void by a decree or sentence of nullity.

History: R.S. 1846, Ch. 84;—CL 1857, 3224;—CL 1871, 4735;—How. 6225;—CL 1897, 8618;—CL 1915, 11394;—CL 1929, 12725;—CL 1948, 552.3.

Popular name: No-Fault Divorce

552.4 Marriage of doubtful validity; procedure to affirm.

Sec. 4. When the validity of any marriage shall be denied or doubted by either of the parties, the other party may file a bill or petition in the manner aforesaid, for affirming the marriage; and upon due proof of the validity thereof, it shall be declared valid by a decree or sentence of the court; and such decree, unless reversed on appeal, shall be conclusive upon all persons concerned.

History: R.S. 1846, Ch. 84;—CL 1857, 3225;—CL 1871, 4736;—How. 6226;—CL 1897, 8619;—CL 1915, 11395;—CL 1929, 12726;—CL 1948, 552.4.

Popular name: No-Fault Divorce

552.5 Repealed. 1951, Act 14, Eff. Sept. 28, 1951.

Compiler's note: The repealed section declared that sentence of life imprisonment on either party dissolved marriage without decree of divorce or other legal process, and that no pardon would restore party so sentenced to his or her conjugal rights.

Popular name: No-Fault Divorce

552.6 Complaint for divorce; filing; grounds; answer; judgment.

Sec. 6. (1) A complaint for divorce may be filed in the circuit court upon the allegation that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. In the complaint the plaintiff shall make no other explanation of the grounds for divorce than by the use of the statutory language.

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(2) The defendant, by answer, may either admit the grounds for divorce alleged or deny them without further explanation. An admission by the defendant of the grounds for divorce may be considered by the court but is not binding on the court's determination.

(3) The court shall enter a judgment dissolving the bonds of matrimony if evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—Am. 1851, Act 64, Eff. July 5, 1851;—CL 1857, 3227;—CL 1871, 4738;—How. 6228;—CL 1897, 8621;—CL 1915, 11397;—CL 1929, 12728;—CL 1948, 552.6;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

552.7 Action for separate maintenance; filing; grounds; answer; effect of admission; counterclaim for divorce; judgment.

Sec. 7. (1) An action for separate maintenance may be filed in the circuit court in the same manner and on the same grounds as an action for divorce. In the complaint the plaintiff shall make no other explanation of the grounds for separate maintenance than by use of the statutory language.

(2) The defendant, by answer, may either admit the grounds for separate maintenance alleged or deny them without further explanation. An admission by the defendant of the grounds for separate maintenance may be considered by the court but is not binding on the court's determination. The defendant may also file a counterclaim for divorce.

(3) If the defendant files a counterclaim for divorce, the allegation contained in the plaintiff's complaint as to the grounds for separate maintenance may be considered by the court but is not binding on the court's determination.

(4) If evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved, the court shall enter:

(a) A judgment of separate maintenance if a counterclaim for divorce has not been filed.

(b) A judgment dissolving the bonds of matrimony if a counterclaim for divorce has been filed.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—CL 1857, 3228;—CL 1871, 4739;—How. 6229;—CL 1897, 8622;—CL 1915, 11398;—CL 1929, 12729;—CL 1948, 552.7;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Former law: See section 4 of Ch. 2, Title VII of R.S. 1838, and Act 60 of 1844.

Popular name: No-Fault Divorce

552.8 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to additional grounds for divorce from bonds of matrimony.

Popular name: No-Fault Divorce

552.9 Judgment of divorce; residency requirement; exception.

Sec. 9. (1) A judgment of divorce shall not be granted by a court in this state in an action for divorce unless the complainant or defendant has resided in this state for 180 days immediately preceding the filing of the complaint and, except as otherwise provided in subsection (2), the complainant or defendant has resided in the county in which the complaint is filed for 10 days immediately preceding the filing of the complaint.

(2) A person may file a complaint for divorce in any county in the state without meeting the 10-day requirement set forth in subsection (1) if all of the following apply and are set forth in the complaint:

(a) The defendant was born in, or is a citizen of, a country other than the United States of America.

(b) The parties to the divorce action have a minor child or children.

(c) There is information that would allow the court to reasonably conclude that the minor child or children are at risk of being taken out of the United States of America and retained in another country by the defendant.

History: R.S. 1846, Ch. 84;—CL 1857, 3230;—CL 1871, 4741;—How. 6231;—Am. 1887, Act 137, Eff. Sept. 28, 1887;—Am. 1895, Act 202, Eff. Aug. 30, 1895;—Am. 1897, Act 116, Eff. Aug. 30, 1897;—CL 1897, 8624;—Am. 1899, Act 210, Eff. Sept. 23, 1899;—CL 1915, 11400;—CL 1929, 12731;—Am. 1931, Act 139, Imd. Eff. May 21, 1931;—Am. 1941, Act 2, Eff. Jan. 10, 1942;—Am. 1947, Act 323, Eff. Oct. 11, 1947;—CL 1948, 552.9;—Am. 1953, Act 174, Eff. Oct. 2, 1953;—Am. 1956, Act 95, Eff. Aug. 11, 1956;—Am. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1959, Act 174, Eff. Mar. 19, 1960;—Am. 1974, Act 344, Imd. Eff. Dec. 21, 1974;—Am. 1989, Act 217, Imd. Eff. Nov. 27, 1989.

Popular name: No-Fault Divorce

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552.9a Decree of divorce; conditions.

Sec. 9a. No decree of divorce shall be granted in any case except when 1 of the following facts exists:

(a) The defendant is domiciled in this state at the time the bill of complaint for divorce is filed.

(b) The defendant shall have been domiciled in this state when the cause for divorce alleged in the bill or petition arose.

(c) The defendant shall have been brought in by publication or shall have been personally served with process in this state, or shall have been personally served with a copy of the order for appearance and publication within this state, or elsewhere, or has voluntarily appeared in the action or proceeding. Whenever any such order shall be served outside this state, proof of such service shall be made by the affidavit of the person who shall serve the same, made before a notary public, and when such affidavit shall be made outside this state it shall have attached the certificate of the clerk of a court of record, certifying to the official character of the notary and the genuineness of his or her signature to the jurat of the affidavit.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958;—Am. 1991, Act 147, Imd. Eff. Nov. 25, 1991.

Popular name: No-Fault Divorce

552.9b, 552.9c Repealed. 1958, Act 227, Imd. Eff. May 26, 1958.

Compiler's note: The repealed sections provided that actions for divorce should be commenced by filing praecipe for summons with clerk, set forth requirements for filing, and provided for motion or petition for immediate relief.

Popular name: No-Fault Divorce

552.9d Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to the occurrence of desertion.

Popular name: No-Fault Divorce

552.9e Divorce; cause occurring out of state, residence.

Sec. 9e. Whenever the cause for divorce charged in the bill or petition has occurred out of this state, no decree of divorce shall be granted unless the complainant or defendant shall have resided in this state 1 year immediately preceding the filing of the bill of complaint for the divorce. Absence from this state for not to exceed 90 days shall not be construed as to interfere with the fulfillment of the 1-year residence requirement provided in the case of causes for divorce occurring without this state.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

552.9f Divorce; taking of testimony; minor children; perpetuating testimony; nonresident defendant, residence of plaintiff.

Sec. 9f. No proofs or testimony shall be taken in any case for divorce until the expiration of 60 days from the time of filing the bill of complaint, except where the cause for divorce is desertion, or when the testimony is taken conditionally for the purpose of perpetuating such testimony. In every case where there are dependent minor children under the age of 18 years, no proofs or testimony shall be taken in such cases for divorce until the expiration of 6 months from the day the bill of complaint is filed. In cases of unusual hardship or such compelling necessity as shall appeal to the conscience of the court, upon petition and proper showing, it may take testimony at any time after the expiration of 60 days from the time of filing the bill of complaint. Testimony may be taken conditionally at any time for the purpose of perpetuating such testimony. When the defendant in any case for divorce is not domiciled in this state at the time of commencing the suit or shall not have been domiciled herein at the time the cause for divorce arose, before any decree of divorce shall be granted the complainant must prove that the parties have actually lived and cohabited together as husband and wife within this state, or that the complainant has in good faith resided in this state for 1 year immediately preceding the filing of the bill of complaint for divorce.

History: Add. 1957, Act 257, Eff. Sept. 27, 1957;—Am. 1958, Act 227, Imd. Eff. May 26, 1958.

Popular name: No-Fault Divorce

552.10 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to collusion or misconduct of parties.

Popular name: No-Fault Divorce

552.11 Action for divorce; answer without oath.

Sec. 11. An action for a divorce may be brought by a wife or a husband, and in all cases the respondent

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may answer the bill without oath or affirmation.

History: R.S. 1846, Ch. 84;—CL 1857, 3232;—CL 1871, 4743;—How. 6233;—CL 1897, 8626;—CL 1915, 11402;—CL 1929, 12733;—CL 1948, 552.11;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

Popular name: No-Fault Divorce

552.12 Suit; conduct, power of court.

Sec. 12. Suits to annul or affirm a marriage, or for a divorce, shall be conducted in the same manner as other suits in courts of equity; and the court shall have the power to award issues, to decree costs, and to enforce its decrees, as in other cases.

History: R.S. 1846, Ch. 84;—CL 1857, 3233;—CL 1871, 4744;—How. 6234;—CL 1897, 8627;—CL 1915, 11403;—CL 1929, 12734;—CL 1948, 552.12.

Popular name: No-Fault Divorce

552.13 Alimony; costs; termination.

Sec. 13. (1) In every action brought, either for a divorce or for a separation, the court may require either party to pay alimony for the suitable maintenance of the adverse party, to pay such sums as shall be deemed proper and necessary to conserve any real or personal property owned by the parties or either of them, and to pay any sums necessary to enable the adverse party to carry on or defend the action, during its pendency. It may award costs against either party and award execution for the same, or it may direct such costs to be paid out of any property sequestered, or in the power of the court, or in the hands of a receiver.

(2) An award of alimony may be terminated by the court as of the date the party receiving alimony remarries unless a contrary agreement is specifically stated in the judgment of divorce. Termination of an award under this subsection shall not affect alimony payments which have accrued prior to that termination.

History: R.S. 1846, Ch. 84;—CL 1857, 3234;—CL 1871, 4745;—How. 6235;—CL 1897, 8628;—CL 1915, 11404;—CL 1929, 12735;—CL 1948, 552.13;—Am. 1951, Act 18, Imd. Eff. Apr. 5, 1951;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1974, Act 364, Eff. Apr. 1, 1975.

Popular name: No-Fault Divorce

552.14 Action for annulment, divorce, or separate maintenance; entering personal protection order.

Sec. 14. (1) On the motion of a party at any time after the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, the court may at any time during the pendency of the action prohibit a party from imposing any restraint on the moving party's personal liberty by entering a personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

(2) On the motion of a party, before or at the time of a judgment of divorce, order for separate maintenance, or decree of annulment, regardless of whether a personal protection order has been issued under subsection (1), the court may enter a personal protection order under section 2950 or 2950a of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2950 and 600.2950a of the Michigan Compiled Laws.

History: R.S. 1846, Ch. 84;—CL 1857, 3235;—CL 1871, 4746;—How. 6236;—CL 1897, 8629;—CL 1915, 11405;—CL 1929, 12736;—CL 1948, 552.14;—Am. 1978, Act 318, Imd. Eff. July 10, 1978;—Am. 1983, Act 229, Imd. Eff. Nov. 28, 1983;—Am. 1994, Act 57, Eff. July 1, 1994;—Am. 1994, Act 342, Eff. Apr. 1, 1996;—Am. 1994, Act 417, Eff. Apr. 1, 1995.

Popular name: No-Fault Divorce

552.15 Care, custody, and support of minor children during pendency of action; support order; enforcement.

Sec. 15. (1) After the filing of a complaint in an action to annul a marriage or for a divorce or separate maintenance, on the motion of either party or the friend of the court, or on the court's own motion, the court may enter orders concerning the care, custody, and support of the minor children of the parties during the pendency of the action as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, and as the court considers proper and necessary. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3236;—CL 1871, 4747;—How. 6237;—CL 1897, 8630;—CL 1915, 11406;—CL 1929, 12737;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.15;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274,

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Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.16 Care, custody, and support of minor child after annulment or judgment of divorce or separate maintenance; enforcement.

Sec. 16. (1) Upon annulling a marriage or entering a judgment of divorce or separate maintenance, the court may enter the orders it considers just and proper concerning the care, custody, and, as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605, support of a minor child of the parties. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as provided in this subsection for the parties' children who are not minor children.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: R.S. 1846, Ch. 84;—CL 1857, 3237;—CL 1871, 4748;—How. 6238;—CL 1897, 8631;—CL 1915, 11407;—Am. 1929, Act 254, Eff. Aug. 28, 1929;—CL 1929, 12738;—Am. 1939, Act 134, Eff. Sept. 29, 1939;—CL 1948, 552.16;—Am. 1985, Act 214, Eff. Mar. 1, 1986;—Am. 1989, Act 274, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.16a Repealed. 2001, Act 107, Eff. Sept. 30, 2001.

Compiler's note: The repealed section pertained to support of child after child reaches 18 years of age.

Popular name: No-Fault Divorce

552.17 Revision and alteration of judgment concerning care, custody, maintenance, and support of children; enforceability of order.

Sec. 17. (1) After entry of a judgment concerning annulment, divorce, or separate maintenance and on the petition of either parent, the court may revise and alter a judgment concerning the care, custody, maintenance, and support of some or all of the children, as the circumstances of the parents and the benefit of the children require.

(2) An order concerning the support of a child of the parties is governed by and is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

History: R.S. 1846, Ch. 84;—CL 1857, 3238;—CL 1871, 4749;—How. 6239;—CL 1897, 8632;—CL 1915, 11408;—CL 1929, 12739;—CL 1948, 552.17;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 291, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 9, Eff. June 1, 1996;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.17a Jurisdiction of court; application for modification of judgment or order; waiver of contempt.

Sec. 17a. (1) The court has jurisdiction to make an order or judgment relative to the minor children of the parties as authorized in this chapter to award custody of each child to 1 of the parties or a third person until each child has attained the age of 18 years and may require either parent to pay for the support of each child until each child attains that age. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support as authorized in this chapter for a child of the parties to provide support for the child after the child reaches 18 years of age.

(2) Upon an application for modification of a judgment or order when applicant is in contempt, for cause shown, the court may waive the contempt and proceed to a hearing without prejudice to applicant's rights and render a determination on the merits.

History: Add. 1939, Act 255, Eff. Sept. 29, 1939;—CL 1948, 552.17a;—Am. 1954, Act 2, Eff. Aug. 13, 1954;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 7, Imd. Eff. Feb. 14, 2002.

Popular name: No-Fault Divorce

552.18 Rights or contingent rights in and to vested or unvested benefits or accumulated contributions as part of marital estate subject to award by court; amendment of court order to satisfy requirements of eligible domestic relations order.

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Sec. 18. (1) Any rights in and to vested pension, annuity, or retirement benefits, or accumulated contributions in any pension, annuity, or retirement system, payable to or on behalf of a party on account of service credit accrued by the party during marriage shall be considered part of the marital estate subject to award by the court under this chapter.

(2) Any rights or contingent rights in and to unvested pension, annuity, or retirement benefits payable to or on behalf of a party on account of service credit accrued by the party during marriage may be considered part of the marital estate subject to award by the court under this chapter where just and equitable.

(3) Upon motion of a party or upon consent of the parties, an order of the court under this section entered before the effective date of the amendatory act that added this subsection shall be amended to satisfy the requirements of an eligible domestic relations order and to effectuate the intent of the parties or the ruling of the court. As used in this subsection, "eligible domestic relations order" means a domestic relations order that is an eligible domestic relations order under the eligible domestic relations order act.

History: Add. 1985, Act 43, Imd. Eff. June 13, 1985;—Am. 1991, Act 86, Imd. Eff. July 18, 1991.

Compiler's note: Former MCL 552.18, pertaining to disposition of real estate to wife, was repealed by 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

552.19 Restoration of real and personal estate to parties.

Sec. 19. Upon the annulment of a marriage, a divorce from the bonds of matrimony or a judgment of separate maintenance, the court may make a further judgment for restoring to either party the whole, or such parts as it shall deem just and reasonable, of the real and personal estate that shall have come to either party by reason of the marriage, or for awarding to either party the value thereof, to be paid by either party in money.

History: R.S. 1846, Ch. 84;—CL 1857, 3240;—CL 1871, 4751;—How. 6241;—CL 1897, 8634;—CL 1915, 11410;—CL 1929, 12741;—CL 1948, 552.19;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

552.20 Real and personal property or money in lieu thereof; delivery or payment to trustee; investment; application of income.

Sec. 20. Upon every divorce, and upon every divorce from bed and board for any cause, if any real and personal estate of either party, or money in lieu of the real or personal estate is awarded to either party as provided in section 19, the court, instead of ordering it to be delivered or paid to either party, may order it to be delivered or paid to a trustee or trustees, to be appointed by the court, upon trust to invest it, and to apply the income from it to the support and maintenance of either party, and of the children of the marriage, or any of them, in the manner as the court shall direct.

History: R.S. 1846, Ch. 84;—CL 1857, 3241;—CL 1871, 4752;—How. 6242;—CL 1897, 8635;—CL 1915, 11411;—CL 1929, 12742;—CL 1948, 552.20;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990.

Popular name: No-Fault Divorce

552.21 Payment of principal sum on court order; bonds.

Sec. 21. Such trustees shall also pay over the principal sum to either party and children of the marriage, when ordered by the court, in such proportions, and at such times as the court shall direct, regard being had, in the disposition of the income, as well as of the principal sum, to the situation and circumstances of either party and their children; and the trustees shall give such bonds as the court shall require, for the faithful performance of their trust.

History: R.S. 1846, Ch. 84;—CL 1857, 3242;—CL 1871, 4753;—How. 6243;—CL 1897, 8636;—CL 1915, 11412;—CL 1929, 12743;—CL 1948, 552.21;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

552.22 Disclosure of property.

Sec. 22. Whenever the court shall think proper to award to either party any of the real and personal estate of either party, or any money in lieu thereof, such court may require either party to disclose on oath, what real and personal estate has come to either party by reason of the marriage, and how it has been disposed of, and what portion thereof still remains in the hands of either party.

History: R.S. 1846, Ch. 84;—CL 1857, 3243;—CL 1871, 4754;—How. 6244;—CL 1897, 8637;—CL 1915, 11413;—CL 1929, 12744;—CL 1948, 552.22;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970.

Popular name: No-Fault Divorce

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552.23 Judgment of divorce or separate maintenance; further award of real and personal estate; transmittal of payments to department of human services; service fee; failure or refusal to pay service fee; contempt; "state disbursement unit" or "SDU" defined.

Sec. 23. (1) Upon entry of a judgment of divorce or separate maintenance, if the estate and effects awarded to either party are insufficient for the suitable support and maintenance of either party and any children of the marriage who are committed to the care and custody of either party, the court may also award to either party the part of the real and personal estate of either party and spousal support out of the real and personal estate, to be paid to either party in gross or otherwise as the court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case.

(2) Upon certification by a county department of human services that a complainant or petitioner in a proceeding under this chapter is receiving public assistance either personally or for children of the marriage, payments received by the friend of the court or the state disbursement unit for the support and education of the children or maintenance of the party shall be transmitted to the department of human services.

(3) If the court appoints the friend of the court custodian, receiver, trustee, or escrow agent of assets owned by a husband and wife, or either of them, the court may fix the amount of the fee for such service, to be turned over to the county treasurer and credited to the general fund of the county. The court may hold in contempt a person who fails or refuses to pay a fee ordered under this subsection.

(4) As used in this section and section 24, "state disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: R.S. 1846, Ch. 84;—CL 1857, 3244;—CL 1871, 4755;—Am. 1877, Act 91, Eff. Aug. 21, 1877;—How. 6245;—CL 1897, 8638;—CL 1915, 11414;—CL 1929, 12745;—Am. 1947, Act 133, Eff. Oct. 11, 1947;—CL 1948, 552.23;—Am. 1951, Act 130, Eff. Sept. 28, 1951;—Am. 1958, Act 81, Eff. Sept. 13, 1958;—Am. 1964, Act 11, Eff. Aug. 28, 1964;—Am. 1967, Act 73, Eff. Jan. 1, 1968;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 175, Imd. Eff. Dec. 2, 1971;—Am. 1983, Act 193, Imd. Eff. Nov. 1, 1983;—Am. 1999, Act 159, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 234, Imd. Eff. Jan. 8, 2010.

Popular name: No-Fault Divorce

552.24 Centralized receipt and disbursement of support and fees.

Sec. 24. The SDU is responsible for the centralized receipt and disbursement of support. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 159, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 234, Imd. Eff. Jan. 8, 2010.

Compiler's note: Former MCL 552.24, which pertained to right of wife to dower, was repealed by Act 75 of 1971, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

552.27 Alimony or allowance for support and education of children as lien; default; powers of court.

Sec. 27. If alimony or an allowance for the support and education of the children is awarded to either party, the amount of the alimony or allowance constitutes a lien upon the real and personal estate of the adverse party as provided in section 25a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.65a. The court may do 1 or more of the following if the party defaults on the payment of the amount awarded:

(a) Order the sale of the property against which the lien is adjudged in the same manner and upon the same notice as in suits for the foreclosure of mortgage liens.

(b) Award execution for the collection of the judgment.

(c) Order the sequestration of the real and personal estate of either party and may appoint a receiver of the real estate or personal estate, or both, and cause the personal estate and the rents and profits of the real estate to be applied to the payment of the judgment.

(d) Award a division between the husband and wife of the real and personal estate of either party or of the husband and wife by joint ownership or right as the court considers equitable and just.

History: R.S. 1846, Ch. 84;—CL 1857, 3248;—Am. 1865, Act 255, Eff. June 22, 1865;—CL 1871, 4759;—Am. 1877, Act 44, Eff. Aug. 21, 1877;—How. 6247;—Am. 1897, Act 197, Eff. Aug. 30, 1897;—CL 1897, 8640;—CL 1915, 11416;—CL 1929, 12747;—CL 1948, 552.27;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 243, Imd. Eff. Oct. 10, 1990;—Am. 1998, Act 96, Eff. Aug. 10, 1998.

Compiler's note: At the end of the first sentence of the first paragraph of this section, the reference to "1982 PA 295, MCL 552.65a" evidently should read "1982 PA 295, MCL 552.625a."

Popular name: No-Fault Divorce

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552.28 Judgment for alimony or allowance or for appointment of trustees; revision or alteration.

Sec. 28. On petition of either party, after a judgment for alimony or other allowance for either party or a child, or after a judgment for the appointment of trustees to receive and hold property for the use of either party or a child, and subject to section 17, the court may revise and alter the judgment, respecting the amount or payment of the alimony or allowance, and also respecting the appropriation and payment of the principal and income of the property held in trust, and may make any judgment respecting any of the matters that the court might have made in the original action.

History: R.S. 1846, Ch. 84;—CL 1857, 3249;—CL 1871, 4760;—How. 6248;—CL 1897, 8641;—CL 1915, 11417;—CL 1929, 12748;—CL 1948, 552.28;—Am. 1970, Act 182, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 290, Eff. Jan. 1, 1993.

Popular name: No-Fault Divorce

552.29 Presumption of legitimacy.

Sec. 29. The legitimacy of all children begotten before the commencement of any action under this act shall be presumed until the contrary be shown.

History: R.S. 1846, Ch. 84;—CL 1857, 3250;—CL 1871, 4761;—How. 6249;—CL 1897, 8642;—CL 1915, 11418;—CL 1929, 12749;—CL 1948, 552.29;—Am. 1971, Act 75, Eff. Jan. 1, 1972.

Popular name: No-Fault Divorce

552.30 Legitimacy of issue; dissolution of marriage.

Sec. 30. Upon the dissolution of a marriage because of a party's non-age at the time of the marriage, or because a party was otherwise not capable in law of contracting at the time of the marriage, the issue of the marriage are in all respects the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3251;—CL 1871, 4762;—How. 6250;—CL 1897, 8643;—CL 1915, 11419;—CL 1929, 12750;—CL 1948, 552.30;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.31 Legitimacy of issue; dissolution of bigamous marriage entered into in good faith.

Sec. 31. When a marriage is dissolved on account of a prior marriage of either party, and it shall appear that the second marriage was contracted in good faith, and with the full belief of the parties that the former wife or husband was dead, that fact shall be stated in the decree of divorce or nullity; and the issue of such second marriage, born or begotten before the commencement of the suit, shall be deemed to be the legitimate issue of the parent who, at the time of the marriage, was capable of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3252;—CL 1871, 4763;—How. 6251;—CL 1897, 8644;—CL 1915, 11420;—CL 1929, 12751;—CL 1948, 552.31.

Popular name: No-Fault Divorce

552.34 Action to annul marriage of minor.

Sec. 34. An action to annul a marriage on the ground that 1 of the parties was under the age of legal consent, as provided in section 3 of Act No. 128 of the Public Acts of 1887, being section 551.103 of the Michigan Compiled Laws, may be brought by the parent or guardian entitled to the custody of the minor or by the next friend of the minor, but the marriage shall not be annulled on the application of a party who was of the age of legal consent at the time of the marriage, or when it appears that the parties, after they had attained the age of consent, had freely cohabited as husband and wife.

History: R.S. 1846, Ch. 84;—Am. 1847, Act 105, Eff. May 16, 1847;—Am. 1848, Act 150, Imd. Eff. Mar. 30, 1848;—CL 1857, 3255;—CL 1871, 4766;—How. 6254;—CL 1897, 8646;—CL 1915, 11422;—CL 1929, 12753;—CL 1948, 552.34;—Am. 1983, Act 211, Imd. Eff. Nov. 10, 1983.

Popular name: No-Fault Divorce

552.35 Marriage annulment; action by party's next friend.

Sec. 35. If, at the time of a marriage, a party to the marriage was not capable in law of contracting, an individual admitted by the court as the party's next friend may bring an action to annul the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3256;—CL 1871, 4767;—How. 6255;—CL 1897, 8647;—CL 1915, 11423;—CL 1929, 12754;—CL 1948, 552.35;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.36 Marriage annulment; action by party to marriage.

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Sec. 36. A party to a marriage who, at the time of the marriage, was not capable in law of contracting and who later becomes capable in law of contracting may bring an action to annul the marriage. The court shall not, however, annul the marriage if the court finds that the parties cohabited as husband and wife after the party became capable in law of contracting.

History: R.S. 1846, Ch. 84;—CL 1857, 3257;—CL 1871, 4768;—How. 6256;—CL 1897, 8648;—CL 1915, 11424;—CL 1929, 12755;—CL 1948, 552.36;—Am. 2001, Act 107, Eff. Sept. 30, 2001.

Popular name: No-Fault Divorce

552.37 Marriage annulment; ground of force or fraud; effect of voluntary cohabitation.

Sec. 37. No marriage shall be annulled on the ground of force or fraud, if it shall appear that, at any time before the commencement of the suit, there was a voluntary cohabitation of the parties as husband and wife.

History: R.S. 1846, Ch. 84;—CL 1857, 3258;—CL 1871, 4769;—How. 6257;—CL 1897, 8649;—CL 1915, 11425;—CL 1929, 12756;—CL 1948, 552.37.

Popular name: No-Fault Divorce

552.38 Marriage annulment; ground of force or fraud; custody and maintenance of issue.

Sec. 38. If there shall be any issue of a marriage, annulled on the ground of force or fraud, the court shall decree their custody to the innocent parent, and may also decree a provision for their education and maintenance out of the estate and property of the guilty party.

History: R.S. 1846, Ch. 84;—CL 1857, 3259;—CL 1871, 4770;—How. 6258;—CL 1897, 8650;—CL 1915, 11426;—CL 1929, 12757;—CL 1948, 552.38.

Popular name: No-Fault Divorce

552.39 Marriage annulment; ground of physical incapacity; party to maintain; time limitation of suit.

Sec. 39. A suit to annul a marriage, on the ground of the physical incapacity of 1 of the parties, shall only be maintained by the injured party, against the party whose incapacity is alleged; and shall, in all cases, be brought within 2 years from the solemnization of the marriage.

History: R.S. 1846, Ch. 84;—CL 1857, 3260;—CL 1871, 4771;—How. 6259;—CL 1897, 8651;—CL 1915, 11427;—CL 1929, 12758;—CL 1948, 552.39.

Popular name: No-Fault Divorce

552.40-552.42 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed sections pertained to divorce decrees, adultery, and orders for support and maintenance of wife and children.

Popular name: No-Fault Divorce

552.43 Divorce from bed and board; decree; limited time, revocation.

Sec. 43. When a decree of divorce from bed and board forever, or for a limited time, shall have been pronounced, it may be revoked at any time thereafter, under such regulations and restrictions as the court may impose, upon the joint application of the parties, and their producing satisfactory evidence of their reconciliation.

History: R.S. 1846, Ch. 84;—CL 1857, 3264;—CL 1871, 4775;—How. 6263;—CL 1897, 8655;—CL 1915, 11431;—CL 1929, 12762;—CL 1948, 522.43.

Popular name: No-Fault Divorce

552.44 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to testimony taken before a circuit court commissioner.

Popular name: No-Fault Divorce

552.45 Children; enumeration in complaint; notice to prosecutor of friend of court; decree opposition, interest of prosecutor or partners in case.

Sec. 45. Every bill of complaint filed shall set forth the names and ages of all children of the marriage, and if there are children under 17 years of age a copy of the summons issued in the cause shall be served upon the prosecuting attorney of the county where suit is commenced, or upon the friend of the court in those counties having a population of 500,000 or more that have a friend of the court. The prosecuting attorney or friend of the court so served may enter his or her appearance in the cause, and if, in his or her judgment, the interest of the children or the public good so requires, he or she shall introduce evidence and appear at the hearing and

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oppose the granting of a decree of divorce. In a case in which there are no children the issue of such marriage under the age of 17 years, if it appears to the court that the public good requires, an order may be entered requiring the prosecuting attorney or friend of the court in counties having a population of 500,000 or more to appear and oppose the granting of a decree of divorce. Nothing in this act prevents prosecuting attorneys or their partners from acting as solicitors or counsel for either party to the suit. If a prosecuting attorney or friend of the court is in any way interested as solicitor or counsel for either of the parties the court shall appoint some reputable attorney to perform the services of prosecuting attorney, as provided in this act, who shall receive the compensation provided for such service.

History: Add. 1887, Act 137, Eff. Sept. 28, 1887;—How. 6263b;—CL 1897, 8657;—Am. 1907, Act 315, Eff. Sept. 28, 1907;—Am. 1909, Act 284, Eff. Sept. 1, 1909;—CL 1915, 11433;—Am. 1919, Act 397, Eff. Aug. 14, 1919;—CL 1929, 12764;—Am. 1931, Act 44, Eff. Sept. 18, 1931;—CL 1948, 552.45;—Am. 1963, Act 13, Eff. Sept. 6, 1963;—Am. 2004, Act 376, Imd. Eff. Oct. 11, 2004.

Popular name: No-Fault Divorce

552.46 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

Compiler's note: The repealed section pertained to remarriage.

Popular name: No-Fault Divorce

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JUDGMENTS OF DIVORCE OR SEPARATE MAINTENANCE
Act 259 of 1909

AN ACT to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof.

History: 1909, Act 259, Eff. Sept. 1, 1909;—Am. 1939, Act 220, Eff. Sept. 29, 1939;—Am. 1982, Act 184, Imd. Eff. June 17, 1982;—Am. 1985, Act 42, Imd. Eff. June 13, 1985.

The People of the State of Michigan enact:

552.101 Judgment of divorce or separate maintenance; provision in lieu of dower; determining rights of wife or husband in and to policy of life insurance, endowment, or annuity; discharge of liability on policy; determination of rights; assignment of rights.

Sec. 1. (1) When any judgment of divorce or judgment of separate maintenance is granted in any of the courts of this state, the court granting the judgment shall include in it a provision in lieu of the dower of the wife in the property of the husband, which shall be in full satisfaction of all claims that the wife may have in any property that the husband owns or may own in the future or in which he may have any interest.

(2) Each judgment of divorce or judgment of separate maintenance shall determine all rights of the wife in and to the proceeds of any policy or contract of life insurance, endowment, or annuity upon the life of the husband in which the wife was named or designated as beneficiary, or to which the wife became entitled by assignment or change of beneficiary during the marriage or in anticipation of marriage. If the judgment of divorce or judgment of separate maintenance does not determine the rights of the wife in and to a policy of life insurance, endowment, or annuity, the policy shall be payable to the estate of the husband or to the named beneficiary if the husband so designates. However, the company issuing the policy shall be discharged of all liability on the policy by payment of its proceeds in accordance with the terms of the policy unless before the payment the company receives written notice, by or on behalf of the insured or the estate of the insured, 1 of the heirs of the insured, or any other person having an interest in the policy, of a claim under the policy and the divorce.

(3) Each judgment of divorce or judgment of separate maintenance shall determine all rights of the husband in and to the proceeds of any policy or contract of life insurance, endowment, or annuity upon the life of the wife in which the husband was named or designated as beneficiary, or to which he became entitled by assignment or change of beneficiary during the marriage or in anticipation of marriage. If the judgment of divorce or judgment of separate maintenance does not determine the rights of the husband in and to the policy of life insurance, endowment, or annuity, the policy shall be payable to the estate of the wife, or to the named beneficiary if the wife so designates. However, the company issuing the policy shall be discharged of all liability on the policy by payment of the proceeds in accordance with the terms of the policy unless before the payment the company receives written notice, by or on behalf of the insured or the estate of the insured, 1 of the heirs of the insured, or any other person having an interest in the policy, of a claim under the policy and the divorce.

(4) Each judgment of divorce or judgment of separate maintenance shall determine all rights, including any contingent rights, of the husband and wife in and to all of the following:

(a) Any vested pension, annuity, or retirement benefits.

(b) Any accumulated contributions in any pension, annuity, or retirement system.

(c) In accordance with section 18 of 1846 RS 84, MCL 552.18, any unvested pension, annuity, or retirement benefits.

(5) For any divorce or separate maintenance action filed on or after September 1, 2006, if a judgment of divorce or judgment of separate maintenance provides for the assignment of any rights in and to any pension, annuity, or retirement benefits, a proportionate share of all components of the pension, annuity, or retirement benefits shall be included in the assignment unless the judgment of divorce or judgment of separate maintenance expressly excludes 1 or more components. Components include, but are not limited to, supplements, subsidies, early retirement benefits, postretirement benefit increases, surviving spouse benefits,

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and death benefits. This subsection shall apply regardless of the characterization of the pension, annuity, or retirement benefit as regular retirement, early retirement, disability retirement, death benefit, or any other characterization or classification, unless the judgment of divorce or judgment of separate maintenance expressly excludes a particular characterization or classification.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11436;—CL 1929, 12766;—Am. 1939, Act 220, Eff. Sept. 29, 1939;—CL 1948, 552.101;—Am. 1982, Act 184, Imd. Eff. June 17, 1982;—Am. 1985, Act 42, Imd. Eff. June 13, 1985;—Am. 2006, Act 288, Imd. Eff. July 20, 2006.

552.102 Realty owned jointly or by entireties; effect of divorce without determination of ownership in decree.

Sec. 2. Every husband and wife owning real estate as joint tenants or as tenants by entireties shall, upon being divorced, become tenants in common of such real estate, unless the ownership thereof is otherwise determined by the decree of divorce.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11437;—CL 1929, 12767;—CL 1948, 552.102.

552.103 Realty owned jointly or by entireties; bill of complaint, disposal, sale order, partition.

Sec. 3. The bill of complaint or amendment thereto, or the answer or cross bill or amendment thereto, filed in any divorce proceeding may ask that the ownership of the lands described therein and owned by the parties to such suit as joint tenants or as tenants by entireties shall be determined by the decree of divorce, if granted, and in such case the court granting the divorce may award such lands to 1 or the other of said parties, or any part of it to either of them, or may order such lands to be sold under the direction of a circuit court commissioner, and the proceeds thereof divided between the parties in such proportion as the court shall order; or may appoint commissioners to partition such lands between said parties in the proportion fixed by the decree. The proceedings following the appointment of such commissioner shall conform to the law governing the partition of lands between tenants in common.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11438;—CL 1929, 12768;—CL 1948, 552.103.

552.104 Divorce decree; certified copy; recording.

Sec. 4. A certified copy of any decree granted in a suit for divorce may be recorded in the office of the register of deeds of any county in this state.

History: 1909, Act 259, Eff. Sept. 1, 1909;—CL 1915, 11439;—CL 1929, 12769;—CL 1948, 552.104.

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ALIMONY AWARDED BY COURT OF ANOTHER STATE
Act 52 of 1911

AN ACT to allow the bringing of an action at law on a decree for alimony of a court of another state and regulating the practice in such cases.

History: 1911, Act 52, Eff. Aug. 1, 1911.

The People of the State of Michigan enact:

552.121 Foreign divorce decree as basis of action at law.

Sec. 1. In all cases where a decree for alimony has been rendered in another state in a case where the party against whom the decree was rendered was present in court or was personally served with process within the jurisdiction of the court, the alimony decreed upon the final hearing may be recovered in an action at law in this state, regardless of whether the same is decreed to be paid in 1 payment or in installments from time to time.

History: 1911, Act 52, Eff. Aug. 1, 1911;—CL 1915, 11440;—CL 1929, 12770;—CL 1948, 552.121.

552.122 Stay of proceedings.

Sec. 2. If the defendant in this state shows that he has made proper application in the court of the other state for a reduction or any further order in relation to the alimony in the courts of the other state, the court in this state may stay the proceedings in this state on such terms as it desires to impose.

History: 1911, Act 52, Eff. Aug. 1, 1911;—CL 1915, 11441;—CL 1929, 12771;—CL 1948, 552.122.

552.123 Judgment; stay, amendment.

Sec. 3. All judgments in such cases shall be stayed 60 days, and if during said term the defendant in this state presents satisfactory evidence of a change in the decree of the courts of the other state, the court may alter or amend its judgment as to it may seem proper and just.

History: 1911, Act 52, Eff. Aug. 1, 1911;—CL 1915, 11442;—CL 1929, 12772;—CL 1948, 552.123.

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COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE
Act 379 of 1913

AN ACT to facilitate the collection of alimony and support and maintenance for minor children or for children who are 18 years of age or older ordered to be paid in suits for divorce or separate maintenance.

History: 1913, Act 379, Eff. Aug. 14, 1913;—Am. 1962, Act 176, Eff. Mar. 24, 1963;—Am. 1990, Act 242, Imd. Eff. Oct. 10, 1990.

The People of the State of Michigan enact:

552.151 Alimony or support and maintenance order in suit for divorce or separate maintenance; petition; punishment for neglect or violation.

Sec. 1. In a suit for divorce or separate maintenance, if an order or decree for payment of temporary or permanent alimony, or of support and maintenance for minor children or for children who are 18 years of age or older, has been made, and if the party, plaintiff, or defendant, has appeared in person or by attorney or has been personally served with process within the jurisdiction of the court making the order or decree, then the court may punish by fine or imprisonment, or both, any neglect or violation of the order upon petition of the party whose rights may have been impaired, impeded, or prejudiced by neglect or violation.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11443;—CL 1929, 12773;—CL 1948, 552.151;—Am. 1962, Act 176, Eff. Mar. 24, 1963;—Am. 1990, Act 242, Imd. Eff. Oct. 10, 1990.

552.152 Payments in default; motion; attachment; "state disbursement unit" or "SDU" defined.

Sec. 2. (1) When a decree or order described in section 1 orders payments to be made to the clerk of the court, the friend of the court, or the state disbursement unit and a payment is in default, the party prejudiced may make a motion before the court showing by records in the clerk's or friend of the court's office, or otherwise, that the default has occurred, and the court may issue an attachment to arrest the party in default and bring the party immediately before the court to answer for the default.

(2) As used in this act, "state disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11444;—Am. 1923, Act 232, Eff. Aug. 30, 1923;—CL 1929, 12774;—CL 1948, 552.152;—Am. 1962, Act 176, Eff. Mar. 28, 1963;—Am. 1999, Act 153, Imd. Eff. Nov. 3, 1999.

552.153 Order for payment; demand or notice not necessity.

Sec. 3. No demand or notice of making the order for such payment shall be necessary in the cases enumerated in section 1.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11445;—CL 1929, 12775;—CL 1948, 552.153;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

552.154 Attachment; arrest, custody of party.

Sec. 4. The attachment shall be executed by the sheriff of the county, or by any officer authorized to make such arrest, who shall arrest the party named therein and keep him in actual custody and bring him forthwith before the court issuing the attachment, and shall keep and detain him until the court shall make some further order.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11446;—CL 1929, 12776;—CL 1948, 552.154;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

552.155 Attachment; discharge by execution of bond, court order.

Sec. 5. The party arrested on the attachment shall be discharged therefrom upon executing and delivering to the clerk of the court issuing such attachment a bond, with 2 sufficient sureties in a penal sum to be fixed by the court, conditioned for immediate and faithful performance of the terms of the order for such payment, or the party may be discharged from arrest by such other order as the court may enter after a full hearing thereon.

History: 1913, Act 379, Eff. Aug. 14, 1913;—CL 1915, 11447;—CL 1929, 12777;—CL 1948, 552.155;—Am. 1962, Act 176, Eff. Mar. 28, 1963.

552.156 Transition to centralized receipt and disbursement of support and fees.

Sec. 6. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as

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required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 153, Imd. Eff. Nov. 3, 1999.

FAILURE TO PAY SUPPORT AND MAINTENANCE
Act 239 of 1913

552.201-552.203 Repealed. 1982, Act 295, Eff. July 1, 1983.

FRIEND OF COURT IN DIVORCE CASES
Act 412 of 1919

552.251-552.255 Repealed. 1982, Act 294, Eff. July 1, 1983.

PROPERTY AND MAINTENANCE FOR WIVES
Act 243 of 1889

552.301,552.302 Repealed. 1971, Act 75, Eff. Jan. 1, 1972.

PROPERTY AND MAINTENANCE FOR WIVES
Act 152 of 1873

552.333 Repealed. 1985, Act 210, Eff. Mar. 1, 1986.

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CHANGE OF NAME OF DIVORCED WOMAN
Act 299 of 1905

AN ACT to provide for changing and determining the names of divorced women.

History: 1905, Act 299, Eff. Sept. 16, 1905.

The People of the State of Michigan enact:

552.391 Divorced woman; change of name.

Sec. 1. The circuit courts of this state, whenever a decree of divorce is granted, may, at the instance of the woman, whether complainant or defendant, decree to restore to her her birth name, or the surname she legally bore prior to her marriage to the husband in the divorce action, or allow her to adopt another surname if the change is not sought with any fraudulent or evil intent.

History: 1905, Act 299, Eff. Sept. 16, 1905;—CL 1915, 11435;—CL 1929, 12787;—CL 1948, 552.391;—Am. 1975, Act 40, Imd. Eff. May 12, 1975.

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AWARD OF PROPERTY OWNED BY SPOUSE TO PARTY
Act 42 of 1949

AN ACT to confer power upon the circuit court of this state to include in decrees of divorce and of separate maintenance provisions awarding to a party all or part of the property, either real or personal, owned by his or her spouse if the facts establish that the party contributed to the acquisition, improvement, or accumulation of the property.

History: 1949, Act 42, Eff. Sept. 23, 1949;—Am. 1983, Act 215, Imd. Eff. Nov. 11, 1983.

The People of the State of Michigan enact:

552.401 Property owned by spouse; award to party contributing to acquisition, improvement, or accumulation thereof; effect of decree.

Sec. 1. The circuit court of this state may include in any decree of divorce or of separate maintenance entered in the circuit court appropriate provisions awarding to a party all or a portion of the property, either real or personal, owned by his or her spouse, as appears to the court to be equitable under all the circumstances of the case, if it appears from the evidence in the case that the party contributed to the acquisition, improvement, or accumulation of the property. The decree, upon becoming final, shall have the same force and effect as a quitclaim deed of the real estate, if any, or a bill of sale of the personal property, if any, given by the party's spouse to the party.

History: 1949, Act 42, Eff. Sept. 23, 1949;—Am. 1983, Act 215, Imd. Eff. Nov. 11, 1983.

552.402 Certified copy of decree; recording or filing.

Sec. 2. A certified copy of any such decree may be recorded or filed in the office of the register of deeds of any county wherein any real estate or personal property described in such decree may be located.

History: 1949, Act 42, Eff. Sept. 23, 1949.

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THE FAMILY SUPPORT ACT
Act 138 of 1966

AN ACT to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents and to enter orders governing custody and parenting time for those children; to provide for the termination of the effectiveness of the support orders; and to provide for the payment of fees and assessment of costs in those cases.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 574, Eff. Dec. 1, 2002.

The People of the State of Michigan enact:

552.451 Proceedings for support of custodial parent and children; complaint; service; prohibition.

Sec. 1. A married parent who has a minor child or children living with him or her and who is living separate and away from his or her spouse who is the noncustodial parent of the child or children, and who is refused financial assistance by the noncustodial parent to provide necessary shelter, food, care, and clothing for the child or children, if the spouse is of sufficient financial ability to provide that assistance, may complain to the circuit court for the county where either parent resides for an order for support for himself or herself and the minor child or children. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the parent may also complain to the circuit court for support for a child or children after they reach 18 years of age. The proceedings shall be commenced by the filing of a complaint verified by the petitioner and by issuance of a summons that shall be served upon the noncustodial parent of the children and spouse of the petitioner in the manner provided by court rules for the service of process in civil actions. A complaint shall not be filed and a summons shall not be issued if divorce or separate maintenance proceedings are then pending between the petitioner and his or her spouse.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002;—Am. 2009, Act 236, Imd. Eff. Jan. 8, 2010.

552.451a Proceedings for support of children; support order; burden of proof; applicability of section.

Sec. 1a. A custodial parent or guardian of a minor child or children or a child or children who have reached 18 years of age may proceed in the same manner, and under the same circumstances as provided in section 1, against the noncustodial parent for the support of the child or children. The order of support shall provide only for the support of the child or children, and the burden of proof shall be the same as provided in section 2. This section applies only to legitimate, legitimated, and lawfully adopted minor children and, subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, children after they reach 18 years of age.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002.

552.451b Proceedings for support of custodial parent and children being supported by public assistance; burden of proof.

Sec. 1b. The director of social services or his or her designated representative or the director of the county department of social services of the county where the custodial parent or minor child or children or child or children who have reached 18 years of age reside or the director's designated representative may proceed in the same manner and under the same circumstances as provided in sections 1 and 1a against the noncustodial parent for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age if the custodial parent and minor child or children or child or children who have reached 18 years of age or any of them are being supported, in whole or in part, by public assistance under the social welfare act, Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws. The burden of proof shall be the same as provided in section 2.

History: Add. 1971, Act 195, Imd. Eff. Dec. 20, 1971;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990.

552.451c Repealed. 2001, Act 111, Eff. Sept. 30, 2001.

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Compiler's note: The repealed section pertained to support for child after child reaches 18 years of age.

552.452 Hearing; order; contents; burden of proving lack of ability to provide support; amount; medical and other expenses; enforcement of order; custody and parenting time.

Sec. 2. (1) Upon the hearing of the complaint, in the manner of a motion, the court may enter an order as it determines proper for the support of the petitioner and the minor child or children of the parties as prescribed in section 5 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605. The order shall provide that payment shall be made to the friend of the court or the state disbursement unit. If the parent complained of opposes the entry of the order upon the ground that he or she is without sufficient financial ability to provide necessary shelter, food, care, clothing, and other support for his or her spouse and child or children, the burden of proving this lack of ability is on the parent against whom the complaint is made. The order shall state in separate paragraphs the amount of support for the petitioner until the further order of the court, and the amount of support for each child until each child reaches 18 years of age or until the further order of the court. Subject to section 5b of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605b, the court may also order support for the child after the child reaches 18 years of age, or until the further order of the court. Support ordered may include expenses of medical, dental, and other health care, child care, and education, necessary medical expenses incurred in connection with the mother's pregnancy or the birth of the child, and the expense of genetic testing. A child support obligation is only retroactive to the date that the complaint for support was filed unless any of the following circumstances exist:

(a) The defendant was avoiding service of process.

(b) The defendant threatened or coerced through domestic violence or other means the complainant not to file a proceeding under this act.

(c) The defendant otherwise delayed the imposition of a support obligation.

(2) The court shall order medical expenses incurred in connection with the mother's pregnancy or the birth of the child under this section in the same manner as medical expenses are ordered under section 2 of the paternity act, 1956 PA 205, MCL 722.712, and shall include in its order provisions as required by that section for orders entered under that act.

(3) A support order entered under this section is enforceable as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. If this act contains a specific provision regarding the contents or enforcement of a child support order that conflicts with a provision in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, this act controls in regard to that provision.

(4) If there is no dispute regarding a child's custody, the court shall include in an order for support issued under this act specific provisions governing custody of and parenting time for the child in accordance with the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31. If there is a dispute regarding custody of and parenting time for the child, the court shall include in an order for support issued under this act specific temporary provisions governing custody of and parenting time for the child. Pending a hearing on or other resolution of the dispute, the court may refer the matter to the office of the friend of the court for a written report and recommendation as provided in section 5 of the friend of the court act, 1982 PA 294, MCL 552.505. In a dispute regarding custody of and parenting time for a child, the prosecuting attorney is not required to represent either party regarding the dispute.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1967, Act 75, Eff. Nov. 2, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1985, Act 212, Eff. Mar. 1, 1986;—Am. 1989, Act 276, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 5, Eff. June 1, 1996;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2001, Act 111, Eff. Sept. 30, 2001;—Am. 2002, Act 574, Eff. Dec. 1, 2002;—Am. 2009, Act 236, Imd. Eff. Jan. 8, 2010.

552.453 Transmitting order for support to friend of court.

Sec. 3. Upon the entry of any order for support under this act, a copy of the order shall be transmitted to the friend of the court of the county in which the order was entered.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1985, Act 212, Eff. Mar. 1, 1986.

552.454 Prosecuting attorney as attorney for petitioner; agreement to transfer prosecutor's responsibilities; conduct of proceeding on behalf of state; utilization of child support formula as guideline; transmittal of payments to department of human services.

Sec. 4. (1) If the county department of human services where the custodial parent or guardian of the minor child or children or the child or children who have reached 18 years of age resides determines the custodial parent, the minor child or children, the child or children who have reached 18 years of age, or any of them to

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be eligible for public or medical assistance, or if a complaint is being filed under section 1b, the prosecuting attorney shall act as the attorney for the petitioner.

(2) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:

(a) The friend of the court, with the approval of the chief judge of the circuit court.

(b) An attorney employed or contracted by the county under section 1 of 1941 PA 14, MCL 49.71.

(c) An attorney employed by, or under contract with, the department of human services.

(3) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

(4) The child support formula developed under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519, shall be used as a guideline in petitioning for child support. Upon certification by the department of human services that the custodial parent and minor child or children or child or children who have reached 18 years of age are receiving public assistance, a payment received by the friend of the court or the state disbursement unit for the support of the custodial parent and minor child or children or child or children who have reached 18 years of age shall be transmitted to the department of human services.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1971, Act 195, Imd. Eff. Dec. 20, 1971;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983;—Am. 1985, Act 212, Eff. Mar. 1, 1986;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2014, Act 369, Eff. Mar. 17, 2015.

552.455 Modification of order; application and notice; order void upon entry of judgment of divorce or separate maintenance.

Sec. 5. An order entered under section 2 may be modified by the court upon proper application to the court and due notice to the opposite party. If a judgment of divorce or of separate maintenance is entered by a court having personal jurisdiction over the parties, an order entered under this act is null and void upon the effective date of the judgment.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1990, Act 237, Imd. Eff. Oct. 10, 1990;—Am. 1990, Act 292, Imd. Eff. Dec. 14, 1990;—Am. 1996, Act 5, Eff. June 1, 1996;—Am. 2002, Act 8, Imd. Eff. Feb. 14, 2002.

552.456 Warrant for criminal nonsupport; testimony.

Sec. 6. A warrant for criminal nonsupport shall not issue or be enforced against any parent who is a party to the proceedings provided for in this act if the parent complies with an order entered by a court as provided in this act. The parent's testimony, if any, in proceedings under this act is not admissible in such criminal proceedings.

History: 1966, Act 138, Eff. Mar. 10, 1967;—Am. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1983, Act 196, Imd. Eff. Nov. 7, 1983.

552.457 Repealed. 2009, Act 236, Imd. Eff. Jan. 8, 2010.

Compiler's note: The repealed section pertained to reimbursement of county for cost of enforcing support or parenting time orders.

552.458 Fees and costs.

Sec. 8. No filing, order or stenographer's fees shall be required for an action or proceedings under this act, but the court may assess any such costs, service costs and attorney fees against the defendant in the order of support or any modification thereof.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970.

552.458a Centralized receipt and disbursement of support.

Sec. 8a. The SDU is responsible for the centralized receipt and disbursement of support. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 158, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 574, Eff. Dec. 1, 2002;—Am. 2009, Act 236, Imd. Eff. Jan. 8, 2010.

552.459 Short title; “state disbursement unit” or “SDU” defined.

Sec. 9. (1) This act shall be known and may be cited as “the family support act”.

(2) As used in this act, “state disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

History: Add. 1970, Act 153, Imd. Eff. Aug. 1, 1970;—Am. 1999, Act 158, Imd. Eff. Nov. 3, 1999.

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FRIEND OF THE COURT ACT
Act 294 of 1982

AN ACT to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

The People of the State of Michigan enact:

552.501 Short title; purposes and construction of act.

Sec. 1. (1) This act shall be known and may be cited as the “friend of the court act”.

(2) The purposes of this act are to enumerate and describe the powers and duties of the friend of the court and the office of the friend of the court; to ensure that procedures adopted by the friend of the court will protect the best interests of children in domestic relations matters; to encourage and assist parties voluntarily to resolve contested domestic relations matters by agreement; to compel the enforcement of parenting time and custody orders; and to compel the enforcement of support orders, ensuring that persons legally responsible for the care and support of children assume their legal obligations and reducing the financial cost to this state of providing public assistance funds for the care of children. This act shall be construed to promote the enumerated purposes and to facilitate the resolution of domestic relations matters.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996.

Popular name: Friend of the Court

552.502 Definitions; A to I.

Sec. 2. As used in this act:

(a) "Alternative dispute resolution" means a process established under section 13 by which the parties are assisted in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.

(b) "Bureau" means the state friend of the court bureau created in section 19.

(c) "Centralizing enforcement" means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.

(d) "Chief judge" means the following:

(*i*) The circuit judge in a judicial circuit having only 1 circuit judge.

(*ii*) The chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.

(e) "Citizen advisory committee" means a citizen friend of the court advisory committee established as provided in section 4.

(f) "Consumer reporting agency" means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, "consumer report" means that term as defined in section 603 of the fair credit reporting act, 15 USC 1681a.

(g) "County board" means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.

(h) "Court" means the circuit court.

(i) "Current employment" means employment within 1 year before a friend of the court request for information.

(j) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

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(k) "De novo hearing" means a new judicial consideration of a matter previously heard by a referee.

(*l*) "Department" means the department of health and human services.

(m) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(*i*) 1846 RS 84, MCL 552.1 to 552.45.

(*ii*) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(*iii*) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(*iv*) 1968 PA 293, MCL 722.1 to 722.6.

(*v*) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(*vi*) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(*vii*) The uniform interstate family support act (2015).

(n) "Friend of the court" means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.

(o) "Friend of the court case" means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a.

(p) "Income" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2015, Act 253, Eff. Jan. 1, 2016.

Popular name: Friend of the Court

552.502a Definitions; M to T.

Sec. 2a. As used in this act:

(a) "Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396v.

(b) "Office" and "office of the friend of the court" mean an agency created in section 3.

(c) "Payer" means a person ordered by the circuit court to pay support.

(d) "Public assistance" means cash assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(e) "Recipient of support" means the following:

(*i*) The spouse, if the support order orders spousal support.

(*ii*) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(*iii*) The department of human services, if support has been assigned to that department.

(*iv*) The county, if the minor is in county-supported foster care.

(f) "State advisory committee" means the committee established by the bureau under section 19.

(g) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(h) "Support" means all of the following:

(*i*) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(*ii*) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the pregnancy of the mother or the birth of the child, or for the repayment of genetic testing expenses.

(*iii*) A surcharge under section 3a of the support and parenting time enforcement act, MCL 552.603a.

(i) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(j) "Support order" means an order entered by the circuit court for the payment of support in a sum certain, whether in the form of a lump sum or a periodic payment.

(k) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.

(*l*) "Title IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003 ;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

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552.503 Office of the friend of the court; creation in judicial circuit; exception; separate office in county; vacancy; merger; head of office as friend of the court; friend of the court as employee of circuit court; performance of duties; office procedures; availability of services to public.

Sec. 3. (1) There is created in each judicial circuit of this state an office of the friend of the court, except as provided in subsection (2).

(2) If each county in a multicounty judicial circuit has a separate office of the friend of the court on the day before the effective date of this act, each county in that circuit shall have a separate office of the friend of the court on the effective date of this act. If a vacancy occurs in the position of the friend of the court in such a county, the chief judge may merge the office of the friend of the court in that county with the office of the friend of the court in another county of the judicial circuit.

(3) The head of each office is the friend of the court serving under section 21(1) or appointed according to section 23.

(4) The friend of the court is an employee of the circuit court in the judicial circuit served by the friend of the court.

(5) The duties of the office shall be performed under the direction and supervision of the chief judge.

(6) Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under this act or the support and parenting time enforcement act when a party in that case has requested title IV-D services.

(7) Each friend of the court shall take all necessary steps to adopt office procedures to implement this act, the Michigan court rules, and the recommendations of the bureau. Office of the friend of the court duties shall be performed in accordance with the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(8) An office of the friend of the court shall be open to the public making available all of the office's services not less than 20 hours each month during nontraditional office hours. This subsection does not require an office of the friend of the court to be open for a greater number of hours than it was required to be open before January 1, 1997.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504 Citizen friend of the court advisory committee; establishment; composition; appointment; vacancy; terms; election of chairperson and vice-chairperson; court administrative office guidelines; term limitation.

Sec. 4. (1) Each county may establish a citizen friend of the court advisory committee composed of the following members, each of whom is a resident of the county:

(a) A noncustodial parent.

(b) A custodial parent.

(c) An attorney who engages primarily in family law practice.

(d) The county sheriff or the sheriff's designee.

(e) The prosecuting attorney or the prosecuting attorney's designee.

(f) The director of the family independence agency or the director's designee.

(g) A mental health professional who provides family counseling.

(h) Two members of the general public who are not serving on the committee in a category listed in subdivisions (a) to (g).

(2) Except for a member serving under subsection (1)(d), (e), or (f), and except as otherwise provided in this subsection, the county board shall appoint the citizen advisory committee members. In a county organized under 1966 PA 293, MCL 45.501 to 45.521, the county executive shall appoint the citizen advisory committee members with the advice and consent of the county board, and shall exercise the other powers and duties prescribed for the county board by this section in regard to the citizen advisory committee.

(3) A vacancy on the citizen advisory committee shall be filled for the remainder of the term in the same manner as the position was originally filled. The county board shall attempt to compose the citizen advisory committee so that its membership reflects the ethnic, racial, and gender distribution of the community that it serves.

(4) Committee members shall serve renewable terms of 3 years for each time appointed. Members appointed under subsection (1)(a), (b), (c), (g), and (h) shall serve initial terms of 3 years for 2 members, 2 years for 2 members, and 1 year for 2 members to allow 1/3 of those members to be appointed to the committee each year.

(5) A citizen advisory committee shall elect 1 of its members as chairperson and 1 as vice-chairperson.

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(6) A citizen advisory committee shall honor any guidelines established by the state court administrative office for a friend of the court office pertaining to citizen advisory committees.

(7) Except for a member serving under subsection (1)(d), (e), or (f), a citizen advisory committee member shall not serve more than 2 consecutive terms. After completion of 2 consecutive terms, a former member shall not be reappointed to serve during the 2 years immediately following the end of his or her previous term.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504a Citizen advisory committee; scope; duties; subcommittees; meetings open to the public; exception.

Sec. 4a. (1) A citizen advisory committee is advisory only. Once established, the citizen advisory committee shall do all of the following:

(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.

(b) Review and investigate grievances concerning the friend of the court as provided in section 26.

(c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.

(d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees and appropriations subcommittees that are responsible for legislation concerning the judicial branch.

(2) A citizen advisory committee chairperson may appoint subcommittees comprised of 3 committee members to review, investigate, and hold hearings on grievances submitted to the citizen advisory committee as provided in section 26. The chairperson may serve on a grievance subcommittee and shall attempt to appoint members so that each member has an equal opportunity for subcommittee participation.

(3) Except as otherwise provided in this subsection, a citizen advisory committee meeting is open to the public. A member of the public attending a meeting shall be given a reasonable opportunity to address the committee on an issue under consideration by the committee. If a vote is to be taken by the citizen advisory committee, the opportunity to address the committee shall be given before the vote is taken. A citizen advisory committee meeting, including a meeting of a subcommittee appointed under subsection (2), is not open to the public while the committee or subcommittee is reviewing, investigating, or holding a hearing on a grievance as provided in section 26.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504b Information and records to be provided to citizen advisory committee.

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested

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by the committee and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

552.504c Information and records as confidential; disclosure; penalty; grounds for dismissal.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

552.505 Duties of friend of the court; failure of party to attend scheduled meeting; charging parties for investigation, report and recommendations; waiver or suspension of fees; disposition of money collected.

Sec. 5. (1) Each office of the friend of the court has the following duties:

(a) To inform each party to a domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may choose not to have the office of the friend of the court administer and enforce obligations that may be imposed in the domestic relations matter.

(b) To inform each party to a domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may direct the office of the friend of the court to close the friend of the court case that was opened in their domestic relations matter.

(c) To provide an informational pamphlet, in accordance with the model pamphlet developed by the bureau, to each party to a domestic relations matter. The informational pamphlet shall explain the procedures of the court and the office; the duties of the office; the rights and responsibilities of the parties, including notification that each party to the dispute has the right to meet with the individual investigating the dispute before that individual makes a recommendation regarding the dispute; the availability of and procedures used in alternative dispute resolution; the availability of human services in the community; the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a; and how to file a grievance regarding the office. The informational pamphlet shall be provided as soon as possible after the filing of a complaint or other initiating pleading. Upon request, a party shall receive an oral explanation of the informational pamphlet from the office.

(d) To make available form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision. The office shall make available instructions on preparing and filing each of those forms, on service of process, and on scheduling a modification hearing.

(e) To inform the parties of the availability of alternative dispute resolution if there is a dispute as to child custody or parenting time.

(f) To inform the parents of the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a, if there is a dispute between the parents as to child custody.

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court, regarding child custody or parenting time, or both, if ordered to do so by the court. If custody has been established by court order, the court shall order an investigation only if the court first finds that proper cause has been shown or that there has been a change of circumstances. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(h) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and

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recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

(*i*) An alternative support recommendation.

(*ii*) All factual assumptions upon which the alternative support recommendation is based, if applicable.

(*iii*) How the alternative support recommendation deviates from the child support formula.

(*iv*) The reasons for the alternative support recommendation.

(2) If a party who requests a meeting during an investigation fails to attend the scheduled meeting without good cause, the investigation may be completed without a meeting with that party.

(3) Pursuant to standards prescribed by the state court administrative office under the supervision and direction of the supreme court, the office may charge the parties an amount that does not exceed the expenses of the office for conducting an investigation and making a report and recommendation under subsection (1)(g). If the court orders a whole or partial waiver or suspension of fees in the case because of indigency or inability to pay, the office shall not charge the amount or, if applicable, shall reduce the amount. An amount shall not be charged under this subsection if the investigation was not requested by either party. If the court determines that a request by a party that led to the investigation was frivolous, the court may order that the amount be charged only against the party, but the amount shall not be charged against the other party. Money collected under this subsection shall be deposited in the county friend of the court fund created under section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1989, Act 273, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.505a Open friend of the court case; closure.

Sec. 5a. (1) Except as required by this section, an office of the friend of the court shall open and maintain a friend of the court case for a domestic relations matter. If there is an open friend of the court case for a domestic relations matter, the office of the friend of the court shall administer and enforce the obligations of the parties to the friend of the court case as provided in this act. If there is not an open friend of the court case for a domestic relations matter, the office of the friend of the court shall not administer or enforce an obligation of a party to the domestic relations matter.

(2) The parties to a domestic relations matter are not required to have a friend of the court case opened or maintained for their domestic relations matter. With their initial pleadings, the parties to a domestic relations matter may file a motion for the court to order the office of the friend of the court not to open a friend of the court case for the domestic relations matter. If the parties to a domestic relations matter file a motion under this subsection, the court shall issue that order unless the court determines 1 or more of the following:

(a) A party to the domestic relations matter is eligible for title IV-D services because of the party's current or past receipt of public assistance.

(b) A party to the domestic relations matter applies for title IV-D services.

(c) A party to the domestic relations matter requests that the office of the friend of the court open and maintain a friend of the court case for the domestic relations matter, even though the party may not be eligible for title IV-D services because the domestic relations matter involves, by way of example and not limitation, only spousal support, child custody, parenting time, or child custody and parenting time.

(d) There exists in the domestic relations matter evidence of domestic violence or uneven bargaining positions and evidence that a party to the domestic relations matter has chosen not to apply for title IV-D services against the best interest of either the party or the party's child.

(e) The parties have not filed with the court a document, signed by each party, that includes a list of the friend of the court services and an acknowledgment that the parties are choosing to do without those services.

(3) If a friend of the court case is not opened for a domestic relations matter, the parties to the domestic relations matter have full responsibility for administration and enforcement of the obligations imposed in the domestic relations matter.

(4) The parties to a friend of the court case may file a motion for the court to order the office of the friend of the court to close their friend of the court case. The court shall issue an order that the office of the friend of the court shall close the friend of the court case unless the court determines 1 or more of the following:

(a) A party to the friend of the court case objects.

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(b) A party to the friend of the court case is eligible for title IV-D services because the party is receiving public assistance.

(c) A party to the friend of the court case is eligible for title IV-D services because the party received public assistance and an arrearage is owed to the governmental entity that provided the public assistance.

(d) The friend of the court case record shows that, within the previous 12 months, a child support arrearage or custody or parenting time order violation has occurred in the case.

(e) Within the previous 12 months, a party to the friend of the court case has reopened a friend of the court case.

(f) There exists in the friend of the court case evidence of domestic violence or uneven bargaining positions and evidence that a party to the friend of the court case has chosen to close the case against the best interest of either the party or the party's child.

(g) The parties have not filed with the court a document, signed by each party, that includes a list of the friend of the court services and an acknowledgment that the parties are choosing to do without those services.

(5) The closure of a friend of the court case does not release a party from the party's obligations imposed in the underlying domestic relations matter. The parties to a closed friend of the court case assume full responsibility for administration and enforcement of obligations imposed in the underlying domestic relations matter.

(6) If a party to the underlying domestic relations matter wants to ensure that child support payments made after a friend of the court case is closed will be taken into account in any possible future office of the friend of the court enforcement action, the child support payments must be made through the SDU. If the parties choose to continue to have child support payments made through the SDU, the office of the friend of the court shall not close its friend of the court case until each party provides the SDU with the information necessary to process the child support payments required in the underlying domestic relations matter.

(7) If a party to a domestic relations matter for which there is not an open friend of the court case applies for services from the office of the friend of the court or applies for public assistance, the office of the friend of the court shall open or reopen a friend of the court case. If the office of the friend of the court opens or reopens a friend of the court case as required by this subsection, the court shall issue an order in that domestic relations matter that contains the provisions required by this act and by the support and parenting time enforcement act for a friend of the court case. The court may direct the party making the application or the friend of the court to prepare a written order and submit it for approval.

(8) If the parties to a domestic relations matter file a motion under subsection (2) or (4), the friend of the court shall advise the parties in writing as to the services that the office of the friend of the court is not required to provide. The state court administrative office shall develop and make available a form for use by an office of the friend of the court under this subsection and a document for use by parties to a domestic relations matter under subsection (2) or (4).

(9) For purposes of this section, a party receives public assistance if the party receives cash assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, medical assistance, or food assistance or if foster care is being or was provided to a child who is the subject of the case.

History: Add. 2002, Act 571, Eff. Dec. 1, 2002;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.507 Referee; designation by chief judge; powers; transcript of hearing; cost; de novo court hearing; request; interim order; review.

Sec. 7. (1) The chief judge may designate a referee as provided by the Michigan court rules.

(2) A referee may do all of the following:

(a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.

(b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.

(c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.

(d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.

(e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.

(f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.

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(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.

(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.

(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:

(a) The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.

(b) For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.

(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:

(a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.

(b) A new decision based only on evidence presented at the time of the de novo hearing.

(c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.

(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.507a Making report, recommendation, and supporting documents available to attorneys and parties; informing parties in child custody dispute or guardian concerning preference expressed by child; availability of information.

Sec. 7a. (1) A copy of each report, recommendation, and any supporting documents or a summary of supporting documents prepared or used by the friend of the court or an employee of the office shall be made available to the attorney for each party and to each of the parties before the court takes any action on a recommendation by the office.

(2) In a child custody dispute, the parties shall be informed of whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court. The parties shall not be informed of the preference expressed by the child under section 3 of the child custody act of 1970, 1970 PA 91, MCL 722.23.

(3) If a guardian is appointed for a child, the guardian shall be informed whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court, and, if so, the preference expressed.

(4) The manner and time within which the information required under this section is made available shall be determined by the Michigan court rules.

History: Add. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.508 Expediting relief; methods.

Sec. 8. The circuit court shall utilize referees and take other appropriate action to expedite obtaining relief in the form of child or spousal support in domestic relations matters, including the entry and enforcement of child support orders and the enforcement of spousal support orders, as necessary to obtain dispositions of petitions for relief within the following time frames:

(a) Ninety percent of dispositions within 3 months after filing a petition.

(b) Ninety-eight percent of dispositions within 6 months after filing a petition.

(c) One hundred percent of dispositions within 12 months after filing a petition.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986.

Popular name: Friend of the Court

552.509 Duties of office regarding support payments providing statement of account to parties; initiating and carrying out proceedings to enforce order regarding custody,

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parenting time, health care coverage or support; enforcement orders entered in other state.

Sec. 9. (1) The office may accept a support payment made in cash or by cashier's check or money order. If the office accepts such a payment, the office shall transmit the payment to the SDU and shall inform the payer of the SDU's location and the requirement to make payments through the SDU.

(2) Promptly after November 3, 1999, each office shall establish and maintain the support order and account records necessary to enforce support orders and necessary to record obligations, support and fee receipt and disbursement, and related payments. Each office shall provide the SDU with access to those records and shall assist the SDU to resolve support and fee receipt and disbursement problems related to inadequate identifying information.

(3) The office shall provide annually to each party, without charge, 1 statement of account upon request. Additional statements of account shall be provided at a reasonable fee sufficient to pay for the cost of reproduction. Statements provided under this subsection are in addition to statements provided for administrative and judicial hearings.

(4) The office shall initiate and carry out proceedings to enforce an order in a friend of the court case regarding custody, parenting time, health care coverage, or support in accordance with this act, the support and parenting time enforcement act, and supreme court rules.

(5) Upon request of a child support agency of another state, the office shall initiate and carry out certain proceedings to enforce support orders entered in the other state without the need to register the order as a friend of the court case in this state. The order shall be enforced using automated administrative enforcement actions authorized under the support and parenting time enforcement act.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.509a Centralized receipt and disbursement of support and fees.

Sec. 9a. The SDU is responsible for the centralized receipt and disbursement of support and fees. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.511 Initiating enforcement of support order and custody or parenting time order; procedure; arrearage; amnesty.

Sec. 11. (1) Except as provided in this section, each office shall initiate 1 or more support enforcement measures under the support and parenting time enforcement act when 1 of the following applies:

(a) Except as otherwise provided in this subdivision, the arrearage under the support order is equal to or greater than the monthly amount of support payable under the order. If the support order was entered ex parte, an office shall not initiate enforcement under this subdivision until the office receives a copy of proof of service for the order and at least 1 month has elapsed since the date of service. An office is not required to initiate enforcement under this subdivision if 1 or more of the following circumstances exist:

(*i*) Despite the existence of the arrearage, an order of income withholding is effective and payment is being made under the order of income withholding in the amount required under the order.

(*ii*) Despite the existence of the arrearage and even though an order of income withholding is not effective, payment is being made in the amount required under the order.

(*iii*) One or more support enforcement measures have been initiated and an objection to 1 or more of those measures has not been resolved.

(b) A parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court. The office shall initiate enforcement under this subdivision at the following times:

(*i*) Within 60 days after the entry of a support order containing health care coverage provisions.

(*ii*) When a review is conducted as provided in section 17.

(*iii*) Concurrent with enforcement initiated by the office under subdivision (a).

(*iv*) Upon receipt of a written complaint from a party.

(*v*) Upon receipt of a written complaint from the department if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.

(c) A person legally responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint that meets the requirements of section 11a.

(2) An arrearage amount that arises at the moment a court issues an order imposing or modifying support,

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because the order relates back to a petition or motion filing date, shall not be considered as an arrearage for the purpose of initiating support enforcement measures, centralizing enforcement, or other action required or authorized in response to a support arrearage under this act or the support and parenting time enforcement act, unless the payer fails to become current with the court ordered support payments within 2 months after entry of the order imposing or modifying support.

(3) An office shall not initiate a support enforcement measure to collect a payer's child support arrearage while the payer has amnesty for that arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 288, Eff. Jan. 1, 1993;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 266, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 567, Eff. June 1, 2005.

Popular name: Friend of the Court

552.511a Payment of health care expense; complaint; sending copy of complaint and notice to parent; objection; hearing.

Sec. 11a. (1) A complaint seeking enforcement for payment of a health care expense must include information showing that all of the following conditions have been met:

(a) The parent against whom the complaint is directed is obligated to pay the child's uninsured health care expenses, a demand for payment of the uninsured portion was made to that parent within 28 days after the insurers' final payment or denial of coverage, and that parent did not pay the uninsured portion within 28 days after the demand.

(b) If the state court administrative office, under the supervision and direction of the supreme court, establishes a minimum threshold for the enforcement of health care expenses, the health care expense is equal to or greater than the established threshold.

(c) The complaint is submitted to the office on or before any of the following:

(*i*) One year after the expense was incurred.

(*ii*) Six months after the insurers' final payment or denial of coverage for the expense, if all measures necessary to submit a claim for the health care expense to all insurers that might be obligated to pay the expense were completed within 2 months after the expense was incurred.

(*iii*) Six months after a parent defaults in paying for the health care expense as required under a written agreement, signed by both parents, that lists the specific bills covered by the agreement, states the amount to be paid in total, and sets forth the schedule for the payment of that amount, whether by installments or otherwise.

(2) If an office receives a complaint that meets the requirements of subsection (1), the office shall send a copy of the complaint to the parent who is named in the complaint as obligated to pay the child's uninsured health care expenses. The office shall include with the copy of the complaint sent to that parent a notice advising the parent of the provisions of subsection (3).

(3) If, within 21 days after the complaint and notice are sent to a parent under subsection (2), the parent does not file with the office a written objection to the complaint, the amount of the health care expense stated in the complaint becomes a support arrearage and is subject to any enforcement process available to collect a support arrearage. If the parent files a written objection within the 21-day time limit, the office shall set a court hearing, before a judge or referee, to resolve the complaint.

History: Add. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.511b Custody or parenting time order violations; complaint; sending copy of complaint to individual accused of interfering; action.

Sec. 11b. (1) An office shall initiate enforcement under the support and parenting time enforcement act if the office receives a written complaint that states specific facts constituting a custody or parenting time order violation. Upon request of a parent who has the right to interact with his or her child under a custody or parenting time order, an office shall assist the parent in preparing a complaint under this subsection.

(2) Within 14 days after an office receives a complaint under subsection (1), the office shall send a copy of the complaint to the individual accused of interfering and to each other party to the custody or parenting time order.

(3) If, in the opinion of the office, the facts as stated in the complaint allege a custody or parenting time order violation that can be addressed by taking an action authorized under section 41 of the support and parenting time enforcement act, MCL 552.641, the office shall proceed under section 41 of the support and parenting time enforcement act, MCL 552.641.

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History: Add. 2002, Act 569, Eff. Dec. 1, 2002.

Popular name: Friend of the Court

552.512 Reporting information to consumer reporting agency.

Sec. 12. (1) Except as otherwise provided in this section, the title IV-D agency shall report to a consumer reporting agency the arrearage amount for each payer with an arrearage of support of 2 or more months. The title IV-D agency may make support information available to the consumer reporting agency concerning any other payer who requests that report. The title IV-D agency shall not make information available under this subsection unless the title IV-D agency determines that the agency receiving the report furnishes evidence satisfactory to the title IV-D agency that it is a consumer reporting agency and that it has sufficient capability to systematically and timely make accurate use of the information.

(2) Before making the initial support information available under subsection (1), the title IV-D agency shall provide the payer with notice of all of the following:

(a) The proposed action.

(b) The amount of the arrearage, if any.

(c) The payer's right to a review, the date by which a request for a review must be made, and the grounds on which the payer may object to the proposed action.

(d) That the payer may avoid the reporting of the arrearage stated in the notice by paying the entire arrearage within 21 days after the date notice was sent.

(3) The office of the friend of the court shall provide to a payer a review to enable a payer to object to the reporting of the support information, including an arrearage, on the grounds of a mistake of fact concerning the amount of the arrearage or the identity of the payer. If a payer requests a review within the time specified in the notice given under subsection (2), the title IV-D agency shall not report the support information as required or permitted by this section until after 1 of the following occurs:

(a) The payer fails to produce evidence that the support information is incorrect and the time scheduled for the review has passed.

(b) After conducting the review, the office determines the correct support information.

(4) The title IV-D agency shall not report an arrearage amount as required under subsection (1) if the payer pays the entire arrearage within 21 days after the date the notice was sent under subsection (2).

(5) Within 14 days after the title IV-D agency knows that incorrect information has been made available to a consumer reporting agency, the title IV-D agency shall contact the consumer reporting agency and correct the information.

(6) The office of child support is responsible for determining what support information should be provided to a consumer reporting agency and establishing the policies and procedures for making support information available to a consumer reporting agency under this section.

(7) Upon request of a consumer reporting agency or the payer, the title IV-D agency shall make available to the consumer reporting agency current support information of an individual payer.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 250, Imd. Eff. Nov. 19, 1992;—Am. 1996, Act 276, Eff. Jan. 1, 1997;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.513 Alternative dispute resolution; approval of plan; "protection order" defined; agreement; consent order; confidentiality of communication; qualifications of person providing domestic relations mediation or other forms of alternative dispute resolution.

Sec. 13. (1) In a friend of the court case, the office shall provide, either directly or by contract, alternative dispute resolution to assist the parties in settling voluntarily a dispute concerning child custody or parenting time. The alternative dispute resolution shall be provided according to a plan approved by the chief judge and the state court administrative office. The plan adopted shall include a screening process for domestic violence, the existence of a protection order between the parties, child abuse or neglect, and other safety concerns, and the plan shall provide a method to address those concerns. The plan shall be consistent with standards established by the state court administrative office under the supervision and direction of the supreme court and shall include minimum qualifications and training requirements for alternative dispute resolution and domestic relations mediation providers and a designation of matters that are subject to alternative dispute resolution by various means. A party may be required by court order to meet with a person conducting alternative dispute resolution. As used in this subsection, "protection order" means a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 or 600.2950a, a foreign protection order as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h, a condition of pretrial release issued to protect a named individual under section 6b

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of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, a condition of probation issued to protect a named individual under section 3(2)(o) of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, or a condition of parole issued to protect a named individual under section 36(16) of the corrections code of 1953, 1953 PA 232, MCL 791.236.

(2) If an agreement is reached by the parties through friend of the court alternative dispute resolution, a consent order incorporating the agreement shall be prepared by an employee of the office or individual approved by the court using a form provided by the state court administrative office, under the supervision and direction of the supreme court, or approved by the chief judge. The consent order shall be provided to, and shall be entered by, the court.

(3) Each alternative dispute resolution plan prepared according to subsection (1) shall include an option for domestic relations mediation. Except as provided in subsection (2), a communication between a friend of the court alternative dispute resolution and domestic relations mediation provider and a party pertaining to the matter subject to resolution is confidential as provided in court rule.

(4) An employee of the office or other person who provides domestic relations mediation services under a plan approved under subsection (1) shall have all of the following qualifications:

(a) Possess knowledge of the court system of this state and the procedures used in domestic relations matters.

(b) Possess knowledge of other resources in the community to which the parties to a domestic relations matter can be referred for assistance.

(c) Other qualifications as prescribed by the state court administrative office under the supervision and direction of the supreme court.

(d) Other qualifications as prescribed by the chief judge of the circuit court.

(5) Employees of the office who conduct any other form of alternative dispute resolution shall have the qualifications to conduct a joint meeting as described in section 42a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.642a.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.515 Certain actions by employee providing domestic relations mediation; prohibition.

Sec. 15. An employee of the office who provides domestic relations mediation in a friend of the court case involving a particular party shall not perform referee functions, investigation and recommendation functions, or enforcement functions as to any domestic relations matter involving that party.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.517 Review of child support order after final judgment; modification order; calculations; petition for modification; scheduling of hearing; petition to require dependent health care coverage; costs.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall use a procedure provided in section 17b to periodically review the order, as follows:

(a) If a child is being supported in whole or in part by public assistance, not less than once each 36 months unless both of the following apply:

(*i*) The office receives notice from the department that good cause exists not to proceed with support action.

(*ii*) Neither party has requested a review.

(b) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to act on more than 1 request received from a party each 36 months.

(c) If a child is receiving medical assistance, not less than once each 36 months unless either of the following applies:

(*i*) The order requires provision of health care coverage for the child and neither party has requested a review.

(*ii*) The office receives notice from the department of human services that good cause exists not to proceed with support action and neither party has requested a review.

(d) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office shall determine whether an

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order is due for review.

(e) At the direction of the court.

(f) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage is available and the support order should be modified to include an order for health care coverage. Reasonable grounds to review an order under this subdivision include any of the following:

(*i*) Temporary or permanent changes in the physical custody of a child that the court has not ordered.

(*ii*) Increased or decreased need of the child.

(*iii*) Probable access by an employed parent to dependent health care coverage.

(*iv*) Changed financial conditions of a recipient of support or a payer, including any of the following:

(A) Application for or receipt of public assistance, unemployment compensation, or worker's compensation.

(B) Incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than 1 year. Within 14 days after receiving information that a recipient of support or payer is incarcerated or released from incarceration as described in this sub-subparagraph, the office shall initiate a review of the order.

(*v*) That the order was based on incorrect facts.

(2) A review initiated by the office under subsection (1)(f) does not preclude the recipient of support or payer from requesting a review under subsection (1)(b).

(3) Within 180 days after determining that a review is required under subsection (1), the office shall obtain a modification of the order if appropriate.

(4) The office shall use the child support formula developed by the bureau under section 19 in calculating the child support award under section 17b.

(5) The office shall petition the court if modification is determined to be necessary under section 17b unless either of the following applies:

(a) The difference between the existing and projected child support award is less than the minimum threshold for modification of a child support amount as established by the formula.

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons for and amount of the prior deviation remain unchanged.

(6) The notice under section 17b(3) constitutes a petition for modification of the support order and shall be filed with the court.

(7) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office shall schedule a hearing before the court.

(8) If a support order lacks provisions for health care coverage, the office shall petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order if either of the following is true:

(a) Either parent has health care coverage available, as a benefit of employment, for the benefit of the child at a reasonable cost.

(b) Either parent is self-employed, maintains health care coverage for himself or herself, and can obtain health care coverage for the benefit of the child at a reasonable cost.

(9) The office shall determine the costs to each parent for dependent health care coverage and child care costs and shall disclose those costs in the recommendation under section 17b(3).

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.517a Repealed. 2002, Act 571, Imd. Eff. Oct. 3, 2002.

Compiler's note: The repealed section pertained to making form motions, responses, and orders available to individuals.

Popular name: Friend of the Court

552.517b Review of order; notice of right to request; notice of review; calculation of support amount; objection; joint meeting expediting resolution of support issues; provisions; modification; frequency of review.

Sec. 17b. (1) Child support orders entered after June 30, 2005 shall be modified according to this section. For each support order entered before June 30, 2005, the friend of the court office shall provide notice to the parties of their right to a review under this section as required by federal law. Notices under this subsection

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may be placed in court orders as allowed by federal law.

(2) The friend of the court office shall initiate proceedings to review support by sending a notice to the parties. The notice shall request information sufficient to allow the friend of the court to review support, state the date the information is due, and advise the parties concerning how the review will be conducted.

(3) After the information in subsection (2) is due, but not sooner than 21 days or later than 120 days after the date the notice is sent, the friend of the court office shall calculate the support amount in accordance with the child support formula and send a notice to each party and his or her attorney, which shall include all of the following:

(a) The amount calculated for support.

(b) The proposed effective date of the support amount.

(c) Substantially the following statement: "Either party may object to the recommended support amount. If no objection is filed within 21 days of the date this notice was mailed, an order will be submitted to the court incorporating the new support amount." The notice also shall inform the parties of how and where to file an objection.

(4) Twenty-one or more days from the date the notice required by subsection (3) is sent, the friend of the court office shall determine if an objection has been filed. If an objection has been filed, the friend of the court shall set the matter for a hearing before a judge or referee or, if the office receives additional information with the objection, it may recalculate the support amount and send out a revised notice in accordance with subsection (3). If no objection is filed, the friend of the court office shall prepare an order. The court shall enter the order if it approves of the order.

(5) The friend of the court may schedule a joint meeting between the parties to attempt to expedite resolution of support issues in accordance with the guidelines developed under section 19(3)(m). The joint meeting and proceedings following the joint meeting are subject to the requirements of section 42a of the support and parenting time enforcement act, MCL 552.642a.

(6) The following provisions apply to support review proceedings under this section:

(a) A recommendation under subsection (3) shall state the calculations upon which the support amount is based. If the friend of the court office recommends a support amount based on imputed income, the recommendation shall also state the amount that would have been recommended based on the actual income of the parties if the actual income of the parties is known. If income is imputed, the recommendation shall recite all factual assumptions upon which the imputed income is based.

(b) The friend of the court office may impute income to a party who fails or refuses to provide information requested under subsection (2).

(c) At a hearing based on an objection to a friend of the court office recommendation, the trier of fact may consider the friend of the court office's recommendation as evidence to prove a fact relevant to the support calculation if no other evidence is presented concerning that fact, if the parties agree or no objection is made to its use for that purpose.

(7) The court shall not require proof of a substantial change in circumstances to modify a child support order when support is adjusted under section 17(1).

(8) A party may also file a motion to modify support. Upon motion of a party, the court may only modify a child support order upon finding a substantial change in circumstances, including, but not limited to, health care coverage becoming newly available to a party and a change in the support level under section 17(5)(a).

(9) Notwithstanding any other provisions of this section, the friend of the court office shall conduct a more frequent review of the support order upon presentation by a party of evidence of a substantial change in circumstances as set forth in the child support formula guidelines.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.517c Review of support order in another state; procedures.

Sec. 17c. (1) If Michigan is the initiating state in an interstate friend of the court case involving child support, the office shall determine whether a review of a support order in another state is appropriate in accordance with section 17 and is appropriate based upon the residence and jurisdiction of the parties.

(2) If the office determines that a review of a support order in another state is appropriate, the office shall obtain income, expense, and other information needed to conduct the review from the requesting party or recipient of public assistance or medical assistance.

(3) The office shall initiate a request for a review within 20 calendar days after receipt of the information requested under subsection (2).

(4) The office shall forward to a party who resides in Michigan a copy of each notice issued by the

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responding state in conjunction with the review and modification of a support order, which notice is sent to the office for distribution.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

552.517d Motion for modification of parenting time order.

Sec. 17d. (1) After a final judgment containing a parenting time order is entered in a domestic relations matter for which there is an open friend of the court case, if there is an unresolved dispute as to parenting time, the office may file a motion with the court for a modification of the parenting time order. The office shall send each party to the parenting time order notice of the filing of the motion. With a motion filed and each notice sent under this subsection, the office shall include the following:

(a) Subject to subsection (2), a written report and recommendation.

(b) Either as a separate document or in the motion document under a separate heading, a notice, in not less than 12-point, boldfaced type, that states substantially the following:

> "A party may object to the office of the friend of the court's recommendation for modification of the parenting time order. If a party does not object to the recommendation within 21 days after this notice was sent to the party, the office of the friend of the court may submit to the court a parenting time order that incorporates the recommendation.".

(2) The office shall prepare a written report and recommendation required for subsection (1) after making an evaluation that is commensurate with the scope of the unresolved dispute as to parenting time.

(3) If, within 21 days after the notice under subsection (1) is sent to each party, no party objects to the recommendation for modification of the parenting time order, the office may submit an order, incorporating the recommendation, to the court for the court's adoption. If a party objects within the 21 days, the motion for modification of the parenting time order shall be noticed for a hearing before a judge or referee.

(4) At a hearing on a motion filed under this section, the judge or referee may admit a statement of fact in the office's report or recommendation as evidence to prove a fact relevant to the proceeding, but only if all parties stipulate to or no party objects to the admission of the statement of fact and no other evidence is presented concerning the fact to be proved.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 569, Eff. Dec. 1, 2002.

Popular name: Friend of the Court

552.517e Arrearage payment schedules; administrative adjustment.

Sec. 17e. The office shall utilize guidelines provided in the child support formula developed by the state friend of the court bureau under section 19 to administratively adjust arrearage payment schedules. In making an administrative adjustment as authorized by this subsection, the office shall follow procedures to afford the payer due process including at least notice, an opportunity for an administrative hearing, and an opportunity for an appeal on the record to an independent administrative or judicial tribunal.

History: Add. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

552.518 Information from employer or former employer relative to parent.

Sec. 18. (1) Subject to subsections (3) and (4), upon the request of the office of the friend of the court, any employer or former employer of a parent as defined in section 1 of the office of child support act, 1971 PA 174, MCL 400.231, who is or was employed by the employer as an employee or independent contractor shall provide all of the following information relative to the parent:

(a) Full name and address.

(b) Social security number. The requirement of this subdivision to provide a social security number with the information does not apply if the parent is exempt under federal law from obtaining a social security number or is exempt under federal or state law from disclosure of his or her social security number under these circumstances. The friend of the court shall inform the parent of this possible exemption.

(c) Date of birth.

(d) Amount of wages earned by or other income due the custodial parent or absent parent. Both net and gross income shall be reported, regardless of method of payment.

(e) The following information concerning the person's current and former employment status: whether or not the custodial parent or absent parent is currently employed, laid off, on sick, disability, or other leave of absence, or retired, and amount of income due from an employment related benefit plan, if any.

(f) Dependent health care coverage available to the custodial parent or absent parent as a benefit of

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employment.

(2) The friend of the court or his or her designee may issue an administrative subpoena to require any public or private entity doing business in the state that employs or has employed a parent to furnish any current employment information in the possession of the entity that pertains to the parent and that is needed to establish, modify, or enforce a support order. The entity's officers or employees shall furnish the information within 15 days after the subpoena is received by the entity. This subsection does not abrogate a confidentiality privilege established by law.

(3) A request or subpoena for information under this section shall certify that the information obtained will be treated as confidential and shall not be used or released except for the purposes of administering, enforcing, and complying with state and federal laws governing child support.

(4) A former employer is not required to provide information concerning a person who was last employed by the former employer more than 3 years before the date of the request or subpoena for information under this section.

(5) This section does not require the creation or maintenance of records not otherwise required to be created or maintained, or require an employer or former employer to discover information not contained in records of, or otherwise known to, the employer or former employer.

(6) A copy of information provided to the office under this section shall be made available to the parent, upon his or her request.

(7) In the case of disobedience of a request or subpoena for information under this section, the friend of the court or his or her designee may petition the circuit court in the county in which the inquiry is being made to require the production of books, papers, and documents. In the case of refusal to obey a subpoena or request for information under this section, a circuit court may issue an order requiring the person or other entity to appear and to produce books, records, and papers if so ordered. Failure to obey the order of the court may be punished by the court as a contempt.

(8) An employer, former employer, or other entity is not liable under federal or state law to a person or governmental entity for a disclosure of information to the office under this section or for any other action taken by the employer, former employer, or other entity in good faith to comply with the requirements of this section.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

552.519 State friend of the court bureau; creation; supervision and direction; main office; duties; state advisory committee; report or recommendation; reimbursement for expenses; meetings; assistance.

Sec. 19. (1) The state friend of the court bureau is created within the state court administrative office, under the supervision and direction of the supreme court.

(2) The bureau shall have its main office in Lansing.

(3) The bureau shall do all of the following:

(a) Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:

(*i*) Case load and staffing standards for employees who perform alternative dispute resolution functions, investigation and recommendation functions, referee functions, enforcement functions, and clerical functions.

(*ii*) Orientation programs for clients of the office.

(*iii*) Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.

(*iv*) Procedural changes in response to the type of grievances received by an office.

(*v*) Model pamphlets and procedural forms, which shall be distributed to each office.

(*vi*) A formula to be used in establishing and modifying a child support amount and health care obligation. The formula shall be based upon the needs of the child and the actual resources of each parent. The formula shall establish a minimum threshold for modification of a child support amount. The formula shall consider the child care and dependent health care coverage costs of each parent. The formula shall include guidelines for setting and administratively adjusting the amount of periodic payments for overdue support, including guidelines for adjustment of arrearage payment schedules when the current support obligation for a child terminates and the payer owes overdue support.

(b) Provide training programs for the friend of the court, providers of alternative dispute resolution, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules. After September 30, 2002, the training programs shall include training in the dynamics of domestic

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violence and in handling domestic relations matters that have a history of domestic violence.

(c) Gather and monitor relevant statistics.

(d) Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding. The report shall be transmitted to the legislature and to each office and shall be made available to the public. The annual report required by this subdivision shall include, but is not limited to, all of the following:

(*i*) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.

(*ii*) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all citizen advisory committees in this state during the preceding year.

(*iii*) An identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services.

(e) Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.

(f) Develop standards and procedures for the transfer of part or all of the responsibilities for a case from one office to another in situations considered appropriate by the bureau.

(g) Certify alternative dispute resolution training programs.

(h) Establish a 9-person state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, giving preference to a member of a citizen advisory committee:

(*i*) Three public members who have had contact with an office of the friend of the court.

(*ii*) Three attorneys who are members of the state bar of Michigan and whose practices are primarily domestic relations law. Not more than 1 attorney may be a circuit court judge.

(*iii*) Three human service professionals who provide family counseling.

(i) Cooperate with the office of child support in developing and implementing a statewide information system as provided in the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(j) Develop and make available guidelines to assist the office of the friend of the court in determining the appropriateness in individual cases of the following:

(*i*) Imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support.

(*ii*) Implementing the offset of a delinquent payer's state income tax refund.

(k) Develop and provide the office of the friend of the court with all of the following:

(*i*) Form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision.

(*ii*) Instructions on preparing and filing the forms, instructions on service of process, and instructions on scheduling a support, custody, or parenting time modification hearing.

(*iii*) Guidelines for imputing income for the calculation of child support.

(*l*) Develop guidelines for, and encourage the use of, plain language within the office of the friend of the court including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account provided as required in section 9.

(m) In consultation with the domestic violence prevention and treatment board created in section 2 of 1978 PA 389, MCL 400.1502, develop guidelines for the implementation of section 41 of the support and parenting time enforcement act, MCL 552.641, that take into consideration at least all of the following regarding the parties and each child involved in a dispute governed by section 41 of the support and parenting time enforcement act, MCL 552.641:

(*i*) Domestic violence.

(*ii*) Safety of the parties and child.

(*iii*) Uneven bargaining positions of the parties.

(n) Coordinate the provision of title IV-D services by the friend of the court and cooperate with the office of child support in providing those services.

(4) The state advisory committee established under subsection (3)(h) shall advise the bureau in the performance of its duties under this section. The bureau shall make a state advisory committee report or recommendation available to the public. State advisory committee members shall be reimbursed for their expenses for mileage, meals, and, if necessary, lodging, under the schedule for reimbursement established annually by the legislature. A state advisory committee meeting is open to the public. A member of the public attending a state advisory committee meeting shall be given a reasonable opportunity to address the

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committee on any issue under consideration by the committee. If a vote is to be taken by the state advisory committee, the opportunity to address the committee shall be given before the vote is taken.

(5) The bureau may call upon each office of the friend of the court for assistance in performing the duties imposed in this section.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Imd. Eff. Jan. 8, 1986;—Am. 1987, Act 197, Imd. Eff. Dec. 14, 1987;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 366, Eff. Jan. 1, 1997 ;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2001, Act 193, Eff. Oct. 1, 2002;—Am. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.520 Information requested by department of human services.

Sec. 20. (1) If the department of human services requests information from an office of the friend of the court, that office may provide the information requested on a quarterly basis. Not less often than quarterly, the department of human services shall publish the information received under this section.

(2) If an office of the friend of the court receives notice from the department of human services under section 8 of the child protection law, 1975 PA 238, MCL 722.628, regarding a child as to whom the establishment or modification of custody or parenting time is pending in an open friend of the court case, the office shall notify the department of human services of procedural developments in the case until a final order regarding the pending custody or parenting time dispute is entered.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2008, Act 405, Imd. Eff. Jan. 6, 2009.

Popular name: Friend of the Court

552.521 Person appointed as friend of the court under former act; continuation; transfer of files, records, funds, and pending cases of office under former act; employees of friend of the court appointed under former act to become employees of corresponding office; employees of state judicial council serving in third judicial circuit to continue in present positions.

Sec. 21. (1) Each person appointed as friend of the court under former Act No. 412 of the Public Acts of 1919 who is serving in that position on the day before the effective date of this act shall continue to serve in that position, as reconstituted by this act.

(2) All files, records, funds, and pending cases of an office of the friend of the court under former Act No. 412 of the Public Acts of 1919 are transferred to the corresponding office as reconstituted by this act.

(3) Except in the county of Wayne, the employees of a friend of the court appointed under former Act No. 412 of the Public Acts of 1919 shall become employees of the corresponding office of the friend of the court as reconstituted by this act, in similar positions, and with salary ranges and benefits not inferior to their status under former Act No. 412 of the Public Acts of 1919. In the county of Wayne the employees of the state judicial council serving in the court in the third judicial circuit and supervised by the friend of the court on the day before the effective date of this act shall continue in their present positions.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: Act 412 of 1919, referred to in this section, was repealed by Act 294 of 1982.

Popular name: Friend of the Court

552.522 Appointment of attorney to assist friend of the court; compensation.

Sec. 22. If the friend of the court serving a judicial circuit is not an attorney who is a member of the state bar of Michigan and that office does not employ such an attorney, the chief judge may appoint an attorney who is a member of the state bar of Michigan to assist the friend of the court when legal assistance is necessary to carry out the duties imposed in this act. An attorney appointed under this section to assist an office shall be compensated in the manner provided under section 27.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.523 Vacancy; appointment of person to position of friend of the court or interim friend of the court; experience or education.

Sec. 23. (1) If the position of friend of the court becomes vacant for any reason, the chief judge shall appoint a person to the position of friend of the court not later than 6 months after the vacancy occurs. An appointment under this subsection is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have any area in common with the geographic area served by

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that friend of the court.

(2) If necessary, the chief judge may appoint an interim friend of the court to serve for not longer than 6 months until a friend of the court is appointed and approved under subsection (1).

(3) A friend of the court appointed under this section is an at-will employee and shall demonstrate experience or education in 1 or more of the following areas:

(a) A human service or behavioral science field.

(b) Family law.

(c) Administration.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.524 Annual review of performance record of friend of the court; public notice and comments; written evaluation; written response; copies.

Sec. 24. (1) The chief judge annually shall review the performance record of each friend of the court serving that circuit to determine whether the friend of the court is guilty of misconduct, neglect of statutory duty, or failure to carry out written orders of the court relative to a statutory duty; whether the purposes of this act are being met; and whether the duties of the friend of the court are being carried out in a manner that reflects the needs of the community being served. Public notice of the annual review shall be given.

(2) Members of the public may submit written comments to the chief judge or county board relating to the criteria in subsection (1). The citizen advisory committee may advise the court and the county board regarding the criteria in subsection (1). The court shall prepare a written evaluation, which shall include a summary of any public comments received and of any citizen advisory committee report or recommendation. The court and county board may also, in a written response, address the recommendation of the citizen's advisory committee concerning the general operations of the citizen's advisory committee. The friend of the court and the bureau shall each receive a copy of the evaluation. The friend of the court shall have an opportunity to make a written response to the evaluation. A copy of the response shall be included with the evaluation.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.525 Removal of friend of the court; approval.

Sec. 25. The chief judge may remove the friend of the court. A removal under this section is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have an area in common with the geographic area served by that friend of the court.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.526 Grievance procedure; record; powers and duties of citizen advisory committee.

Sec. 26. (1) A party to a friend of the court case who has a grievance concerning office operations or employees shall utilize the following grievance procedure:

(a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(b) A party who is not satisfied with the decision of the office under subdivision (a) may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than annually to the bureau.

(3) In addition to the grievance procedure provided in subsection (1), a party to a friend of the court case who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.

(4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The

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citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.

(5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.

(6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.

(7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.527 Compensation and expenses of friend of the court and employees.

Sec. 27. The compensation and expenses of the friend of the court for each judicial circuit and of the employees of the office and all operating expenses incurred by the office shall be fixed by the chief judge as provided in section 591 of the revised judicature act of 1961, 1961 PA 236, MCL 600.591. The compensation and expenses shall be paid by the county treasurer from the general fund and the friend of the court fund created under section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530, of the county or counties served.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.528 Compilation of data.

Sec. 28. Each office of the friend of the court shall compile data as required by the state court administrative office, under the supervision and direction of the supreme court.

History: Add. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.531 Repealed. 1996, Act 366, Eff. Jan. 1, 1997.

Compiler's note: The repealed section pertained to definitions.

Popular name: Friend of the Court

552.533 Repeal of MCL 552.251 to 552.255.

Sec. 33. Act No. 412 of the Public Acts of 1919, as amended, being sections 552.251 to 552.255 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

552.534 Conditional effective date.

Sec. 34. This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:

(a) House Bill No. 4871.

(b) House Bill No. 4873.

(c) House Bill No. 5257.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: The following House Bills, referred to in this section, were enacted into law as follows:
House Bill No. 4871 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 295, Eff. July 1, 1983.
House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.
House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

Popular name: Friend of the Court

552.535 Effective date.

Sec. 35. Except as provided in section 34, this act shall take effect July 1, 1983.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

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SUPPORT AND PARENTING TIME ENFORCEMENT ACT
Act 295 of 1982

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.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1987;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

The People of the State of Michigan enact:

552.601 Short title.

Sec. 1. This act shall be known and may be cited as the “support and parenting time enforcement act”.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 25, Eff. June 1, 1996.

552.602 Definitions.

Sec. 2. As used in this act:

(a) "Account" means any of the following:

(*i*) A demand deposit account.

(*ii*) A draft account.

(*iii*) A checking account.

(*iv*) A negotiable order of withdrawal account.

(*v*) A share account.

(*vi*) A savings account.

(*vii*) A time savings account.

(*viii*) A mutual fund account.

(*ix*) A securities brokerage account.

(*x*) A money market account.

(*xi*) A retail investment account.

(b) "Account" does not mean any of the following:

(*i*) A trust.

(*ii*) An annuity.

(*iii*) A qualified individual retirement account.

(*iv*) An account covered by the employee retirement income security act of 1974, Public Law 93-406.

(*v*) A pension or retirement plan.

(*vi*) An insurance policy.

(c) "Alternative contempt track" means the alternative contempt track docket established under section 35a.

(d) "Cash" means money or the equivalent of money, such as a money order, cashier's check, or negotiable check or a payment by debit or credit card, which equivalent is accepted as cash by the agency accepting the payment.

(e) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(f) "Department" means the department of human services.

(g) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(*i*) 1846 RS 84, MCL 552.1 to 552.45.

(*ii*) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(*iii*) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(*iv*) 1968 PA 293, MCL 722.1 to 722.6.

(*v*) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(*vi*) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

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(*vii*) The uniform interstate family support act (2015).

(h) "Driver's license" means license as that term is defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25.

(i) "Employer" means an individual, sole proprietorship, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that hires and pays an individual for his or her services.

(j) "Financial asset" means a deposit, account, money market fund, stock, bond, or similar instrument.

(k) "Financial institution" means any of the following:

(*i*) A state or national bank.

(*ii*) A state or federally chartered savings and loan association.

(*iii*) A state or federally chartered savings bank.

(*iv*) A state or federally chartered credit union.

(*v*) An insurance company.

(*vi*) An entity that offers any of the following to a resident of this state:

(A) A mutual fund account.

(B) A securities brokerage account.

(C) A money market account.

(D) A retail investment account.

(*vii*) An entity regulated by the securities and exchange commission that collects funds from the public.

(*viii*) An entity that is a member of the national association of securities dealers and that collects funds from the public.

(*ix*) Another entity that collects funds from the public.

(*l*) "Friend of the court act" means the friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.

(m) "Friend of the court case" means that term as defined in section 2 of the friend of the court act, MCL 552.502.

(n) "Income" means any of the following:

(*i*) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his or her employer or a successor employer.

(*ii*) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, social security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(*iii*) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that is indebted to the individual.

(o) "Insurer" means an insurer, health maintenance organization, health care corporation, or other group, plan, or entity that provides health care coverage in accordance with any of the following acts:

(*i*) The public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(*ii*) The insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(*iii*) The nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704.

(p) "Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396w-5.

(q) "Most recent semiannual obligation" means the total amount of current child support owed by a parent during the preceding January 1 to June 30 or July 1 to December 31.

(r) "Occupational license" means a certificate, registration, or license issued by a state department, bureau, or agency that has regulatory authority over an individual that allows an individual to legally engage in a regulated occupation or that allows the individual to use a specific title in the practice of an occupation, profession, or vocation.

(s) "Office of child support" means the office of child support established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(t) "Office of the friend of the court" means an agency created in section 3 of the friend of the court act, MCL 552.503.

(u) "Order of income withholding" means an order entered by the circuit court providing for the withholding of a payer's income to enforce a support order under this act.

(v) "Payer" means an individual who is ordered by the circuit court to pay support.

(w) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

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(x) "Plan administrator" means that term as used in relation to a group health plan under section 609 of title I of the employee retirement income security act of 1974, 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to that act.

(y) "Political subdivision" means a county, city, village, township, educational institution, school district, or special district or authority of this state or of a local unit of government.

(z) "Recipient of support" means the following:

(*i*) The spouse, if the support order orders spousal support.

(*ii*) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(*iii*) The department, if support has been assigned to that department.

(*iv*) The county, if the minor child is in county-funded foster care.

(aa) "Recreational or sporting license" means a hunting, fishing, or fur harvester's license issued under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, but does not include a commercial fishing license or permit issued under part 473 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.47301 to 324.47362.

(bb) "Referee" means a person who is designated as a referee under the friend of the court act.

(cc) "Source of income" means an employer or successor employer, a labor organization, or another individual or entity that owes or will owe income to the payer.

(dd) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(ee) "State friend of the court bureau" means that bureau as created in the state court administrative office under section 19 of the friend of the court act, MCL 552.519.

(ff) "Support" means all of the following:

(*i*) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(*ii*) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the mother's pregnancy or the birth of the child, or for the repayment of genetic testing expenses.

(*iii*) A surcharge under section 3a.

(gg) "Support order" means an order entered by the circuit court for the payment of support, whether or not a sum certain.

(hh) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.

(ii) "Title IV-D agency" means the agency in this state performing the functions under title IV-D and includes a person performing those functions under contract, including an office of the friend of the court or a prosecuting attorney.

(jj) "Work activity" means any of the following:

(*i*) Unsubsidized employment.

(*ii*) Subsidized private sector employment.

(*iii*) Subsidized public sector employment.

(*iv*) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.

(*v*) On-the-job training.

(*vi*) Referral to and participation in the work first or successor program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(*vii*) A community service program.

(*viii*) Vocational educational training, not to exceed 12 months with respect to an individual.

(*ix*) Job skills training directly related to employment.

(*x*) Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency.

(*xi*) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of an individual who has not completed secondary school or received such a certificate.

(*xii*) The provision of child care services to an individual who is participating in a community service program.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 240, Imd. Eff. Oct. 10, 1990;—Am. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am.

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1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2002, Act 570, Eff. June 1, 2003;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2004, Act 208, Eff. June 30, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 373, Eff. Mar. 17, 2015;—Am. 2015, Act 256, Eff. Jan. 1, 2016.

552.603 Support order; enforcement; information to be included; notice of new information; service of notices or other papers; accrued interest prohibited; failure to comply with requirements; fee; admission into evidence.

Sec. 3. (1) A support order issued by a court of this state shall be enforced as provided in this act.

(2) Except as otherwise provided in this section, a support order that is part of a judgment or is an order in a domestic relations matter is a judgment on and after the date the support amount is due as prescribed in section 5c, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. No additional action is necessary to reduce support to a final judgment. Retroactive modification of a support payment due under a support order is permissible with respect to a period during which there is pending a petition for modification, but only from the date that notice of the petition was given to the payer or recipient of support.

(3) This section does not apply to an ex parte interim support order or a temporary support order entered under supreme court rule.

(4) The office of the friend of the court shall make available to a payer or payee the forms and instructions described in section 5 of the friend of the court act, MCL 552.505.

(5) This section does not prohibit a court approved agreement between the parties to retroactively modify a support order. This section does not limit other enforcement remedies available under this or another act.

(6) Every support order that is part of a judgment issued by a court of this state or that is an order in a domestic relations matter shall include all of the following:

(a) Substantially the following statement: "Except as otherwise provided in section 3 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603, a support order that is part of a judgment or that is an order in a domestic relations matter as defined in section 2 of the friend of the court act, 1982 PA 294, MCL 552.502, is a judgment on and after the date each support payment is due, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. A surcharge may be added to support amounts that are past due as provided in section 3a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603a.".

(b) Notice informing the payer of the imposition of liens by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount greater than the amount of periodic support payments payable under the payer's support order for the time period specified in this act.

(c) Notice that an order for dependent health care coverage takes effect immediately and that, in a friend of the court case, a national medical support notice will be sent to the parent's current and subsequent employers and insurers if appropriate. The notice shall inform the parent that he or she may contest the action by requesting a review or hearing concerning availability of health care coverage at a reasonable cost.

(7) A support order that is an order in a friend of the court case shall require each party to provide all of the following information to the friend of the court in writing:

(a) A single mailing address for the party, to which all notices and papers in the case will be served.

(b) The party's residential address.

(c) The party's telephone number.

(d) A statement of whether the payer or payee holds an occupational license, driver's license, or recreational license.

(e) The names, addresses, and telephone numbers of the payer's and payee's current sources of income.

(f) The payer's and payee's social security numbers and driver's license numbers. The requirement of this subdivision to provide a social security number does not apply to a payer or payee who demonstrates he or she is exempt under law from obtaining a social security number or to a payer or payee who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The court shall inform the payer and payee of this possible exemption.

(8) A support order that is an order in a friend of the court case shall include a requirement that if any of the information provided to the friend of the court under subsection (7) changes, each party shall notify the friend of the court of the new information within 21 days after the change and that a failure to provide the new information may subject the party to imposition of a fee under subsection (12). A notice of new information under this subsection shall be in writing or by any other method allowed under guidelines established by the state court administrative office under the supervision and direction of the supreme court.

(9) Except as provided in sections 11 and 25a, service of notices or other papers under this act and under

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the friend of the court act shall be made by first-class mail, postage prepaid. If mail is returned as undeliverable from that address or the friend of the court or the department determines through use of an automated federal database that mail is not deliverable to that address, the friend of the court may change the address according to guidelines established by the state court administrative office or the supreme court.

(10) Unless federal law or regulation requires otherwise, if mail served under subsection (9) is returned from an address and a new address has not been established within 21 days after the mail is returned, the party waives his or her right to notice and the friend of the court is not obligated to serve any notice or other paper until the party submits a written change of address to the friend of the court or until the friend of the court has changed the address according to subsection (9).

(11) A support order shall not accrue interest.

(12) If a person fails to comply with the requirements of this section, the court may impose a fee set according to a policy established by the state court administrative office under the supervision and direction of the supreme court. A fee ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(13) In a proceeding to enforce support, a report, record, or information from the Michigan child support enforcement system or the support disbursement unit that relates to paid or unpaid support is prima facie authentic and may be admitted into evidence without extrinsic evidence of authenticity.

History: Add. 1987, Act 97, Imd. Eff. July 6, 1987;—Am. 1987, Act 198, Imd. Eff. Dec. 14, 1987;—Am. 1993, Act 256, Imd. Eff. Nov. 29, 1993;—Am. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

Compiler's note: In the second sentence of subsection (12), the phrase "under this subdivision" evidently should read "under this subsection".

552.603a Failure to pay support; surcharge; calculation; assessment; collection; enforcement.

Sec. 3a. (1) Subject to subsection (6), for a friend of the court case, if the court determines that the payer has failed to pay support under a support order and the failure was willful, the court may order that on January 1 and July 1 of each year, a surcharge be added to support payments that are past due as of those dates. The surcharge shall be calculated at 6-month intervals at an annual rate of interest equal to 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months immediately preceding July 1 and January 1, as certified by the state treasurer. The amount of the surcharge shall not compound. The amount shown as due and owing on the records of the friend of the court as of January 1 and July 1 of each year shall be reduced by an amount equal to 1 month's support for purposes of assessing the surcharge. Except as provided in subsection (5), a surcharge ordered by the court applies until abated by the court.

(2) A surcharge ordered under subsection (1) shall be assessed on a semiannual cycle on January 1 and July 1 of each year except as otherwise provided under subsection (3).

(3) A surcharge shall not be assessed for the current semiannual cycle in any of the following circumstances:

(a) Beginning on July 1, 2005, in a case in which the friend of the court is collecting on a current child support obligation and the payer has paid 90% or more of the most recent semiannual obligation during the semiannual cycle.

(b) In a case in which a support order is entered after July 14, 2004, for any period of time a support order did not exist if support is later ordered for that period.

(c) If the surcharge is waived or abated under a court order under section 3d.

(4) A surcharge added under this section shall be collected and enforced by any means authorized under this act, the friend of the court act, or another appropriate federal or state law for the enforcement and collection of child support and paid through the state disbursement unit.

(5) A surcharge ordered under this section in an order entered before the effective date of the amendatory act that added this subsection is terminated on the effective date of the amendatory act that added this subsection. Another surcharge shall not be ordered in the action unless the surcharge is ordered by the court under subsection (1).

(6) After the effective date of the amendatory act that added this subsection, a court shall not order that a surcharge under subsection (1) be added before January 1, 2011.

History: Add. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2003, Act 276, Eff. Jan. 15, 2004;—Am. 2004, Act 208, Imd. Eff. July 14, 2004;—Am. 2009, Act 193, Eff. Dec. 31, 2009.

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552.603b Retroactive correction of support amount.

Sec. 3b. If an individual who is required by the court to report his or her income to the court or the office of the friend of the court knowingly and intentionally fails to report, refuses to report, or knowingly misrepresents that income, after notice and an opportunity for a hearing, the court may retroactively correct the amount of support.

History: Add. 1996, Act 367, Eff. Jan. 1, 1997.

552.603d Repayment plan.

Sec. 3d. (1) A party or the friend of the court may file a motion with the court for a repayment plan order that provides, subject to federal law or regulation, for discharge of amounts assessed as surcharge and for the waiver of future surcharge. The court shall enter the repayment plan order after notice and a hearing if the court finds that all of the following are true:

(a) The arrearage did not arise from conduct by the payer engaged in exclusively for the purpose of avoiding a support obligation.

(b) The payer has no present ability, and will not have an ability in the foreseeable future, to pay the arrearage absent a repayment plan that waives or discharges amounts assessed as surcharge.

(c) The payer's plan is reasonable based on the payer's current ability to pay.

(d) The surcharge accrued or will accrue after the effective date of the amendatory act that added this section.

(2) Following entry of a repayment plan order under subsection (1), upon notice and hearing if the court finds that the payer has failed substantially to comply with the repayment plan, the court shall enter an order reinstating the surcharge and all or a portion of the surcharge that was discharged.

History: Add. 2004, Act 208, Eff. June 30, 2005.

552.604 Support order to provide for order of income withholding; order of income withholding by operation of law; notice; effective date of order.

Sec. 4. (1) After July 1, 1983, each support order entered or modified by the circuit court shall provide for an order of income withholding.

(2) Each support order entered by the circuit court on or before July 1, 1983 shall be considered to provide for an order of income withholding by operation of law, and income withholding shall be implemented under the same circumstances and enforced in the same manner as in the case of orders of income withholding required by subsection (1). The office of the friend of the court shall send notice of the provisions of this subsection by ordinary mail to each payer under a support order entered by the circuit court on or before July 1, 1983 to whom this subsection applies.

(3) An order of income withholding in a support order including consideration of any abatements of support entered or modified after December 31, 1990, shall take effect immediately unless 1 of the following applies:

(a) The court finds, upon notice and hearing, that there is good cause for the order of income withholding not to take effect immediately. For purposes of this subdivision, a finding of good cause shall be based on at least all of the following:

(*i*) A written and specific finding by the court why immediate income withholding would not be in the child's best interests.

(*ii*) Proof of timely payment of previously ordered support, if applicable.

(*iii*) For a friend of the court case, an agreement by the payer that he or she shall keep the office of the friend of the court informed of both of the following:

(A) The name, address, and telephone number of his or her current source of income.

(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurer; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(b) The parties enter into a written agreement that is reviewed and entered in the record by the court that provides for all of the following:

(*i*) The order of income withholding shall not take effect immediately.

(*ii*) An alternative payment arrangement.

(*iii*) For a friend of the court case, that the payer shall keep the office of the friend of the court informed of both of the following:

(A) The name, address, and telephone number of his or her current source of income.

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(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurer; the policy, certificate, or contract number; and names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(4) Except as otherwise provided in subsection (3)(a) or (b), an order of income withholding in an ex parte interim support order shall take effect after the expiration of 21 days after the order has been served on the opposite party unless the opposite party files a written objection to the ex parte interim support order during that 21-day period.

(5) An order of income withholding that does not take effect immediately as provided in this section shall take effect when the requirement of section 7 is met.

(6) The court for cause or at the request of the payer may order the withholding of income to take effect immediately.

(7) An order of income withholding in a support order entered on or before December 31, 1990 shall take effect when the requirement of section 7 is met.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 291, Eff. Jan. 1, 1993;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

552.605 Child support order; deviation from formula; agreement.

Sec. 5. (1) If a court orders the payment of child support under this or another act of the state, this section applies to that order.

(2) Except as otherwise provided in this section, the court shall order child support in an amount determined by application of the child support formula developed by the state friend of the court bureau as required in section 19 of the friend of the court act, MCL 552.519. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

(a) The child support amount determined by application of the child support formula.

(b) How the child support order deviates from the child support formula.

(c) The value of property or other support awarded instead of the payment of child support, if applicable.

(d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

(3) Subsection (2) does not prohibit the court from entering a child support order that is agreed to by the parties and that deviates from the child support formula, if the requirements of subsection (2) are met.

History: Add. 2001, Act 106, Eff. Sept. 30, 2001.

Compiler's note: Former MCL 552.605, which pertained to support orders entered before effective date of act and to withholding of income, was repealed by Act 210 of 1985, Eff. Mar. 1, 1986.

552.605a Information to be provided to office of the friend of the court; health care coverage; bond.

Sec. 5a. (1) For a friend of the court case, a child support order entered or modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

(a) The name and address of his or her current source of income.

(b) Health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, nonprofit health care corporation, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(2) If a child support order is entered, the court shall require that 1 or both parents obtain or maintain health care coverage that is available to them at a reasonable cost, as a benefit of employment, for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children. If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children, if available at a reasonable cost.

(3) A court may require either parent to file a bond with 1 or more sufficient sureties, in a sum to be fixed by the court, guaranteeing payment of child support.

History: Add. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

552.605b Child support after 18 years of age.

Sec. 5b. (1) A court that orders child support may order support for a child after the child reaches 18 years of age as provided in this section.

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(2) The court may order child support for the time a child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the recipient of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. A complaint or motion requesting support as provided in this section may be filed at any time before the child reaches 19 years and 6 months of age.

(3) A support order entered under this section shall include a provision that the support terminates on the last day of a specified month, regardless of the actual graduation date.

(4) A provision contained in a judgment or an order entered before October 10, 1990 that provides for the support of a child after the child reaches 18 years of age, without an agreement of the parties as described in subsection (5), is valid and enforceable to the extent the provision provides support for the child for the time the child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the recipient of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. This subsection does not require payment of support for a child after the child reaches 18 years of age for any period between November 8, 1989 and October 10, 1990, or reimbursement of support paid between November 8, 1989 and October 10, 1990, in those judicial circuits that did not enforce support for a child after the child reached 18 years of age during the period between November 8, 1989 and October 10, 1990.

(5) A provision contained in a judgment or an order entered under this act before, on, or after September 30, 2001 that provides for the support of a child after the child reaches 18 years of age is valid and enforceable if 1 or more of the following apply:

(a) The provision is contained in the judgment or order by agreement of the parties as stated in the judgment or order.

(b) The provision is contained in the judgment or order by agreement of the parties as evidenced by the approval of the substance of the judgment or order by the parties or their attorneys.

(c) The provision is contained in the judgment or order by written agreement signed by the parties.

(d) The provision is contained in the judgment or order by oral agreement of the parties as stated on the record by the parties or their attorneys.

History: Add. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.605c Support order; monthly amounts; conversion; proration; applicability of excess payment against arrearage; refund.

Sec. 5c. (1) All support orders shall be stated in monthly amounts payable on the first of each month in advance. A support obligation not paid by the last day of the month in which it accrues is past due. If a support order does not state the amount of support as a monthly amount, the support amount stated in the order shall be converted to a monthly amount using the formula established by the state court administrative office.

(2) If payments under a support order are being made in the amount required, through income withholding, pursuant to an installment payment order, or otherwise, and there are no preexisting arrearages, the friend of the court shall not consider the payer as having an arrearage if a periodic temporary arrearage is created by the conversion of the monthly support order to an income withholding order or other payment schedule or results from a divergence between the cycle of payments under the income withholding or payment schedule and the cycle of charges.

(3) If a support order takes effect on other than the first day of a month, the monthly amount is prorated based on the daily amount for that month. A monthly support order amount shall not be prorated for the last month in which the order is in effect.

(4) If the title IV-D agency receives a support payment that, at the time of its receipt, exceeds a payer's support amount payable plus an amount payable under an arrearage payment schedule, the title IV-D agency shall apply the excess against the payer's total arrearage accrued under all support orders under which the payer is obligated. If a balance remains after application against the total arrearage, the title IV-D agency shall do 1 of the following:

(a) If the payer designates the balance as additional support, immediately disburse that amount to the recipient of support.

(b) If, at the time the payment is received, the payer is obligated under a support order for a future support payment and the balance is less than or equal to the monthly support order amount, retain the balance and disburse it to the recipient of support immediately when the amount is payable as support.

(c) If, at the time the payment is received, the payer is not obligated for a future support payment, or the payer is obligated under a support order for a future support payment but the balance is greater than the monthly support order amount, return the balance to the payer.

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(5) After 1 year after the date the amendatory act that added this subsection is enacted into law, if a payer has paid money that has not been disbursed to the payee and the payer is entitled to a refund of all or a portion of the money because support has been abated in whole or in part, the refund shall be applied first to any support past due in the case and then to any past due support the payer owes in another case. Any balance after the application of the money to support arrearages shall be refunded to the payer.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.605d Support order; provisions; assignment, redirection, or abatement of support payment; notice.

Sec. 5d. (1) On and after June 1, 2003, each support order the court enters or modifies shall 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 funding county.

(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) 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).

(3) 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 funding county. An assignment of support as required by this subsection has priority over a redirection of support authorized by this section.

(4) Subject to subsection (5), 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 (5), the office of the friend of the court shall 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.

(5) 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 shall review the support order under section 17 of the friend of the court act, MCL 552.517, or shall notify each party that the party may file a motion to modify support.

(6) 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.

History: Add. 2002, Act 570, Eff. June 1, 2003;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 380, Eff. Mar. 17, 2015.

552.605e Payment plan for arrearages.

Sec. 5e. (1) A payer who has an arrearage under a support order may file a motion with the circuit court for a payment plan to pay arrearages and to discharge or abate arrearages. Except as provided in subsection (7)(d), if the payer files a motion for a payment plan, the court shall approve the plan after notice and a hearing if it finds by a preponderance of the evidence that the plan is in the best interest of the parties and children and that either of the following applies:

(a) The arrearage is owed to an individual payee and both of the following:

(*i*) The payee has consented to entry of the order under circumstances that satisfy the court that the payee is not acting under fear, coercion, or duress.

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(*ii*) The payer establishes that the arrearage did not arise from conduct by the payer engaged in exclusively for the purpose of avoiding a support obligation.

(b) The arrearage is owed to this state or a political subdivision of this state, and the payer establishes the following:

(*i*) The arrearage did not arise from conduct by the payer engaged in exclusively for the purpose of avoiding a support obligation.

(*ii*) The payer has no present ability, and will not have an ability in the foreseeable future, to pay the arrearage absent a payment plan.

(*iii*) The payment plan will pay a reasonable portion of the arrearage over a reasonable period of time in accordance with the payer's current ability to pay.

(*iv*) The office of child support or its designee has been served with a copy of the motion at least 56 days before the hearing.

(2) When the payer has completed a plan approved under subsection (1), the payer shall provide notice to interested parties and obtain a hearing before the court. If, after notice and hearing, the court finds that the payer has completed the payment plan, the court shall enter an order discharging the remaining arrearage, if any. If the court finds that the payer has substantially completed the payment plan, the court may enter an order granting relief appropriate to the circumstances of the case.

(3) A payment plan may provide for discharge of any portion of an arrearage that meets the requirements under subsection (2), even if other portions of the arrearage do not meet those requirements.

(4) A payment plan under subsection (1) shall provide that arrearages subject to the payment plan may be reinstated upon motion and hearing for good cause shown at any time during the pendency of the payment plan. Good cause includes, but is not limited to, the payee becoming a recipient of public assistance, or the payer receiving property sufficient to pay a substantial portion of the amount discharged, including, but not limited to, lottery proceeds, other winnings, a settlement under an insurance policy or a judgment in a civil action, or an inheritance.

(5) A court shall require conditions in a payment plan approved under subsection (1) in addition to the payment of support that the court determines are in the best interests of a child, including, but not limited to, any of the following:

(a) A payer's participation in a parenting program.

(b) Drug and alcohol counseling.

(c) Anger management classes or participation in a batterer intervention program that meets the standards recommended by the governor's task force on batterer intervention standards.

(d) Participation in a work program.

(e) Counseling.

(f) Continuing compliance with a current support order.

(6) This section does not modify the right of a party to receive other child support credits to which the payer is entitled nor prevent the court from correcting a support order under other applicable law or court rule.

(7) In making its findings under subsection (1), the court shall consider any written comments submitted before the hearing by the office of child support or its designee. When written comments have not been submitted, the court may do any of the following:

(a) Adjourn the hearing to seek written comments before making its decision.

(b) Appoint an examiner who shall review the payer's assets and the plan and make a recommendation concerning the plan or propose an alternative plan to the court. The examiner shall be paid by the payer for services provided under terms and conditions the court establishes separately from any payments made through the friend of the court or state disbursement unit.

(c) Appoint a receiver who shall review the payer's assets and the plan and make a recommendation concerning the plan or propose an alternative plan to the court. A receiver appointed under this subdivision has the powers of a receiver under all applicable laws and may, at the court's discretion, use the payer's assets to complete the plan or otherwise monitor the payer's progress in completing the plan. The receiver shall be paid by the payer for services provided under terms and conditions the court establishes separately from any payments made through the friend of the court or state disbursement unit.

(d) Approve the plan as presented, but only if the payer satisfies the requirements of subsection (1) by clear and convincing evidence.

(e) Deny the plan as presented if the court finds that the payer has not satisfied the requirements of subsection (1).

(8) If the court approves a plan under subsection (1)(b), that approval shall be considered the state's consent to a compromise of the arrearage.

(9) An arrearage subject to a plan under subsection (1) shall continue to be enforced under this act, the

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office of child support act, 1971 PA 174, MCL 400.231 to 400.240, and the friend of the court act, if federal or state law requires the enforcement action. If federal or state law does not require the enforcement action, an arrearage subject to a plan under subsection (1) may continue to be enforced as allowed under this act, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240, and the friend of the court act, except that when the payer is complying with the plan, a referee, judge, or person conducting an administrative review or hearing as allowed under the acts shall not allow enforcement to continue when the statute permits the exercise of discretion in using the enforcement and the payer is complying with the plan.

(10) A person who knowingly provides false information on a motion filed under subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than $1,000.00, or both.

History: Add. 2004, Act 211, Eff. Feb. 28, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.606 Support order entered under interstate income withholding act.

Sec. 6. If a support order is entered under section 6 of the interstate income withholding act, sections 7 to 23 shall apply in the same manner as if the support order had been entered originally by the court in this state, except as otherwise provided in the interstate income withholding act.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986.

552.607 Notice of arrearage to payer; contents; sending copy of notice to recipient; request for hearing; time of hearing; de novo hearing; consolidation of hearings; completion of proceedings; review by friend of the court office.

Sec. 7. (1) For a friend of the court case, if income withholding is not immediately effective and the arrearage under a support order reaches the arrearage amount that requires the initiation of 1 or more support enforcement measures as provided in section 11 of the friend of the court act, MCL 552.511, or, if the amount of income withholding is administratively adjusted for arrears under section 17e of the friend of the court act, MCL 552.517e, the office of the friend of the court immediately shall send notice of the arrearage to the payer by ordinary mail to his or her last known address. The notice to the payer shall contain the following information:

(a) The amount of the arrearage.

(b) One or both of the following:

(*i*) That the payer's income is subject to income withholding and the amount to be withheld.

(*ii*) That the payer's income withholding is being administratively adjusted and the amount of the adjustment.

(c) That income withholding will be applied to current and subsequent employers and periods of employment and other sources of income.

(d) That the order of income withholding is effective and notice to withhold income will be sent to the payer's source of income.

(e) That the payer may request a hearing under subsection (3) in writing within 21 days after the date of the notice to contest the withholding, but only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, and if the notice includes an administrative adjustment of arrears, that the administrative adjustment will cause an unjust or inappropriate result.

(f) That if the hearing is held before a referee, the payer has a right to a de novo hearing before a circuit court judge.

(g) The place where a request for hearing under subsection (3) shall be filed.

(h) That if the payer believes that the amount of support should be modified due to a change in circumstances, the payer may file a petition with the court for modification of the support order.

(2) A payer to whom notice is sent under subsection (1), within 21 days after the date on which the notice was sent, may request a hearing by filing a request for hearing as provided in the notice and serving a copy on the other party. A hearing concerning implementation of income withholding that was not previously effective may be requested only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer.

(3) If a payer requests a hearing under subsection (2), the notice and request shall be filed with the court clerk as a motion contesting the proposed action and a referee or circuit judge shall hold a hearing within 14 days after the date of the request. If at the hearing the payer establishes that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, or that periodic implementation of an administrative adjustment of the amount of the periodic payment of arrears to be withheld will cause an unjust or inappropriate result, the income withholding shall be modified

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or rescinded according to the guidelines established under section 19 of the friend of the court act, MCL 552.519.

(4) If the hearing provided under subsection (3) is held before a referee, either party may request a de novo hearing as provided in section 7 of the friend of the court act, MCL 552.507.

(5) If a petition for modification of the support order is filed by or on behalf of a payer and is pending at the date scheduled for a hearing under subsection (3), the court may consolidate the hearing under subsection (3) and a hearing on the petition for modification.

(6) All proceedings under this section shall be completed within 45 days after the date that notice was sent under subsection (1), unless otherwise permitted by the court upon a showing of good cause.

(7) The friend of the court office may review the objection administratively before a hearing is held before a referee or judge. If the friend of the court office reviews the objection administratively, either party may object and a hearing shall be held before a referee or judge.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2004, Act 206, Eff. Feb. 28, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.607a Documentary evidence of income withheld.

Sec. 7a. The friend of the court shall not consider a payer to have an arrearage if the payer produces documentary evidence that money has been withheld from the payer's income in an amount equal to or greater than the amount required under the payer's support order. This documentary evidence includes, but is not limited to, pay stubs, wage statements, or other written income information produced by the payer's employer.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997.

552.608 Limitation on amount of income withheld.

Sec. 8. The total amount of income withheld under this act under all orders to withhold income for current support, past due support, fees, and health care coverage premiums effective against a payer shall not exceed 50% of the payer's disposable earnings as that term is defined in 15 USC 1672.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 2009, Act 193, Eff. Mar. 28, 2010.

552.609 Order of income withholding; service; notice.

Sec. 9. (1) A notice of income withholding entered under this act shall be served on sources of income as provided in section 11. A labor organization that assigns a member to work shall forward a copy of an income withholding notice served on the labor organization to the actual employer.

(2) A notice served under this section shall do all of the following:

(a) Direct sources of income to withhold from income due the payer an amount sufficient to meet the payments ordered for support, service fees, fines, costs, and sanctions and to defray arrearages in payments and service fees due at the time the order of income withholding takes effect.

(b) Direct that the amount withheld for support, fees, health care coverage premiums, fines, costs, and sanctions as ordered under the friend of the court act or this act shall not exceed, before 90 days after the effective date of the amendatory act that added subsection (3), the amount allowed under section 303(b) of title III of the consumer credit protection act, 15 USC 1673, or, on or after 90 days after the effective date of the amendatory act that added subsection (3), 50% of the payer's disposable earnings as that term is defined in 15 USC 1672.

(c) Contain a statement of the requirements of sections 11, 11a, 12, 13, 14, and 23.

(d) Direct that income withheld under the notice be paid to the office of the friend of the court or to the state disbursement unit, as appropriate, within 3 days after the date of the withholding.

(3) A person that serves a notice of income withholding under this section shall send separate notices for income withholding for support, fees, fines, costs, and sanctions ordered to be paid under title IV-D and support, fees, fines, costs, and sanctions not ordered to be paid under title IV-D.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.610 Payer to give friend of court name and address of employer.

Sec. 10. For a friend of the court case, the payer shall give to the office of the friend of the court at the time the order of income withholding is issued the name and address of his or her employer. The payer shall immediately give to the office of the friend of the court notice of the name and address of any subsequent employer.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

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552.611 Order of income withholding; duration; priority.

Sec. 11. An order of income withholding entered under this act is binding upon a source of income 7 days after service upon that source of income of a notice of the order of income withholding by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The order of income withholding remains in effect until further order of the court. An order of income withholding has priority over all other legal process under state law against the same income.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 367, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

552.611a More than 1 order of income withholding against payer or parent; compliance with source of income; liability; identification of withholding; combining amounts in single payment; identifying portion of single payment attributable to each payer.

Sec. 11a. (1) If there is more than 1 order to withhold income for support, fees, or health care coverage premiums against a payer or parent under this act, the source of income shall comply with all of the notices to withhold income to the extent that the total amount withheld from the payer's or parent's income does not exceed 50% of the payer's disposable income as that term is defined in 15 USC 1672. The source of income shall comply with the notices as follows:

(a) If all orders to withhold income are from this state and the total amount designated in the notices to withhold income for current and past due support exceeds 50% of the payer's disposable earnings, the source of income shall withhold an amount equal to 50% of the payer's disposable earnings.

(b) If 1 or more of the orders to withhold income are from another state, the source of income shall give priority to amounts designated in each notice as current support, as follows:

(*i*) If the total of the amounts designated in the notices as current support exceeds 50% of the payer's disposable earnings, then the source of income shall allocate to each order an amount for current support equal to the amount designated in the notice as current support, divided by the total of the amounts designated in the notices as current support, multiplied by the amount of income available for income withholding.

(*ii*) If the total of the amounts designated in the notices as current support does not exceed 50% of the payer's disposable earnings, then the source of income shall pay the amounts designated as current support, and in addition shall proportionately allocate to each order an amount for past due support not to exceed the amount designated in the notice as past due support. This subdivision does not require the maximum withholding to satisfy past due child or spousal support.

(c) If the total amounts allocated to current and past due support do not exceed 50% of the payer's disposable earnings, then the source of income shall allocate the remaining income to the parent's portion of health care coverage premiums attributable to coverage of the children specified in the order if remaining income is sufficient to cover the cost of the premium. This subdivision does not require a source of income to pay the parent's portion of health care coverage premiums.

(2) A source of income is liable for an amount that the source knowingly and intentionally fails to withhold from the payer's income following service on the source of income of a notice of income withholding, except to the extent that the amount is limited by subsection (1).

(3) A source of income shall identify each withholding by payer, payer's social security number, case numbers, amount withheld, and the date on which support was withheld from the payer's income. If the source of income is an employer, it shall also provide its federal employer identification number. A source of income may meet the requirements of this subsection through the use of an automated reporting system established by the SDU.

(4) A source of income may combine amounts withheld from payers' incomes in a single payment and separately identify by payer, social security number, and case number the portion of the single payment that is attributable to each individual payer.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 193, Eff. Mar. 28, 2010.

552.612 Compliance with order as discharge of liability to payer.

Sec. 12. Compliance by the source of income with a notice of income withholding operates as a discharge of the source's liability to the payer as to that portion of the payer's income affected.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

552.613 Failure to comply with order; contempt; finding; initiation of proceedings; jurisdiction.

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Sec. 13. The court may find a source of income in contempt, require the source of income to pay an amount according to section 11a(2) if the terms of that section have been satisfied, and fine the source of income if the source of income is served with a notice of income withholding and fails to comply with the notice or to pay withheld amounts to the friend of the court after the order becomes binding under section 11. The IV-D agency is responsible for initiating contempt proceedings under this section. Contempt proceedings under this section may be initiated in any county with jurisdiction over the source of income.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

552.614 Termination or interruption of payer's income; notice; service on new employer or other source of income.

Sec. 14. (1) A source of income that has been served with a notice of income withholding or with an order or notice of an order for dependent health care coverage shall notify the appropriate office of the friend of the court if the parent's income from that source or dependent health care coverage is terminated.

(2) If the source of income is an employer, the source of income shall promptly notify the appropriate office of the friend of the court when the payer's employment is terminated or interrupted for a period of 14 or more consecutive days, and shall provide the payer's last known address and the name and address of the payer's new employer or other source of income, if known. The office of the friend of the court shall immediately serve the payer's new employer or other source of income with a notice of income withholding and, if the payer's source of income is an employer, with a notice of the order for dependent health care coverage.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

552.615 Notice of change in circumstances.

Sec. 15. The payer and any recipient of support shall immediately give to the office of the friend of the court notice of any change in circumstances which would affect an order of income withholding or the distribution of money received under that order.

History: 1982, Act 295, Eff. July 1, 1983.

552.615a Military service adjustment; procedures.

Sec. 15a. (1) If a payer is called to emergency military service, that payer may request a military service adjustment on his or her support obligation by providing a written request to the office of the friend of the court along with information showing all military and civilian pay. A military service adjustment shall be made by multiplying the payer's child support by a fraction, the numerator of which is the payer's income during emergency military service and the denominator of which is the payer's income upon which the support was ordered.

(2) Except as otherwise provided in this subsection, a payer is not eligible for a military service adjustment before the date the friend of the court receives the request for the military service adjustment. If the payer requests a military service adjustment on or before 56 days from the date the payer is called to emergency military service, the friend of the court shall make the military service adjustment effective beginning on the date of the commencement of emergency military service.

(3) If the friend of the court receives a request for a military service adjustment under subsection (1), the friend of the court shall calculate the adjustment as provided under this section and shall notify all parties of the amount of the adjustment, that they may object to the adjustment within 21 days, and of the place and manner for filing objections.

(4) If a party objects to a military service adjustment under this section, the military service adjustment shall continue until a party's objection is resolved under subsection (5) or until 35 days after the payer's emergency military service ends, whichever is sooner.

(5) If a party objects to a military service adjustment under this section, the friend of the court shall set a hearing to be held before a judge or referee to determine whether the military service adjustment should be modified or set aside. The hearing shall be held as soon as possible, and the court may permit the payer to appear at the hearing by any means authorized by supreme court rules. If the court cannot hold the hearing during the payer's emergency military service, the court shall do 1 of the following:

(a) Hold the hearing no later than 35 days after the payer's emergency military service ends.

(b) Conduct a support review upon a payer's return from emergency military service. If a support review is conducted, the notice of adjustment shall be treated as a petition for modification of support for determining an effective date for the modification.

(c) Schedule a meeting between the parties to be held upon the payer's return from emergency military

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service to attempt to resolve the dispute over whether the adjustment should be set aside or modified.

(6) As used in this section, "emergency military service" means that the payer is a member of the armed forces reserves or national guard, called into active military duty for a period of more than 30 days.

History: Add. 2006, Act 485, Imd. Eff. Dec. 29, 2006.

552.617 Notice of support modification; changing amount assigned or withheld.

Sec. 17. For a friend of the court case, if the court orders a modification in support and an order of income withholding has been entered under this act, the office of the friend of the court shall give to a source of income to which notice of income withholding was sent under section 11 a notice of the modification by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The amount assigned or withheld shall be changed to conform with the court ordered modification 7 days after receipt of the notice of modification.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 367, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

552.619 Modifying support order to exclude support for child of whom payer awarded sole custody; suspension or termination of order of income withholding; circumstances prohibiting written agreement; effectiveness of order of income withholding; refund of money improperly withheld.

Sec. 19. (1) If the court awards to the payer sole custody of a child for whom the payer has been previously ordered to pay support and a previously accumulated arrearage under the support order for that child does not exist, the court shall modify any existing support order to exclude support ordered to be paid by that payer for that particular child. If an existing support order does not provide for support to any other child of whom the payer does not have custody, for support to a former spouse, or for payments of pregnancy or birth expenses, the court shall terminate the order of income withholding as soon as any previously accumulated arrearage has been paid.

(2) The office of the friend of the court shall suspend or terminate an order of income withholding under any of the following circumstances:

(a) The location of the child and custodial parent cannot be determined for a period of 60 days or more, and the friend of the court case is being closed.

(b) The court determines that there is no further support obligation.

(c) When otherwise determined by the court, upon a showing of good cause, and if the court determines that such suspension or termination is not contrary to the best interests of the child. In making a determination under this subdivision, the court may consider the previous payment record of the payer, evidence of the payer's intent to make regular and timely support payments, and any other factors considered relevant by the court. However, the payment of arrearages under the support order shall not be the sole reason for termination of an order of income withholding.

(d) The parties enter into a written agreement that is reviewed and entered in the record by the court that provides for all of the following:

(*i*) The order of income withholding shall be suspended.

(*ii*) An alternative payment arrangement.

(*iii*) For a friend of the court case, the payer shall keep the office of the friend of the court informed of both of the following:

(A) The name and address of his or her current source of income.

(B) Any health care coverage that is available to him or her as a benefit of employment or that is maintained by him or her; the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(3) The parties shall not enter into a written agreement under subsection (2)(d) if either of the following circumstances exists:

(a) There is a support arrearage.

(b) An order of income withholding was previously suspended or terminated and subsequently implemented due to the payer's failure to pay support.

(4) If a written agreement is entered into under subsection (2)(d), the order of income withholding shall take effect when an arrearage in support payments as agreed to under the written agreement reaches the arrearage amount that would require the initiation of 1 or more support enforcement measures if the case were a friend of the court case, as provided in section 11 of the friend of the court act, MCL 552.511.

(5) The court may suspend or terminate an order of income withholding if the custodial parent moves out

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of this state without court authorization.

(6) The office of the friend of the court shall promptly refund money that has been improperly withheld.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 291, Eff. Jan. 1, 1993;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.621 Repealed. 1990, Act 296, Imd. Eff. Dec. 14, 1990.

Compiler's note: The repealed section pertained to payments by employer to friend of court.

552.623 Using order of income withholding as basis for refusing to employ, discharging, disciplining, or penalizing payer prohibited; violation as misdemeanor; penalty; restitution; use of occupational, driver's, or recreational or sporting license as basis; exception; fee.

Sec. 23. (1) A source of income shall not use a notice of income withholding as a basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer. A source of income who refuses to employ, discharges, disciplines, or penalizes a payer in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $500.00, and shall be required to make full restitution to the aggrieved payer, including reinstatement and back pay.

(2) A source of income shall not use the suspension, as provided for in this act, of an occupational license, driver's license, or recreational or sporting license as the basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer unless the suspended license is legally required for the payer's performance of the job. This act does not prevent a source of income from refusing to employ or discharging an individual whose occupational license, driver's license, or recreational or sporting license is suspended if that license is a necessary predicate to engage in that occupation, vocation, or profession.

(3) A source of income may charge and collect from a payer a fee in response to a notice of income withholding as follows:

(a) If a source of income submits income withholding payments by electronic means, the source of income may charge the payer a fee of $1.00 each time the source of income withholds payment from the payer, but not to exceed $2.00 per month.

(b) If a source of income submits income withholding payments by other than electronic means, the source of income may charge the payer a fee of $2.00 each time the source of income withholds payment from the payer, but not to exceed $4.00 per month.

(4) The fee authorized in subsection (3) shall be collected separately and apart from the income withheld for child support.

(5) Charging or collecting a fee under subsection (3) is not a violation of subsection (1).

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2012, Act 357, Eff. Mar. 28, 2013.

552.624 Offset proceedings against delinquent payer's tax refunds.

Sec. 24. For a friend of the court case, if the case has not been designated for offset proceedings by the office of child support and a support arrearage has accrued that meets the requirements established by state or federal law, regulation, or rule, as applicable, the office of the friend of the court may request the office of child support to initiate offset proceedings against the delinquent payer's state tax refunds and federal income tax refunds as provided in section 3a of the office of child support act, 1971 PA 174, MCL 400.233a.

History: Add. 1985, Act 210, Imd. Eff. Jan. 8, 1986;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.624a Proceedings to set aside transfer of title or ownership of property without fair consideration.

Sec. 24a. For a friend of the court case, if a support arrearage has accrued and there is reason to believe the payer transferred title or ownership of real or personal property without fair consideration, the title IV-D agency shall initiate proceedings to have the transfer set aside as provided in the uniform fraudulent transfer act, 1998 PA 434, MCL 566.31 to 566.43, or obtain a settlement in the form of full payment of the arrearage or in periodic repayments as is possible in the best interest of the recipient of support.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

552.624b Notification to child support lien network and additional clearinghouses of payer

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with support arrearage.

Sec. 24b. The title IV-D agency shall notify the child support lien network, and may notify 1 or more additional national child support information clearinghouses, of each payer who has a support arrearage in an amount that exceeds 2 times the monthly amount of periodic support payments payable under the payer's support order.

History: Add. 2004, Act 483, Eff. Oct. 1, 2005.

552.625 Enforcement of support orders; providing bond, security, or other guarantee.

Sec. 25. In addition to providing remedies or imposing penalties otherwise available under this act or other law for the enforcement of support orders, the court, upon petition by the office of the friend of the court or recipient of support and after notice to the payer and an opportunity for a hearing, may require a payer to provide sufficient bond, security, or other guarantee to secure the payment of support that is past due, or due in the future, or both. Upon default in the payment of an amount secured by the bond, the court, after notice to the payer and sureties, if any, and an opportunity for a hearing, may render judgment against the payer and sureties for the amount of unpaid support. Upon default in the payment of the amount awarded in the judgment, the court may order execution of the judgment; appoint a receiver of the real and personal property of the payer and order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998.

552.625a Lien; creation; effect; full faith and credit to liens created in other states; priority; notice; exceptions to creation of lien; effect of lien on itemized amount in redemption order; definitions.

Sec. 25a. (1) The amount of past due support that accrues under a judgment as provided in section 3 or under the law of another state constitutes a lien in favor of the recipient of support against the real and personal property of a payer, including, but not limited to, money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment. The lien is effective at the time that the support is due and unpaid and continues until the amount of past due support is paid in full or the lien is terminated by the title IV-D agency.

(2) Liens that arise in other states shall be accorded full faith and credit when the requirements of section 25b or 25c are met.

(3) A lien created under subsection (1) is subordinate to a prior perfected lien. All liens that arise under subsection (1) and described in subsection (2) have equal priority.

(4) A lien shall not be perfected or levied under this act unless the title IV-D agency has provided a notice to the payer that liens exist by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount that exceeds the periodic support payments payable under the payer's support order for the time specified in this act. Notice has been provided if it is in the payer's support order or if it was mailed to the payer at any time.

(5) The title IV-D agency or another person required to provide notice under this section or sections 25b to 25i shall provide notice by paper, unless the person to be notified agrees to notice by other means. The title IV-D agency or other person providing notice under this section or sections 25b to 25i shall complete and preserve proof of service of the notice in a form that substantially conforms to the requirements for proof of service under the Michigan court rules.

(6) A lien under subsection (1) does not arise against any of the following:

(a) A financial asset pledged to a financial institution as collateral.

(b) A financial asset to which a financial institution has a prior right of setoff or other lien.

(c) Property or an allowance described in part 4 of article II of the estates and protected individuals code, 1998 PA 386, MCL 700.2401 to 700.2404.

(d) Fifty percent of the amount of compensation due to a payer under a worker's compensation order, settlement, redemption order, or voluntary payment.

(e) That portion of money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment that is owed for any of the following:

(*i*) Attorney fees.

(*ii*) Court costs and other litigation costs, including, but not limited to, medical examination costs,

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expenses for reports, deposition fees, court reporter fees, and record copy fees.

(*iii*) The medicaid program under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, unless medicaid is subordinated to child support under federal law.

(*iv*) Medical services or a reimbursement for a payment made for medical services either to or by an insurer, health maintenance organization, or nonprofit health care corporation. For the purposes of compensation under a worker's compensation order, settlement, redemption order, or voluntary payment, as used in this subparagraph, "medical services" means services as described and regulated under sections 315 and 319 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.315 and 418.319, and the rules promulgated under those sections.

(*v*) An amount to reimburse an insurance company for the expense incurred by the insurance company in responding to a lien and levy under sections 25b to 25i. A reimbursement amount under this subparagraph shall not exceed the actual expense or $50.00, whichever is less, for each lien and levy or for each payment under a lien and levy.

(*vi*) Other costs related to the arbitration, civil action, or worker's compensation order, settlement, redemption order, or voluntary payment.

(*vii*) For reimbursements to which an employer or carrier is entitled under section 827 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.827.

(*viii*) For vocational rehabilitation costs, reimbursements, or credits incidental to long- or short-term disability programs or to pension or welfare benefit funds.

(*ix*) For a medicare set aside account for future medical care or for future medicaid, unless medicare or medicaid is subordinated to child support under federal law.

(f) Money to be paid under an insurance policy for the repair or replacement of real or tangible personal property.

(g) Money to be paid for allowable expenses that are payable as benefits under section 3107(1)(a) or (c) of the insurance code of 1956, 1956 PA 218, MCL 500.3107.

(7) The title IV-D agency does not have the authority to alter an amount itemized in a redemption order. A lien that arises under this act and a levy of that lien only affect that portion, as prescribed in this section, of the payment due the payer under a redemption order. A carrier shall not use the enforcement of a lien and levy under this act as the basis for freezing or otherwise refusing to pay out an amount itemized in a redemption order that is not affected by the lien and levy under this act.

(8) As used in this section and sections 25b to 25i:

(a) "Carrier" means any of the following:

(*i*) "Carrier" as that term is defined in section 601 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.601.

(*ii*) A fund created under section 501 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.501.

(*iii*) The property and casualty guaranty association required to be maintained by section 7911 of the insurance code of 1956, 1956 PA 218, MCL 500.7911.

(b) "Insurer" means that term as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625b Remedy as cumulative; lien; perfection; notice; review procedures; enforcement; termination; disclosure of information.

Sec. 25b. (1) A remedy provided by this section is cumulative and does not affect the availability of another remedy under this act or other law.

(2) Except for a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect a lien created under section 25a upon the real or personal property of the payer when an arrearage has accrued in an amount that exceeds 2 times the monthly amount of periodic support payments payable under the payer's support order.

(3) If the arrearage under subsection (2) is reached and the title IV-D agency has determined that the

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delinquent payer holds real or personal property, other than a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect the lien. The title IV-D agency shall perfect a lien on property to which this section applies in the same manner in which another lien on property of the same type is perfected.

(4) The title IV-D agency shall notify the payer when the title IV-D agency has perfected a lien against real or personal property of the payer. The notice shall be sent by ordinary mail to the payer's last known address, and a copy of the notice shall be sent by ordinary mail to the recipient of support. A notice under this subsection shall include all of the following:

(a) The amount of the arrearage.

(b) That a lien is in effect on the real or personal property of the payer.

(c) That the property is subject to seizure unless the payer responds by paying the arrearage or requesting a review within 21 days after the date of mailing the notice.

(d) That, at the review, the payer may object to the lien and to proposed action based on a mistake of fact concerning the overdue support amount or the payer's identity.

(e) That, if the payer believes that the amount of support ordered should be modified because of a change in circumstances, the payer may file a petition with the court for modification of the support order.

(5) Within 21 days after the date on which the notice described in subsection (4) is mailed to a payer, the payer may request a review on the lien and the proposed action. If the payer requests a review under this subsection, the title IV-D agency shall conduct the review within 14 days after the date of the request.

(6) If, at the review, the payer establishes that the lien is not proper because of a mistake of fact, the title IV-D agency shall terminate or modify the lien and, within 7 days, notify the applicable entity that the lien is terminated against all or a portion of the property.

(7) If the payer fails to request a review, to appear for a review, or to establish a mistake of fact, the title IV-D agency may collect the arrearage by levy upon any property belonging to the payer as provided in this section. The title IV-D agency shall notify the payer at the review or by written notice of its intent to levy.

(8) To enforce a lien on real property or personal property, the title IV-D agency may sell the real property in the manner provided by law for the judicial foreclosure of mortgage liens; apply to the circuit court for an order to execute the judgment, to appoint a receiver of the real and personal property subject to the lien, and to order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment. The title IV-D agency shall mail a copy of orders under this subsection to the payer and recipient of support at his or her last known address.

(9) A payer may request that the title IV-D agency terminate a lien against the real and personal property of the payer on the basis that the payer is no longer in arrears. If the payer is no longer in arrears, the title IV-D agency shall terminate the lien in accordance with law.

(10) An entity is not liable under any federal or state law to any person for any disclosure of information to the title IV-D agency under this section or for any other action taken in good faith to comply with the requirements of this section.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625c Remedy as cumulative; arrearage under payer's support order; payer's financial assets held by financial institution; notice of lien and levy; form; notice of withdrawal; release of assets.

Sec. 25c. (1) A remedy provided by this section is cumulative and does not affect the availability of another remedy under this act or other law.

(2) If an arrearage has accrued in an amount that exceeds 2 times the monthly amount of periodic support payments payable under a payer's support order, the title IV-D agency may levy against any of the following items subject to a lien under section 25a to which the payer is entitled:

(a) Financial assets held by a financial institution.

(b) Money to be paid by an insurer as the result of a claim for negligence, personal injury, or death, under an arbitration award, or under a settlement of or judgment issued in a civil action.

(c) Compensation under a worker's compensation order, settlement, redemption order, or voluntary

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payment.

(3) To levy against a payer's financial assets, money to be paid, or compensation, the title IV-D agency shall serve the financial institution holding the financial assets, the insurer, or the carrier with a notice of the lien and levy, directing the financial institution, insurer, or carrier to freeze those financial assets or that money or compensation. The office of child support, in consultation with the state court administrative office, shall create the form that is required for the notice to a financial institution, insurer, or carrier under this subsection. The form shall include, or provide for inclusion of, at least all of the following:

(a) The levy amount.

(b) Information that enables the financial institution, insurer, or carrier to link the payer with his or her financial assets, money to be paid, or compensation and to notify the payer.

(c) Information on how to contact the title IV-D agency.

(d) Statements setting forth the rights and responsibilities of the financial institution, insurer, or carrier and payer.

(4) A title IV-D agency may withdraw a levy under this section at any time before the circuit court considers or hears the matter in an action filed under section 25f. The title IV-D agency shall give notice of the withdrawal to the payer and financial institution, insurer, or carrier. Upon receiving notice of a withdrawal of a levy, the financial institution, insurer, or carrier shall release the payer's financial assets, money to be paid, or compensation by the close of business on 1 of the following days:

(a) If the notice is received before noon, the first business day after the business day on which the notice is received.

(b) If the notice is received at noon or later, the second business day after the business day on which the notice is received.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625d Obligation or liability of financial institution, insurer, or carrier; limitations.

Sec. 25d. (1) A financial institution, insurer, or carrier incurs no obligation or liability to a depositor, account holder, or other person arising from the furnishing of information under sections 25c to 25i or from the failure to disclose to a depositor, account holder, or other person that the person's name as a person with an interest in the financial assets, money to be paid, or compensation was included in the information provided.

(2) A financial institution, insurer, or carrier incurs no obligation or liability to the title IV-D agency or another person for an error or omission made in good faith compliance with sections 25c to 25i.

(3) A financial institution, insurer, or carrier incurs no obligation or liability for blocking, freezing, placing a hold upon, forwarding, or otherwise dealing with a person's financial assets, money to be paid, or compensation in response to a lien or levy imposed or information provided under sections 25c to 25i.

(4) A financial institution, insurer, or carrier is not obligated to block, freeze, place a hold upon, forward, or otherwise deal with a person's financial assets, money to be paid, or compensation until served with the notice of levy in accordance with section 25c. A financial institution, insurer, or carrier that forwards financial assets, money to be paid, or compensation to the title IV-D agency in response to a levy under section 25c is discharged from any obligation or liability to the depositor, account holder, or other person with an interest in the financial assets, money to be paid, or compensation forwarded to the title IV-D agency.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625e Freeze of payer's financial assets; execution; notice.

Sec. 25e. (1) When a financial institution, insurer, or carrier receives a notice of levy under section 25c on a payer's financial assets held by the financial institution; money to be paid by an insurer as the result of a

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claim for negligence, personal injury, or death, under an arbitration award, or under a settlement of or judgment issued in a civil action; or compensation under a worker's compensation order, settlement, redemption order, or voluntary payment, the financial institution, insurer, or carrier shall freeze those financial assets, money to be paid, or compensation. If the payer's financial assets, money to be paid, or compensation exceeds the levy amount, the financial institution, insurer, or carrier shall freeze those financial assets, or that money to be paid or compensation, up to the levy amount. A financial institution, insurer, or carrier shall execute the freeze of a payer's financial assets, money to be paid, or compensation under this section by the close of business on 1 of the following days:

(a) If the notice is received before noon, the first business day after the business day on which the notice is received.

(b) If the notice is received at noon or later, the second business day after the business day on which the notice is received.

(2) After complying with subsection (1), a financial institution, insurer, or carrier shall give notice of that compliance to the title IV-D agency and the payer. In addition, a financial institution shall notify each other person with an interest in the financial assets as shown in the financial institution's records. A financial institution's, insurer's, or carrier's notice to a payer under this subsection shall include a copy of the title IV-D agency notice to the financial institution, insurer, or carrier.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625f Levy on financial assets; challenge; procedures.

Sec. 25f. (1) A payer whose financial assets are, or money to be paid or compensation is, levied on under section 25c or another person with an interest in the financial assets may challenge the levy by submitting a written challenge with the title IV-D agency at the location specified in the title IV-D agency notice. A payer, or other person with an interest in the financial assets, must submit a written challenge under this section within 21 days after the financial institution, insurer, or carrier sends the payer a copy of the title IV-D agency notice as required by section 25e. A challenge to a levy under section 25c is governed by this act and is not subject to chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A payer, or other person with an interest in the financial assets, who submits a challenge under this subsection may withdraw the challenge at any time by giving notice of the withdrawal to the title IV-D agency.

(2) If the title IV-D agency receives a written challenge from a payer, or other person with an interest in the financial assets, within the time limit required by subsection (1), the title IV-D agency shall notify the financial institution, insurer, or carrier about the challenge and, within 7 days, shall review the case with the challenger. The title IV-D agency shall consider only a mistake in the payer's identity or in the amount of the payer's past due support, or another mistake of fact, as cause to release or modify the levy. If the title IV-D agency determines that a mistake of fact occurred, the title IV-D agency shall do 1 of the following:

(a) If the mistake is the payer's identity or that the payer does not owe past due support in an amount equal to or greater than 2 times the payer's monthly support amount under a support order, notify the financial institution, insurer, or carrier and the payer that the levy is released.

(b) If the payer does owe past due support in an amount equal to or greater than 2 times the payer's monthly support amount under a support order, but the amount in the notice to levy is more than the payer owes, notify the payer of the corrected amount.

(c) If the mistake concerns a fact other than those described in subdivisions (a) and (b), take action appropriate to the mistake.

(3) If the title IV-D agency finds no mistake of fact, the title IV-D agency shall notify the payer or other person with an interest of that finding.

(4) If the payer, or other person with an interest in the financial assets, disagrees with the title IV-D agency review determination under this section, the payer or other person with an interest may challenge the levy under section 25c by filing an action in the circuit court that issued a support order that is an underlying basis for the levy. A payer, or other person with an interest in the financial assets, must file an action under this subsection within 21 days after the title IV-D agency sends notice of its review determination and shall give the title IV-D agency notice of the action.

(5) If an action is not filed in the circuit court within the time limit required by subsection (4), the title

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IV-D agency shall notify the financial institution, insurer, or carrier, directing the financial institution, insurer, or carrier to act in accordance with the title IV-D agency review determination under this section. If an action is filed in the circuit court within the time limit prescribed in subsection (4), the title IV-D agency shall notify the financial institution, insurer, or carrier, directing the financial institution, insurer, or carrier to act in accordance with the court decision.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625g Forwarding money by financial institution, insurer, or carrier.

Sec. 25g. (1) A financial institution, insurer, or carrier that receives a notice of levy under section 25c shall forward money in the amount of past due support as stated in the notice, or in the corrected amount if notified of a corrected amount, to the state disbursement unit, along with information necessary to identify the payer as required by the notice.

(2) A financial institution, insurer, or carrier shall forward money as required by subsection (1) no sooner than the next day and no later than the seventh day after 1 of the following takes place:

(a) The financial institution, insurer, or carrier notifies the payer and the title IV-D agency that the payer's financial assets are, or money to be paid or compensation is, frozen as required by section 25e and has not received, within 28 days after the day on which the financial institution, insurer, or carrier sent the notices, a notice from the title IV-D agency that the payer, or another person with an interest in the payer's financial assets, has submitted a challenge to the levy under section 25f.

(b) The financial institution, insurer, or carrier receives, within the time limit prescribed in subdivision (a), a notice from the title IV-D agency that the payer, or another person with an interest in the payer's financial assets, submitted a challenge to the levy and receives the subsequent title IV-D agency notice required by section 25f, directing the financial institution, insurer, or carrier to act in accordance with either the title IV-D agency review determination or the circuit court decision.

(3) If, in order to forward sufficient money to the SDU, the financial institution must convert 1 or more financial assets to cash, the financial institution shall execute the conversion, assessing a resulting fee or other cost or penalty against the payer. If the payer's financial assets are insufficient to pay the past due support amount plus resulting fees and other costs or penalties, the financial institution may deduct the fees, costs, and penalties before forwarding the balance of the money.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625h Circuit court review.

Sec. 25h. (1) If an action is filed in circuit court within the time limit prescribed in section 25f, the circuit court shall review the matter de novo. The action is governed by this section and the Michigan court rules. The circuit court review is not limited to mistakes of fact.

(2) All of the following apply in an action governed by this section:

(a) The circuit court shall only address the issues of the propriety of the levy and whether the levy amount is correct.

(b) The circuit court shall not admit evidence or consider an issue that is related to custody, parenting time, or the amount of support under a support order unless that evidence is related to the levy against a payer's financial assets, money to be paid, or compensation.

(c) The circuit court shall not modify a support order. A court finding regarding a monthly or past due support amount does not modify the underlying support order.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing

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committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625i Return of forwarded money to payer; reimbursement of fee, cost, or penalty; interest; allocations.

Sec. 25i. (1) If, after a financial institution forwards money to the state disbursement unit, all of the forwarded money is returned to the payer due to a mistake of fact or court order, the title IV-D agency shall reimburse the payer for a fee, cost, or penalty that the financial institution assessed against the payer under section 25g. The title IV-D agency shall also compensate the payer for the amount of interest that the financial assets would have earned had they not been converted and forwarded to the SDU, to the extent that the interest can be determined with a reasonable degree of certainty.

(2) If the total amount of past due support the payer owes under all support orders subject to levy under section 25c is more than the amount of money a financial institution, insurer, or carrier forwards the SDU under section 25g, the SDU shall allocate the money among those support orders by multiplying the total amount of money forwarded by the percentages arrived at by dividing the past due support amount under each of those support orders by the total of the past due support amounts under all of those support orders.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2004, Act 484, Eff. Jan. 1, 2006.

Compiler's note: Enacting section 2 of Act 484 of 2004 provides:

"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.626 Notice of income withholding; failure of parent to obtain or maintain health care coverage for child; duties of friend of the court.

Sec. 26. (1) For a friend of the court case, within 2 business days after a new hire report is entered into the state directory of new hires, as created under section 453A of title IV-D, 42 U.S.C. 653a, or a payer's or parent's employer is otherwise identified, the office shall, when appropriate, provide the new employer with a notice of income withholding or a notice of the order for dependent health care coverage, or both, on behalf of a payer who is subject to income withholding or a parent or payer who is required to provide dependent health care coverage.

(2) If an order for dependent health care coverage was entered before September 30, 2001, the office shall, at the time notice of the order is sent to the employer under subsection (1), provide the payer or parent with instructions on how to request a review or hearing to contest the availability of dependent health care coverage at a reasonable cost.

(3) Notwithstanding subsection (2), if a parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court, the office of the friend of the court shall, as applicable, do either of the following:

(a) Petition the court for an order to show cause why the parent should not be held in contempt for failure to obtain or maintain dependent health care coverage that is available at a reasonable cost.

(b) Send notice of noncompliance to the parent. The notice shall contain all of the following information:

(*i*) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 21 days after mailing of the notice:

(A) Submits written proof to the friend of the court of the child's enrollment in a health care coverage plan.

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(*ii*) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002.

552.626a Eligibility of parent for health care coverage through employer; duties of employer.

Sec. 26a. (1) If a parent is eligible for health care coverage through an employer doing business in the state, within 20 business days after the date of an order or notice of an order for dependent health care coverage, the employer shall notify its insurer or plan administrator and take other action as required to enroll

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that parent's child in its health care coverage plan or plans, without regard to any enrollment period restrictions, when all of the following exist:

(a) The parent is required by a court or administrative order to provide health care coverage for the parent's child.

(b) The child is eligible for coverage under the plan. A child cannot be denied enrollment or coverage on the grounds that the child was born out of wedlock, is not claimed as a dependent on the parent's federal income tax return, does not reside with the parent or in the insurer's service area, or is eligible for or receiving medical assistance.

(c) The employee applies for coverage for the child or, if the employee fails to apply, the friend of the court or child's other parent through the friend of the court applies for coverage for the child. Application by the friend of the court shall be in the form of the order for dependent health care coverage or a notice of the order for dependent health care coverage.

(2) If coverage is available through the parent's employer, the employer shall withhold from the employee's income the employee's share, if any, of premiums for dependent health care coverage not to exceed the amount allowed under section 8 and pay that amount to the insurer or plan administrator.

(3) An employer shall not disenroll or eliminate health care coverage of a child eligible for coverage and enrolled under subsection (1) unless the employer is provided with satisfactory written evidence that 1 of the following applies:

(a) The court or administrative order requiring health care coverage is no longer in effect.

(b) The child is or will be enrolled in comparable health care coverage that takes effect not later than the effective date of the disenrollment from the existing plan.

(c) The employer has eliminated dependent health care coverage for all of its employees or members.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001.

552.626b Order or notice for dependent health care coverage; requirements.

Sec. 26b. (1) An order or notice for dependent health care coverage entered under this act shall include the information required in a qualified medical child support order as specified in 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to the employee retirement income security act of 1974, Public Law 93-406, and shall comply with standards of the national medical support notice as required to meet federal law and regulations.

(2) An order or notice of an order for dependent health care coverage served on an employer shall direct the employer to withhold from the employee's income the employee's share, if any, of premiums for dependent health care coverage and pay that amount to the insurer or plan administrator. The order or notice shall also direct that the amount withheld for support, fees, and health care premiums shall not exceed 50% of the employee's disposable earnings as that term is defined in 15 USC 1672.

(3) An order or notice of an order for dependent health care coverage under this section may be combined with or accompany an order or notice of income withholding under section 9.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2009, Act 193, Eff. Mar. 28, 2010.

552.626c Order for health care coverage; modification notice.

Sec. 26c. If the court modifies an order for health care coverage that may affect the provision of dependent health care coverage, the office of the friend of the court shall send a notice of the modification to the employer, insurer, or plan administrator.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996.

552.626d Notice to department of social services identifying health care coverage.

Sec. 26d. The office of the friend of the court shall notify the state department of social services if the office identifies health care coverage that has been obtained or is being maintained by a parent for a child who is a recipient of public assistance or medical assistance. The notice shall include available information on the name and address of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; the effective date of the coverage; the name and birth date of the individual for whose benefit the coverage is maintained; and the name and social security number of the policyholder.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996.

552.627 Other enforcement action.

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Sec. 27. (1) Under the Michigan court rules, the circuit court may take other enforcement action under applicable laws, including, but not limited to, the following:

(a) 1846 RS 84, MCL 552.1 to 552.45.

(b) 1913 PA 379, MCL 552.151 to 552.156.

(c) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(d) Section 1701 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1701.

(e) 1968 PA 293, MCL 722.1 to 722.6.

(f) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(g) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(2) Even if another act of this state provides that this act applies to support orders issued under the other act, if that other act contains a specific provision regarding the contents or enforcement of the support order that conflicts with this act, the other act controls in regard to that provision.

(3) Nothing in this section authorizes the IV-D agency to pursue enforcement action under applicable laws except as otherwise specifically authorized by statute or court rule.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

552.628 Order to suspend payer's occupational, driver's, or recreational or sporting license; notice to payer.

Sec. 28. (1) For a friend of the court case, a payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, may be suspended if all of the following circumstances are true:

(a) An arrearage has accrued in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.

(b) An order of income withholding is not applicable or has been unsuccessful in assuring regular payments on the support obligation and regular payments on the arrearage.

(2) Before seeking the suspension of a license described in subsection (1), an office of the friend of the court shall send the payer a notice that includes all of the following information:

(a) The amount of the arrearage.

(b) That the payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, may be subject to suspension.

(c) That a suspension order or notice will be sent to the licensing agency unless the payer responds by paying the arrearage or requesting a hearing within 21 days after the date of mailing the notice.

(d) That, if a hearing is requested, the payer may do either of the following at the hearing:

(*i*) Object to the proposed suspension based on a mistake of fact concerning the overdue support amount or the payer's identity.

(*ii*) Ask the court to order a schedule for the payment of the arrearage.

(e) That, if the payer believes that the amount of support ordered should be modified due to a change in circumstances, the payer may file a petition with the court for modification of the support order.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.629 Suspension hearing; consolidation with modification hearing; order to pay arrearage in installments; suspension order; failure of payer to comply with order.

Sec. 29. (1) Within 21 days after the date on which a notice described in section 28 is mailed to a payer, the payer may request a hearing on the proposed suspension. If the payer requests a hearing within that time, a suspension order shall not be entered and a suspension notice shall not be sent pending the outcome of the hearing.

(2) If a payer files a petition for modification of the support order and the petition is pending at the date scheduled for a hearing under this section, the court shall consolidate the hearing under this section and a hearing on the petition for modification unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on the petition for modification shall be held before the hearing scheduled under this section.

(3) If, after a hearing under this section, the court determines that the payer has accrued an arrearage on his or her support order and that the payer has, or could by the exercise of due diligence have, the capacity to pay all or some portion of the amount due, the court shall order the payment of the arrearage, as reasonable, in 1 or more scheduled installments of a sum certain.

(4) After 21 days after the date on which a notice described in section 28 is sent, the friend of the court

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shall notify the secretary of state if the payer has failed to request or attend a hearing on the proposed suspension or pay the arrearage in full. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

(5) The court may order the suspension of the payer's occupational license or recreational or sporting license, or any combination of the licenses included in the notice under section 28, under either of the following circumstances:

(a) The payer fails to pay the arrearage and fails to either request a hearing as provided in subsection (1) or appear for a hearing scheduled after such a request.

(b) The court determines after a hearing that the payer has failed to comply with an arrearage payment schedule ordered under this section.

(6) If a court determines that a payer has failed to comply with an arrearage payment schedule ordered under this section, the court may direct the friend of the court to notify the secretary of state of the failure. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.630 Suspension of occupational, driver's, or recreational or sporting license by licensing agency; sending copy of order; schedule for payment of arrearage.

Sec. 30. (1) If the court orders a suspension of an occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, under section 29, 33, 35, or 45, the order shall indicate that the licensing agency shall suspend the license within 7 business days after receipt of the suspension order, or sooner if required by the act that authorizes the licensing agency to suspend the license. The office of the friend of the court shall send a copy of the suspension order to the licensing agency.

(2) After a suspension order is entered or after a suspension under section 29, a payer may agree to and the court may order a reasonable schedule for the payment of the arrearage. If the court orders a schedule for payment of the arrearage, the court or the friend of the court, as applicable, shall do the following:

(a) The court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, or section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. If a suspension order has been sent, within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(b) The friend of the court, on verification by the clerk of the court that the driver's license clearance fee required by section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, has been paid, shall provide a certificate to the payer stating that the payer is in compliance with the support order.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.631 Failure or refusal to obey and perform support order; civil contempt proceeding; failure to appear; bench warrant; cash performance bond; custody; payment and disposition of costs; order rendering vehicle inoperable.

Sec. 31. (1) If a person is ordered to pay support under a support order and fails or refuses to obey and perform the order, and if an order of income withholding is inapplicable or unsuccessful, a recipient of support or the office of the friend of the court may commence a civil contempt proceeding as provided by supreme court rule. If the payer fails to appear at the hearing, the court shall do 1 or more of the following as the court considers appropriate given the information available at the hearing:

(a) Find the payer in contempt for failure to appear.

(b) Find the payer in contempt under section 33.

(c) Issue a bench warrant for the payer's arrest requiring that the payer be brought before the court without unnecessary delay for further proceedings in connection with the contempt proceedings.

(d) Adjourn the contempt proceeding.

(e) Dismiss the contempt proceeding if the court determines that the payer is not in contempt.

(2) If the court stays a commitment order under section 37, the payer fails to satisfy the conditions of the order, and that fact is brought to the court's attention by the friend of the court, the court may issue a bench warrant for the payer's arrest requiring the payer to be brought before the court without unnecessary delay for further proceedings in connection with the payer's contempt.

(3) In a bench warrant issued under this section, the court shall decree that the payer is subject to arrest if

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apprehended or detained anywhere in this state and shall require that, upon arrest, unless the payer deposits a cash performance bond in the manner required by section 32, the payer shall remain in custody until the time of the hearing. The court shall specify in the bench warrant the cash performance bond amount. The court shall set the cash performance bond at not less than $500.00 or 25% of the arrearage, whichever is greater. At its own discretion, the court may set the cash performance bond at an amount up to 100% of the arrearage and add to the amount of the required deposit the amount of the costs the court may require under subsection (4). If a payer is arrested on a felony warrant issued for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, unless the payer deposits a cash performance bond in the manner required by section 32, the court shall require that, upon arrest, the payer remain in custody until the time of the preliminary examination. Upon notification that a payer who has an outstanding bench warrant under this section has been arrested or arraigned on a felony warrant for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, the court may order that the bench warrant be recalled.

(4) If the court issues a bench warrant under this section, except for good cause shown on the record, the court shall order the payer to pay the costs related to the hearing, the issuance of the warrant, the arrest, and any later hearings. Those costs and costs ordered for failure to appear under section 32 or 44 shall be transmitted to the county treasurer for distribution as required in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(5) If the court issues a bench warrant under this section, the court may enter an order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, by booting or another similar method, subject to release on deposit of an appropriate bond.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1983, Act 108, Imd. Eff. July 1, 1983;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 2000, Act 442, Eff. Apr. 1, 2001;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 569, Imd. Eff. Jan. 3, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

552.632 Payer arrested under bench warrant; cash performance bond; hearing; form of bond receipt; failure to appear; transmission and deposit of bond; setting aside contempt finding; voluntary appearance by payer; receipt.

Sec. 32. (1) If a bench warrant was issued and the payer is arrested in the county that issued the warrant or another county in this state, the payer shall remain in custody until there is a hearing or the payer posts an adequate cash performance bond. If the payer cannot post the cash performance bond in the amount stated in the bench warrant, the payer is entitled to a hearing within 48 hours, excluding weekends and holidays. The issues to be considered at a hearing required under this subsection are limited to the payer's answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt. If the hearing is not held as provided in this subsection, the court shall review, based on criteria prescribed in the Michigan court rules, the amount of the cash performance bond to determine an amount that will ensure the payer's appearance and shall set a date for a hearing to be held under subsection (4) within the time limit prescribed in the Michigan court rules.

(2) The officer receiving a cash performance bond under subsection (1) shall give to the arrested payer a receipt for the cash performance bond on a form substantially as follows:

"Date _____

Received from _____ (referred to in this receipt as "the payer") to assure the performance of the payer's support obligation. The payer shall appear for hearing at a date noticed to the payer by the court at the following address:

_____

(address furnished by the payer for receipt of notice)

The hearing is for the payer to answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt.

If the payer fails to appear at the time and place indicated in the court's notice, fails to submit to the jurisdiction of the court, and fails to abide by an order of the court, the cash performance bond shall be transmitted to the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. If the payer appears at the time and place indicated above and the court determines that the payer owes an arrearage under the support order that is the basis of the contempt proceeding or owes costs to the court, the cash performance bond deposited shall be transmitted to the office of the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. By depositing the cash performance bond with the officer and accepting this receipt, the recipient of this receipt waives a claim to the money under the cash performance bond following its transmittal to the friend of the court or to the SDU.

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Officer:_____Dept.: _____".

(3) The officer receiving a cash performance bond shall in turn deposit the bond received under this section with the clerk of the court that issued the bench warrant. If the payer deposits a cash performance bond under this section, the date for a hearing to be held under subsection (4) shall be set within the time limit prescribed in the Michigan court rules.

(4) At a hearing held after a payer deposits a cash performance bond, the issues to be considered are limited to the payer's answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt. On the basis of the hearing, the court by order shall determine how much of the cash performance bond deposited under this section is to be transmitted to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. The balance, if any, shall be returned to the person who posted the cash performance bond on the payer's behalf.

(5) If the payer fails to appear as required, the court shall order the cash performance bond forfeited and transmit the bond to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. In addition, the court may again issue a bench warrant for the further appearance of the payer as provided in section 31.

(6) The court may set aside a finding of contempt under section 31 if the court finds, based on the hearing under this section, that the payer is in compliance with the court's order or for other good cause shown.

(7) Notwithstanding any other provision of this section, a payer for whom a bench warrant has been issued may voluntarily appear at the office of the friend of the court to answer the bench warrant. The payer shall do either of the following:

(a) Post the bond set by the court in the bench warrant.

(b) Be taken promptly before the court for further proceedings.

(8) If a bond is posted under subsection (7)(a), the friend of the court or the clerk of the court shall give a receipt to the payer that substantially conforms to the requirements of subsection (2). The receipt shall direct the payer to appear before the court at a specific time and date. The friend of the court or the clerk of the court shall notify a local law enforcement agency to remove the bench warrant from the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1983, Act 108, Imd. Eff. July 1, 1983;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2000, Act 442, Eff. Apr. 1, 2001;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

552.633 Finding payer in contempt; presumption; proof of currently available resources.

Sec. 33. (1) The court may find a payer in contempt if the court finds that the payer is in arrears and 1 or more of the following apply:

(a) The court is satisfied that the payer has the capacity to pay out of currently available resources all or some portion of the amount due under the support order.

(b) The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.

(c) The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the friend of the court.

(2) Upon finding a payer in contempt of court under this section, the court may immediately enter an order that does 1 or more of the following:

(a) Commits the payer to the county jail or an alternative to jail.

(b) Commits the payer to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to satisfy the terms and conditions imposed under section 37 if the payer's release is necessary for the payer to comply with those terms and conditions.

(c) Commits the payer to a penal or correctional facility in this state that is not operated by the state department of corrections.

(d) Apply any other enforcement remedy authorized under this act or the friend of the court act for the nonpayment of support if the payer's arrearage qualifies and the evidence supports applying that remedy.

(e) Orders the payer to participate in a work activity. This subdivision does not alter the court's authority to include provisions in an order issued under this section concerning a payer's employment or his or her seeking of employment as that authority exists on August 10, 1998.

(f) If available within the court's jurisdiction, orders the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(g) Except as provided by federal law and regulations, orders the parent to pay a fine of not more than

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$100.00. A fine ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(h) Places the payer under the supervision of the office for a term fixed by the court with reasonable conditions, including, but not limited to, 1 or more of the following:

(*i*) Participating in a parenting program.

(*ii*) Participating in drug or alcohol counseling.

(*iii*) Participating in a work program.

(*iv*) Seeking employment.

(*v*) Participating in other counseling.

(*vi*) Continuing compliance with a current support or parenting time order.

(*vii*) Entering into and compliance with an arrearage payment plan.

(3) In the absence of proof to the contrary introduced by the payer, the court shall presume that the payer has currently available resources equal to 1 month of payments under the support order. The court shall not find that the payer has currently available resources of more than 1 month of payments without proof of those resources by the office of the friend of the court or the recipient of support.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 336, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 206, Eff. Feb. 28, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

***** *552.635 THIS SECTION IS REPEALED EFFECTIVE MARCH 17, 2015* *****

552.635 Finding payer in contempt; order; release of payer from county jail; noncompliance with arrearage payment schedule; suspension of license.

Sec. 35. (1) The court may find a payer in contempt if the court finds that the payer is in arrears and 1 of the following applies:

(a) The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.

(b) The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the friend of the court.

(2) Upon finding a payer in contempt of court under this section, the court shall, absent good cause to the contrary, immediately order the payer to participate in a work activity and may also do 1 or more of the following:

(a) Commit the payer to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to participate in a work activity.

(b) If the payer holds an occupational license, driver's license, or recreational or sporting license, condition a suspension of the payer's license, or a combination of the licenses, upon noncompliance with an order for payment of the arrearage in 1 or more scheduled installments of a sum certain. A court shall not order the sanction authorized by this subdivision unless the court finds that the payer has accrued an arrearage of support payments in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.

(c) If available within the court's jurisdiction, order the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(d) Except as provided by federal law and regulations, order the parent to pay a fine of not more than $100.00. A fine ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(e) Place the payer under the supervision of the office for a term fixed by the court with reasonable conditions, including 1 or more of the following:

(*i*) Participating in a parenting program.

(*ii*) Participating in drug or alcohol counseling.

(*iii*) Participating in a work program.

(*iv*) Seeking employment.

(*v*) Participating in other counseling.

(*vi*) Continuing compliance with a current support or parenting time order.

(*vii*) Entering into and compliance with an arrearage payment plan.

(3) Notwithstanding the length of commitment imposed under this section, the court may release a payer who is unemployed if committed to a county jail under this section and who finds employment if either of the following applies:

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(a) The payer is self-employed, completes 2 consecutive weeks at his or her employment, and makes a support payment as required by the court.

(b) The payer is employed and completes 2 consecutive weeks at his or her employment and an order of income withholding is effective.

(4) If the court enters an order under subsection (2)(b) and the payer fails to comply with the arrearage payment schedule, after notice and an opportunity for a hearing, the court shall order suspension of the payer's license or licenses with respect to which the order under subsection (2)(b) was entered and shall proceed under section 30.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 336, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2004, Act 206, Eff. Feb. 28, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.635a Alternative contempt track docket.

Sec. 35a. (1) A payer who meets the criteria in subsection (2) may, with the consent of the court, agree to have his or her case placed on an alternative contempt track docket.

(2) The alternative contempt track is available for a payer who is determined by the court to have difficulty making support payments due to any of the following:

(a) A documented medical condition.

(b) A documented psychological disorder.

(c) Substance use disorder.

(d) Illiteracy.

(e) Homelessness.

(f) A temporary curable condition that the payer has difficulty controlling without assistance.

(g) Unemployment lasting longer than 27 weeks.

(3) The alternative contempt track shall provide for all of the following:

(a) A payer who is in the alternative contempt track is subject to probation for a period of up to 1 year.

(b) The court shall approve a plan to address the conditions in subsection (2).

(c) The court may direct the sheriff to take into custody a payer who fails to comply with the plan described in subdivision (b) under the conditions and for the time that the court directs to bring the payer into compliance with the plan described under subdivision (b). A payer shall not be ordered to remain in the sheriff's custody longer than 45 days for any single plan violation.

(d) If a payer willfully fails to comply with the terms of the plan described in subdivision (b), the court may punish that payer by ordering his or her commitment to jail for a period not to exceed 10 days.

(e) The payer is required to appear for review hearings as scheduled by the court and is subject to arrest according to section 31.

(f) The plan described in subdivision (b) may provide notice of modification to the payer and recipient of support. The court may enter a temporary support order or stay the current order based on the person's ability during the period a payer is under an alternative contempt track plan. Subject to section 3(2), the court shall enter a final support order upon completion or termination of the plan described in subdivision (b). Either party may object to a proposed final support order resulting from a plan described in subdivision (b). If an objection is made, the court must hold a separate hearing on the matter of entry of a final support order.

(g) The court may discharge arrears owed to the state with the state's approval and may also discharge arrears owed to a payee with the payee's consent upon successful completion of the alternative contempt track.

(4) Each court that uses an alternative contempt track must submit a plan for the alternative contempt track and obtain approval of the plan by the state court administrative office under the supervision of the supreme court.

History: Add. 2014, Act 373, Eff. Mar. 17, 2015.

552.636 Friend of the court enforcement action; assessment of reasonable expenses.

Sec. 36. In addition to any remedy or sanction provided in section 31 or 33, the court may assess the payer the actual reasonable expense of the friend of the court in bringing any enforcement action for noncompliance with a spousal support order that is not eligible for funding under title IV-D.

History: Add. 2014, Act 378, Eff. Mar. 17, 2015.

552.637 Order of commitment.

Sec. 37. (1) An order of commitment under section 33 shall be entered only if other remedies appear unlikely to correct the payer's failure or refusal to pay support.

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(2) An order of commitment under section 33(1)(a) shall state the amount to be paid by the payer in order to be released from the order of commitment, which amount may not be greater than the payer's currently available resources as found by the court.

(3) An order of commitment under section 33(1)(b) or (c) shall state the conditions that constitute diligence in order to be released from the order of commitment, which conditions must be within the payer's ability to perform.

(4) A commitment shall continue until the payer performs the conditions set forth in the order of commitment but shall not exceed 45 days for the first adjudication of contempt or 90 days for a subsequent adjudication of contempt.

(5) The court may further direct that a portion or all of the earnings of the payer in the facility or institution shall be paid to and applied for support until the payer complies with the order of the court, until the payer is released according to this section from an order of commitment, or until the further order of the court. (6) Notwithstanding the length of commitment imposed under this section, the court may release a payer who is unemployed if committed to a county jail under this section and who finds employment if either of the following applies:

(a) The payer is self-employed, completes 2 consecutive weeks at his or her employment, and makes a support payment as required by the court.

(b) The payer is employed and completes 2 consecutive weeks at his or her employment and an order of income withholding is effective.

(7) If the court enters a commitment order under subsection 33(1)(b) or (c), and the court finds that the payer by performing the conditions set forth in the order of commitment will have the ability to pay specific amounts, the court may establish a specific amount for the payer to pay and do any of the following:

(a) Stay the order of commitment conditioned upon the payer's making the specified payments.

(b) Stay the order of commitment and order that upon default of the payer in making a specified payment, the payer shall be brought before the court for further proceedings in connection with the contempt proceedings that may include committing the payer for the number of days that the payer would have been committed had the court not stayed the order.

(c) Give credit toward the payer's potential maximum commitment for each specified payment made in compliance with the order of commitment.

(8) If the court enters a commitment order under subsection 33(1)(b) or (c), the court may do any of the following:

(a) Stay the order of commitment conditioned upon the payer's complying with the conditions set forth in the order of commitment.

(b) Stay the order of commitment and order that upon default of the payer to satisfy a condition of the order, the payer shall be brought before the court for further proceedings in connection with the contempt proceedings that may include committing the payer for the number of days the payer would have been committed had the order not been stayed.

(c) Give credit toward the payer's potential maximum commitment for complying with conditions in the order.

(d) Incarcerate the payer with the privilege of leaving jail to comply with conditions in the order of commitment.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

Constitutionality: An indigent defendant may not be incarcerated following a contempt proceeding for failure to pay child support where the assistance of counsel has been denied. Mead v Batchlor, 435 Mich 480; 460 NW2d 493 (1990).

Compiler's note: In subsection (7), the reference to "subsection 33(1)(b) or (c)" evidently should read "section 33(1)(b) or (c)."
In subsection (8), the reference to "subsection 33(1)(b) or (c)" evidently should read "section 33(1)(b) or (c)."

552.639 Committing payer to county jail or alternative to jail; violating conditions of court; failure to return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 39. (1) If a payer is committed to jail or an alternative to jail under section 33(1)(b) or 35(2)(a) and violates the conditions prescribed by the court, the court shall commit the payer to the county jail without the privilege provided under section 33(1)(b) or 35(2)(a) for the balance of the period of the commitment imposed by the court.

(2) If a payer is committed to jail or an alternative to jail under section 33(1)(b) or 35(2)(a) and fails to return to the place of confinement within the time prescribed, the payer shall be considered to have escaped from custody and shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

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552.641 Complaint alleging custody or parenting time order violation; duties of friend of court; declining to respond to violation; circumstances; compliance with MCL 552.519.

Sec. 41. (1) For a friend of the court case, a friend of the court shall do 1 or more of the following in response to an alleged custody or parenting time order violation stated in a complaint submitted under section 11b of the friend of the court act, MCL 552.511b:

(a) Apply a makeup parenting time policy established under section 42.

(b) Commence civil contempt proceedings under section 44.

(c) File a motion with the court under section 17d of the friend of the court act, MCL 552.517d, for a modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interests of the child.

(d) Schedule mediation subject to section 13 of the friend of the court act, MCL 552.513.

(e) Schedule a joint meeting subject to section 42a.

(2) Notwithstanding the requirement of subsection (1), the office of the friend of the court may decline to respond to an alleged custody or parenting time order violation under any of the following circumstances:

(a) The party submitting the complaint has previously submitted 2 or more complaints alleging custody or parenting time order violations that were found to be unwarranted, costs were assessed against the party because a complaint was found to be unwarranted, and the party has not paid those costs.

(b) The alleged custody or parenting time order violation occurred more than 56 days before the complaint is submitted.

(c) The custody or parenting time order does not include an enforceable provision that is relevant to the custody or parenting time order violation alleged in the complaint.

(3) This section shall be implemented in compliance with the guidelines developed as required in section 19 of the friend of the court act, MCL 552.519.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

552.642 Makeup parenting time policy; establishment; approval; provisions of policy; notice; response; procedures.

Sec. 42. (1) Each circuit shall establish a makeup parenting time policy under which a parent who has been wrongfully denied parenting time is able to make up the parenting time at a later date. The policy does not apply until it is approved by the chief circuit judge. A makeup parenting time policy established under this section shall provide all of the following:

(a) That makeup parenting time shall be at least the same type and duration of parenting time as the parenting time that was denied, including, but not limited to, weekend parenting time for weekend parenting time, holiday parenting time for holiday parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time.

(b) That makeup parenting time shall be taken within 1 year after the wrongfully denied parenting time was to have occurred.

(c) That the wrongfully denied parent shall choose the time of the makeup parenting time.

(d) That the wrongfully denied parent shall notify both the office of the friend of the court and the other parent in writing not less than 1 week before making use of makeup weekend or weekday parenting time or not less than 28 days before making use of makeup holiday or summer parenting time.

(2) If wrongfully denied parenting time is alleged and the friend of the court determines that action should be taken, the office of the friend of the court shall send each party a notice containing the following statement in boldfaced type of not less than 12 points:

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"FAILURE TO RESPOND IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKEUP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED.".

(3) If a party to the parenting time order does not respond in writing to the office of the friend of the court, within 21 days after the office sends the notice required under subsection (2), to contest the application of the makeup parenting time policy, the office of the friend of the court shall notify each party that the makeup parenting time policy applies. If a party makes a timely response to contest the application of the makeup parenting time policy, the office of the friend of the court shall utilize a procedure authorized under section 41 other than the application of the makeup parenting time policy.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 2002, Act 568, Eff. Dec. 1, 2002.

552.642a Joint meeting.

Sec. 42a. (1) A joint meeting scheduled by the office of the friend of the court under section 41 of this act or section 17 of the friend of the court act, MCL 552.517, and procedures following a joint meeting are governed by this section.

(2) A joint meeting may take place in person or by means of telecommunications equipment.

(3) Only an individual who completes the training program described in section 19(3)(b) of the friend of the court act, MCL 552.519, shall conduct a joint meeting. At the beginning of a joint meeting, the individual conducting the joint meeting shall do the following:

(a) Advise the parties that the purpose of the meeting is for the parties to reach an accommodation.

(b) Advise the parties that the individual may recommend an order that the court may issue to resolve the dispute.

(4) At the conclusion of a joint meeting, the individual conducting the joint meeting shall do 1 of the following:

(a) If the parties reach an accommodation, record the accommodation in writing and provide a copy to each party.

(b) Submit an order to the court stating the individual's recommendation for resolving the dispute.

(5) If the individual conducting a joint meeting submits a recommended order to the court under subsection (4), the individual shall send a notice to each party who participated in the joint meeting that includes all of the following:

(a) A copy of the recommended order.

(b) Notice that the court may issue the recommended order resolving the dispute unless a party objects to

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the order within 21 days after the notice is sent.

(c) The place where and time when a written objection can be submitted.

(d) Notice that a party may waive the 21-day objection period by returning a signed copy of the recommendation.

(6) If a party files a written objection within the 21-day limit, the office shall set a court hearing, before a judge or referee, to resolve the dispute. If a party fails to file a written objection within the 21-day limit, the office shall submit the proposed order to the court for entry if the court approves it.

(7) If a hearing under subsection (6) is held before a referee, either party is entitled to a de novo hearing before a judge as provided in section 7 of the friend of the court act, MCL 552.507.

History: Add. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2004, Act 206, Eff. Feb. 28, 2005.

552.644 Civil contempt proceeding to resolve dispute concerning parenting time; commencement by office of friend of court; notice; allegations; finding of violation; powers of court; "good cause" defined; duration of commitment; release; bench warrant; sanction for bad faith; judgment; payment of costs; order rendering vehicle inoperable.

Sec. 44. (1) If the office of the friend of the court determines that a procedure for resolving a parenting time dispute authorized under section 41 other than a civil contempt proceeding is unsuccessful in resolving the parenting time dispute, the office of the friend of the court shall commence a civil contempt proceeding to resolve the dispute as provided by the supreme court rule. The contempt proceeding notice shall include, either in the notice or by reference to another document attached to the notice, a statement of the allegations upon which the dispute is based and at least all of the following:

(a) A list of each possible sanction if the parent is found in contempt.

(b) The right of the parent to a hearing on a proposed modification of parenting time if requested within 21 days after the date of the notice, as provided in section 45.

(2) If the court finds that either parent has violated a parenting time order without good cause, the court shall find that parent in contempt and may do 1 or more of the following:

(a) Require additional terms and conditions consistent with the court's parenting time order.

(b) After notice to both parties and a hearing, if requested by a party, on a proposed modification of parenting time, modify the parenting time order to meet the best interests of the child.

(c) Order that makeup parenting time be provided for the wrongfully denied parent to take the place of wrongfully denied parenting time.

(d) Order the parent to pay a fine of not more than $100.00.

(e) Commit the parent to the county jail or an alternative to jail.

(f) Commit the parent to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines necessary, and under the supervision the court considers necessary, for the purpose of allowing the parent to go to and return from his or her place of employment.

(g) If the parent holds an occupational license, driver's license, or recreational or sporting license, condition the suspension of the license, or any combination of the licenses, upon noncompliance with an order for makeup and ongoing parenting time.

(h) If available within the court's jurisdiction, order the parent to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(i) Place the parent under the supervision of the office for a term fixed by the court with reasonable conditions, including 1 or more of the following:

(*i*) Participating in a parenting program.

(*ii*) Participating in drug or alcohol counseling.

(*iii*) Participating in a work program.

(*iv*) Seeking employment.

(*v*) Participating in other counseling.

(*vi*) Continuing compliance with a current support or parenting time order.

(*vii*) Entering into and compliance with an arrearage payment plan.

(*viii*) Facilitating makeup parenting time.

(3) The court shall state on the record the reason the court is not ordering a sanction listed in subsection (2). For the purpose of subsection (2), "good cause" includes, but is not limited to, consideration of the safety of a child or party who is governed by the parenting time order.

(4) A commitment under subsection (2)(e) or (f) shall not exceed 45 days for the first finding of contempt or 90 days for each subsequent finding of contempt. A parent committed under subsection (2)(e) or (f) shall

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be released if the court has reasonable cause to believe that the parent will comply with the parenting time order.

(5) If a parent fails to appear in response to a contempt proceeding, the court may issue a bench warrant requiring that the parent be brought before the court without unnecessary delay to show cause why the parent should not be held in contempt. Except for good cause shown on the record, the court shall further order the parent to pay the costs of the hearing, the issuance of the warrant, the arrest, and any later hearings, which costs shall be transmitted to the county treasurer for distribution as provided in section 31. If the hearing cannot be held immediately after the parent's arrest, the parent may be released if a bond in the amount of the fines, costs, and sanctions imposed under this section and any additional amount the court determines is necessary to secure the parent's appearance is deposited with the court.

(6) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay a sanction of not more than $250.00 for the first time the party is found to have acted in bad faith, not more than $500.00 for the second time, and not more than $1,000.00 for the third or a subsequent time. A sanction ordered under this subsection shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530, and shall be used to fund services that are not title IV-D services.

(7) A fine ordered under subsection (2), costs ordered under subsection (5), or a sanction ordered under subsection (6) is a judgment at the time the order is entered.

(8) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay the other party's costs.

(9) If the court issues a bench warrant under this section, the court may enter an order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, by booting or another similar method, subject to release on deposit of an appropriate bond.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1996, Act 25, Eff. June 1, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1996, Act 301, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

552.645 Finding of contempt for noncompliance with makeup and ongoing parenting time schedule; suspension of license; agreement; hearing on modification of parenting time.

Sec. 45. (1) If the court enters an order under section 44(2)(g) and the parent fails to comply with the makeup and ongoing parenting time schedule, the court shall find the parent in contempt and, after notice and an opportunity for a hearing, may suspend the parent's license or licenses with respect to which the order under section 44(2)(g) was entered and proceed under section 30.

(2) After entry of a suspension order under subsection (1), a parent may agree to a makeup parenting time schedule. The court may order a makeup parenting time schedule if the parent demonstrates a good faith effort to comply with the parenting time order. If the court orders a makeup parenting time schedule, the court or the friend of the court, as applicable, shall do the following:

(a) The court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, or section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. Within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(b) The friend of the court, on verification by the clerk of the court that the driver's license clearance fee required by section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, has been paid, shall provide a certificate to the payer stating that the payer is in compliance with the support order.

(3) Within 21 days after the date of the notice under section 44, a parent who is notified of a contempt hearing under section 44 may request a hearing on a proposed modification of parenting time. The court shall hold the requested hearing unless the parenting time dispute is resolved by other means. The court shall combine the hearing prescribed by this subsection with the hearing on the order to show cause unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on a proposed modification of parenting time shall be held before the contempt hearing.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 378, Eff. Mar. 17, 2015.

552.646 Custodial parent committed to jail or alternative to jail under MCL 552.644(2)(f); violation of conditions of court; commitment to county jail without privilege; failure to

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return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 46. (1) If a custodial parent is committed to jail or an alternative to jail under section 44(2)(f) and violates the conditions ordered by the court, the court shall commit the person to the county jail without the privilege provided under section 44(2)(f) for the balance of the period of commitment imposed by the court.

(2) If a custodial parent is committed to jail or an alternative to jail under section 44(2)(f) and fails to return to the place of confinement within the time prescribed, the custodial parent shall be considered to have escaped from custody and is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.648 Centralized receipt and disbursement of support and fees.

Sec. 48. The state disbursement unit is responsible for the centralized receipt and disbursement of support. An office of the friend of the court may continue to receive support and fees.

History: 1982, Act 295, Eff. July 1, 1983;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.

552.649 Conditional effective date.

Sec. 49. This act shall not take effect unless the following bills of the 81st Legislature are enacted into law:

(a) House Bill No. 4870.

(b) House Bill No. 4873.

(c) House Bill No. 5257.

History: 1982, Act 295, Eff. July 1, 1983.

Compiler's note: The following House Bills referred to in this section, were enacted into law as follows:
House Bill No. 4870 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 294, Eff. July 1, 1983.
House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.
House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

552.650 Effective date.

Sec. 50. Except as provided in section 49, this act shall take effect July 1, 1983.

History: 1982, Act 295, Eff. July 1, 1983.

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INTERSTATE INCOME WITHHOLDING ACT
Act 216 of 1985

AN ACT to facilitate the interstate enforcement of support obligations through income withholding; to prescribe certain powers and duties of the circuit court and of certain agencies and persons; and to provide for remedies and penalties.

History: 1985, Act 216, Eff. Mar. 1, 1986.

The People of the State of Michigan enact:

552.671 Short title.

Sec. 1. This act shall be known and may be cited as the "interstate income withholding act".

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.672 Purpose of act.

Sec. 2. The purpose of this act is to enhance the enforcement of support obligations by providing a quick and effective procedure for the withholding of income derived in this jurisdiction to enforce support orders of other jurisdictions, and by requiring that income withholding to enforce the support orders of this jurisdiction be sought in other jurisdictions. This act shall be construed liberally to effect that purpose.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.673 Definitions.

Sec. 3. As used in this act:

(a) "Agency" means the court or entity in another jurisdiction with functions similar to those assigned in this act to the office of the friend of the court and the office of child support relative to the issuance and enforcement of support orders.

(b) "Child" means a child, whether above or below the age of majority, with respect to whom a support order exists.

(c) "Court" means the circuit court of this state and, when the context requires, the court or entity of another jurisdiction with functions similar to those assigned in this act to the circuit court of this state relative to the issuance and enforcement of support orders.

(d) "Income" means income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

(e) "Income derived in this jurisdiction" means income, the source of income of which is subject to the jurisdiction of this state for the purpose of imposing and enforcing income withholding under the support and parenting time enforcement act.

(f) "Jurisdiction" means a state or political subdivision, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

(g) "Obligee" means a person or entity that is entitled to receive support under a support order, and includes an entity of another jurisdiction to which a person has assigned his or her right to support.

(h) "Obligor" means a person required to make payments under the terms of a support order for a child, spouse, or former spouse.

(i) "Office of child support" means the entity established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(j) "Office of the friend of the court" means an office created in section 3 of the friend of the court act, 1982 PA 294, MCL 552.503.

(k) "Order of income withholding" means order of income withholding as defined in section 2 of the support and parenting time enforcement act, MCL 552.602, or the equivalent document issued in another jurisdiction.

(*l*) "Source of income" means source of income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

(m) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(n) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(o) "Support order" means an order or judgment for the support, or for the payment of arrearages on the support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, separate maintenance, paternity, guardianship, or equivalent proceeding, or otherwise.

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History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

552.674 Remedy cumulative; delay or denial of relief prohibited.

Sec. 4. The remedy provided in this act is in addition to, and not in substitution for, any other remedy otherwise available to enforce a support order of another jurisdiction. Relief under this act shall not be denied, delayed, or otherwise affected because of the availability of other remedies, nor shall relief under any other statute be delayed or denied because of the availability of this remedy.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.675 Requesting agency of another jurisdiction to enter order for purpose of obtaining income withholding; documentation; copy of subsequent modifications of support order; contesting income withholding; notice; monitoring payments.

Sec. 5. On behalf of a client for whom the office of the friend of the court is already providing services, or on application of a resident of this state, an obligee or obligor of a support order issued by this state or an entity to whom the obligee has assigned support rights, or the office of the friend of the court in the county where the support order was entered or, if there is no such order, in the county where the obligee or obligor resides, shall promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against that income. The office of the friend of the court shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose and shall file the documentation with the clerk of the court. The office of the friend of the court also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the office of the friend of the court receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend. The office of the friend of the court shall monitor payments made pursuant to an order of income withholding.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1990, Act 354, Imd. Eff. Dec. 26, 1990;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

552.676 Office of child support to forward documentation to office of friend of court; filing documents with clerk of court; acceptance of documents as entry of support order; documentation required for entry of support order of another jurisdiction; remedying defect in documentation; notice of necessary additions or corrections; effect of meeting substantive requirement; enforcement of support order; jurisdiction limited to income withholding.

Sec. 6. (1) Upon receiving a support order of another jurisdiction with the documentation specified in subsection (2) from an agency, an obligee, an obligor, or an attorney for either, the office of child support shall forward the documentation to the office of the friend of the court in the county in which withholding is being sought and the office of the friend of the court shall file the documents with the clerk of the court in that county. The clerk of the court shall accept the documents filed and the acceptance constitutes entry of the support order only for the purposes of this act.

(2) The following documentation is required for the entry of a support order of another jurisdiction:

(a) A certified copy of the support order with all modifications.

(b) A certified copy of an order of income withholding still in effect, if any.

(c) A copy of the portion of the income withholding statute of the jurisdiction that issued the support order that states the amount of arrearages necessary to mandate income withholding under the law of that jurisdiction.

(d) A sworn statement of the obligee or certified statement of the agency of the amount of arrearages, including the approximate dates the arrearages accrued, and the assignment of support rights, if any.

(e) A statement of all of the following:

(*i*) The name, address, and social security number of the obligor, if known.

(*ii*) The name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought.

(*iii*) The name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

(*iv*) The amount of income withholding requested.

(f) A statement of eligibility for services under part D of title IV of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 669, signed by the obligee.

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(g) A copy of proof of service or other evidence that the court or agency that issued the support order had personal jurisdiction over the obligor.

(h) Notification of any known support orders involving the same parties and the same children.

(3) If the documentation received by the office of child support under subsection (1) does not conform to the requirements of subsection (2), the office of child support shall remedy any defect that it can without the assistance of the requesting agency or party. If the office of child support is unable to make such corrections, the office of child support shall immediately notify the requesting agency or party of the necessary additions or corrections. In neither case shall the documentation be returned. If the substantive requirements of subsection (2) are met, the office of child support and the clerk of the court shall accept the documentation required by subsection (2), even if the documentation is not in the usual form required by this state.

(4) Except as otherwise provided in sections 7 to 13, a support order entered under subsection (1) is enforceable by income withholding against income derived in this state in the same manner and with the same effect as provided in sections 7 to 23 of the support and parenting time enforcement act, being sections 552.607 to 552.623 of the Michigan Compiled Laws, for support orders entered in this state. Entry of the order does not confer jurisdiction on the courts of this state for any purpose other than income withholding.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

552.676a Filing fee or other costs not required.

Sec. 6a. A court shall not require payment of either a filing fee or other costs from the obligee.

History: Add. 1990, Act 354, Imd. Eff. Dec. 26, 1990.

552.677 Notice of proposed income withholding; contents; request for hearing; notice of hearing.

Sec. 7. (1) On the date a support order is entered under section 6, the office of the friend of the court shall send to the obligor, in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.507 of the Michigan Compiled Laws, a notice of the proposed income withholding. The notice shall contain the same information required in that section and shall also advise the obligor that the income withholding was requested on the basis of a support order of another jurisdiction.

(2) If the obligor requests a hearing to contest the proposed income withholding, the office of the friend of the court shall immediately notify the agency or person that sent the documentation under subsection (1) of the date, time, and place of the hearing and of the obligee's right to attend the hearing.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

552.678 Prima facie proof; defenses of obligor; burden; duties of court.

Sec. 8. (1) At any hearing contesting proposed income withholding based on a support order entered under section 6, the support order, accompanying sworn or certified statement, and a certified copy of an order of income withholding still in effect, if any, shall constitute prima facie proof, without further proof or foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the obligee would be entitled to income withholding under the law of the jurisdiction which issued the support order.

(2) Once a prima facie case has been established as provided in subsection (1), the obligor may raise only the following defenses:

(a) That withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the obligor.

(b) That the court or agency which issued the support order entered under this act lacked personal jurisdiction over the obligor.

(c) That the support order entered under this act was obtained by fraud.

(d) That the statute of limitations under section 13 (3) precludes enforcement of all or part of the arrearages.

(3) The burden shall be on the obligor to establish a defense under subsection (2).

(4) If the obligor presents evidence which constitutes a full or partial defense, the court shall, on the request of the obligee, continue the hearing to permit further evidence relative to the defense to be adduced by either party. However, if the obligor acknowledges liability sufficient to entitle the obligee to income withholding, the court shall require income withholding for the payment of current support payments under the support order and of so much of any arrearage as is not in dispute, while continuing the hearing with respect to those matters still in dispute. The court shall determine promptly those matters still in dispute and, if appropriate, shall modify the withholding order to conform to that determination.

History: 1985, Act 216, Eff. Mar. 1, 1986.

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552.679 Order of income withholding; manner of taking effect; notice.

Sec. 9. If the obligor does not request a hearing in the time provided, or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the law of the jurisdiction that issued the support order, income withholding shall be ordered and shall take effect in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.607 of the Michigan Compiled Laws. The office of the friend of the court shall notify the agency or party that sent the documentation under section 6 of the date upon which withholding will begin.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1996, Act 11, Eff. June 1, 1996.

552.680 Payments made and received pursuant to order of income withholding; validity of support order; more than 1 support order in effect for support of 1 person by same obligor.

Sec. 10. (1) An order of income withholding under this act shall direct payment to be made to the office of the friend of the court or the state disbursement unit, as appropriate. The office of the friend of the court or SDU shall promptly transmit payments received pursuant to an order of income withholding based on a support order of another jurisdiction entered under this act to the agency or person designated in section 6(2)(e)(*iii*).

(2) A support order entered pursuant to section 6 does not nullify and is not nullified by a support order entered by the court in this state pursuant to another law or a support order entered by a court of another state. If more than 1 support order is in effect for the support of 1 person by the same obligor, then amounts collected by income withholding and credited against an amount owing for a particular time period under any 1 order shall be credited against amounts owing for the same time period under all such orders.

History: 1985, Act 216, Eff. Mar. 1, 1986;—Am. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

552.680a Transition to centralized receipt and disbursement of support and fees.

Sec. 10a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 154, Imd. Eff. Nov. 3, 1999.

552.681 Obligor obtaining employment or having new or additional source of income in another state; duty of office of friend of court.

Sec. 11. If the office of the friend of the court determines that the obligor has obtained employment in another state or has a new or additional source of income in another state, it shall notify the person or agency which requested the income withholding of the changes within 7 days after receiving that information and shall forward to that person or agency all information it has or can obtain with respect to the obligor's new address and the name and address of the obligor's new employer or other source of income.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.682 Voluntary income withholding.

Sec. 12. A person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the office of the friend of the court in the county in which withholding is sought a request for income withholding and a certified copy of the support order of the other jurisdiction. The court shall enter an order of income withholding and the order shall take effect immediately. An order of income withholding entered under this section shall be treated in all respects in the same manner as other orders of income withholding entered pursuant to this act.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.683 Applicable law.

Sec. 13. (1) Except as otherwise provided by subsection (2), the law of this state shall apply in all actions and proceedings concerning the entry, enforcement, and duration of orders of income withholding entered by a court in this state, based upon a support order of another jurisdiction entered pursuant to section 6.

(2) The law of the jurisdiction that issued the support order shall govern all of the following:

(a) The interpretation of the support order entered under section 6, including the amount, form of payment, and duration of support.

(b) The amount of support arrearages necessary to require the issuance of an order of income withholding.

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(c) The definition of which costs, if any, in addition to the periodic support obligation, are included as arrearages that are enforceable by income withholding, including but not limited to interest, attorney's fees, court costs, and costs of paternity testing.

(3) The statute of limitations of this state for maintaining an action on support arrearages shall apply.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.684 Effective date.

Sec. 14. This act shall take effect on March 1, 1986.

History: 1985, Act 216, Eff. Mar. 1, 1986.

552.685 Conditional effective date.

Sec. 15. This act shall not take effect unless all of the following bills of the 83rd Legislature are enacted into law:

(a) Senate Bill No. 227.

(b) Senate Bill No. 228.

History: 1985, Act 216, Eff. Mar. 1, 1986.

Compiler's note: Senate Bill No. 227, referred to in MCL 552.685, was filed with the Secretary of State January 8, 1986, and became P.A. 1985, No. 209, effective Mar. 1, 1986. Senate Bill No. 228, also referred to in MCL 552.685, was filed with the Secretary of State January 8, 1986, and became P.A. 1985, No. 210, effective Mar. 1, 1986.

UNIFORM INTERSTATE FAMILY SUPPORT ACT
Act 310 of 1996

552.1101-552.1901 Repealed. 2015, Act 255, Eff. Jan. 1, 2016.

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UNIFORM INTERSTATE FAMILY SUPPORT ACT
Act 255 of 2015

AN ACT to make uniform the laws relating to support enforcement; and to repeal acts and parts of acts.

History: 2015, Act 255, Eff. Jan. 1, 2016.

The People of the State of Michigan enact:

ARTICLE 1

GENERAL PROVISIONS

552.2101 Short title.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2102 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*iii*) Is liable under a support order.

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

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

(s) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

STATE TRIBUNAL AND SUPPORT ENFORCEMENT AGENCY

552.2103 Court as tribunal; support enforcement agency.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

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552.2104 Remedies.

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2105 Applicability.

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

(a) A foreign support order.

(b) A foreign tribunal.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 2

JURISDICTION

552.2201 Tribunal; personal jurisdiction over nonresident.

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

(a) The individual is personally served with notice within this state.

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

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

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2202 Continuing exclusive jurisdiction.

Sec. 202. Personal jurisdiction acquired by a tribunal of this state in a proceeding under this act or other law of this state relating to a support order continues as long as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 205, 206, and 211.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2203 State tribunal serving as initiating and responding tribunal.

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

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History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2204 Establishment of support order; filing petition or pleading; jurisdiction.

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

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

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

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

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

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

(b) The contesting party timely challenges the exercise of jurisdiction in this state.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

CONTINUING, EXCLUSIVE JURISDICTION TO MODIFY CHILD-SUPPORT ORDER

552.2205 Issuance of child-support order; continuing, exclusive jurisdiction; modification; recognition of jurisdiction of another state; ex parte order.

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

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

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

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

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

(b) Its order is not the controlling order.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2206 State tribunal serving as initiating or responding tribunal.

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

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

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

(2) A tribunal of this state having continuing jurisdiction over a support order may act as a responding

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tribunal to enforce the order.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2207 Issuance of 1 or more child-support orders; recognition; request to determine controlling order; filing of certified copy.

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

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

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

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

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

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

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

(3) If 2 or more child-support orders have been issued for the same obligor and same child, upon request of a party who is an individual or that is a support enforcement agency, a tribunal of this state having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (2). The request may be filed with a registration for enforcement or registration for modification under article 6 or may be filed as a separate proceeding.

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

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

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

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

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

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

(7) Within 30 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2208 Response to registrations or petitions for enforcement of 2 or more orders.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2209 Crediting amounts collected under other order.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

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552.2210 Receipt of evidence, communication, and discovery from another state; application of procedural and substantive law.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2211 Spousal-support order; modification.

Sec. 211. (1) A tribunal of this state issuing a spousal-support order consistent with the law of this state has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 3

CIVIL PROVISIONS OF GENERAL APPLICATION

552.2301 Applicability of article to proceedings; initiation; petition.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2302 Proceeding on behalf of minor's child.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2303 Responding tribunal; duties.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2304 Forwarding copies of petition and documents; certificate; findings.

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

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

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

(2) If requested by the responding tribunal, a tribunal of this state shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal of this state shall specify the amount of support sought, convert that

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amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2305 Receipt of petition or pleading by responding tribunal; duties; authority; calculations on which order is based; prohibition; sending copy of order to petitioner, respondent, and initiating tribunal; conversion of foreign currency.

Sec. 305. (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly under section 301(1), it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

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

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

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

(c) Order income withholding.

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

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

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

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

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

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

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

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

(*l*) Grant any other available remedy.

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2306 Petition or pleading received by inappropriate tribunal.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2307 Support enforcement agency; duties.

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

(a) Shall provide services to a petitioner residing in a state.

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

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

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

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

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

(c) Make a reasonable effort to obtain all relevant information, including information as to income and

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property of the parties.

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

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

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

(3) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts to do the following:

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2308 Support enforcement agency; neglect or refusal to provide services.

Sec. 308. (1) If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this act or may provide those services directly to the individual.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2309 Employment of private counsel.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2310 Office of child support as state information agency; duties.

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

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

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

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

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

(d) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2311 Petition; contents; form.

Sec. 311. (1) In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under section 312, the petition or accompanying

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documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2312 Disclosure of certain information.

Sec. 312. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2313 Fees, costs, or expenses.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2314 Jurisdiction over petitioner in another jurisdiction.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2315 Nonparentage as defense.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2316 Physical presence of nonresident party; documents admissible as evidence; deposition or testimony.

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

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

(3) A copy of the record of child-support payments certified as a true copy of the original by the custodian

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of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2317 Communication.

Sec. 317. A tribunal of this state may communicate with a tribunal outside this state in a record, or by telephone, electronic mail, or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding. A tribunal of this state may furnish similar information by similar means to a tribunal of outside this state.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2318 Authority of state tribunal to obtain or respond to discovery.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2319 Disbursement of amounts received under support order; certified statement.

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

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

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

(b) Issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 4

ESTABLISHMENT OF SUPPORT ORDER

552.2401 Issuance of support order.

Sec. 401. (1) If a support order entitled to recognition under this act has not been issued, a responding

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tribunal of this state with personal jurisdiction over the parties may issue a support order if either of the following apply:

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

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

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

(a) A presumed father of the child.

(b) Petitioning to have his paternity adjudicated.

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

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

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

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

(g) The mother of the child.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2402 Proceeding to determine parentage of child; responding tribunal.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 5

ENFORCEMENT OF SUPPORT ORDER WITHOUT REGISTRATION

552.2501 Order of income withholding issued by another state.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2502 Order of income withholding; receipt by employer; copy to be provided to obligor; compliance with terms of order and state law.

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

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

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

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

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

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

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

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

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

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

(b) The maximum amount permitted to be withheld from the obligor's income.

(c) The times within which the employer must implement the withholding order and forward the

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child-support payment.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2503 Receipt of 2 or more income-withholding orders; priorities.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2504 Income withholding order issued in another state; compliance.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2505 Income withholding order issued in another state; noncompliance.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2506 Income withholding order issued in another state; contesting validity or enforcement; notice.

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2507 Party or support enforcement agency; receipt of documents required for registering order; enforcement; registration.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 6

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER

PART 1

REGISTRATION FOR ENFORCEMENT OF SUPPORT ORDER

552.2601 Registration of order.

Sec. 601. A support order or income-withholding order issued in another state or a foreign support order may be registered in this state for enforcement.

History: 2015, Act 255, Eff. Jan. 1, 2016.

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552.2602 Registration of order; records to be sent to state tribunal; filing; affirmative remedy; 2 or more orders in effect; controlling order; request for determination.

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

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

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

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

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

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

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

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

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

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

(3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2603 Order issued in another state; registration; recognition; enforcement.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2604 Support payments and arrearages; governing law; statute of limitation.

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

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

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

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

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

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

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

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History: 2015, Act 255, Eff. Jan. 1, 2016.

PART 2

CONTEST OF VALIDITY OR ENFORCEMENT

552.2605 Notice.

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

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

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

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

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

(d) The amount of any alleged arrearages.

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2606 Nonregistering party; hearing.

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2607 Burden of proof; defense; remedies.

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

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

(b) The order was obtained by fraud.

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

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

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

(f) Full or partial payment has been made.

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

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

(2) If a party presents evidence establishing a full or partial defense under subsection (1), a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order

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may be enforced by all remedies available under the law of this state.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2608 Registered support order; effect of confirmation.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

PART 3

REGISTRATION AND MODIFICATION OF CHILD-SUPPORT ORDER OF ANOTHER STATE

552.2609 Modification of support order issued in another state; petition.

Sec. 609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued in another state shall register that order in this state in the same manner provided in sections 601 through 608 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or later. The pleading must specify the grounds for modification.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2610 Enforcement of another state's child-support order.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2611 Modification of another state's child-support order; findings; requirements, procedures, and defenses; jurisdictions.

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

(a) The following requirements are met:

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

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

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

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

(2) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state, and the order may be enforced and satisfied in the same manner.

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

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

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

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

(a) One party resides in another state.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

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552.2612 Modification of child-support order by tribunal of another state.

Sec. 612. If a child-support order issued by a tribunal of this state is modified by a tribunal of another state that assumed jurisdiction under the uniform interstate family support act, all of the following apply:

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2613 Child not resident of issuing state; jurisdiction.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2614 Issuance of modified child-support order; failure to file with issuing tribunal.

Sec. 614. Within 30 days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

History: 2015, Act 255, Eff. Jan. 1, 2016.

PART 4

REGISTRATION AND MODIFICATION OF FOREIGN CHILD-SUPPORT ORDER

552.2615 Modification of foreign child-support order.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2616 Modification of foreign child-support order; registration; petition.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 7

SUPPORT PROCEEDING UNDER CONVENTION

552.2701 Definitions.

Sec. 701. As used in this article:

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

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2702 Applicability of article; inconsistent provisions.

Sec. 702. This article applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this article is inconsistent with articles 1 through 6, this article controls.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2703 Office of child support as designated agency.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2704 Office of child support; duties; available proceedings; security, bond, or deposit as payment guarantee prohibited.

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

(a) Transmit and receive applications.

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

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

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

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

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

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

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

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

(3) The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2705 Support order; direct request.

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

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

(3) In a direct request for recognition and enforcement of a Convention support order or foreign support

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agreement, the following apply:

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2706 Convention support order; registration.

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

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

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

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

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

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2707 Contesting registered Convention support order.

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

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

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

(4) A contest of a registered Convention support order may be based only on grounds set forth in section 708. The contesting party bears the burden of proof.

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

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552.2708 Recognition and enforcement of registered Convention support order; grounds for refusal; effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2709 Enforcement of severable part of order.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2710 Recognition and enforcement of foreign support agreement registered in this state.

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

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

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

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

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

(4) In a contest of a foreign support agreement, a tribunal of this state may refuse recognition and enforcement of the agreement if it finds the following:

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

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

(c) The agreement is incompatible with a support order involving the same parties and having the same

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purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this act in this state.

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2711 Modification of foreign Convention child-support order.

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

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

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

(2) If a tribunal of this state does not modify a Convention child-support order because the order is not recognized in this state, section 708(3) applies.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2712 Use of personal information.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2713 Filing of record in original language; English translation.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 8

INTERSTATE RENDITION

552.2801 "Governor" defined; authority; extradition.

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

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

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

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

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2802 Individual charged criminally with failing to provide support; surrender.

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

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

(3) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose rendition is

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demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

History: 2015, Act 255, Eff. Jan. 1, 2016.

ARTICLE 9

MISCELLANEOUS PROVISIONS

552.2901 Application and construction of act.

Sec. 901. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2902 Applicability of act to proceedings begun on or after effective date of act.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2903 Severability.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2904 Repeal of MCL 552.1101 to 552.1901.

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

History: 2015, Act 255, Eff. Jan. 1, 2016.

552.2905 Effective date.

Sec. 905. This act takes effect January 1, 2016.

History: 2015, Act 255, Eff. Jan. 1, 2016.

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