

**SUBSTITUTE FOR
HOUSE BILL NO. 6012**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 2, 3, 3a, 4, 5a, 7, 10, 17, 19, 24, 24a, and
26 (MCL 552.602, 552.603, 552.603a, 552.604, 552.605a, 552.607,
552.610, 552.617, 552.619, 552.624, 552.624a, and 552.626), sec-
tion 2 as amended by 1999 PA 160, sections 3 and 26 as amended
and section 5a as added by 2001 PA 106, section 3a as amended by
1996 PA 120, sections 4, 7, 17, and 19 as amended and section 24a
as added by 1998 PA 334, and section 24 as added by 1985 PA 210,
and by adding section 3c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 2. As used in this act:
- 2** (a) "Account" means any of the following:
- 3** (i) A demand deposit account.

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1 (ii) A draft account.

2 (iii) A checking account.

3 (iv) A negotiable order of withdrawal account.

4 (v) A share account.

5 (vi) A savings account.

6 (vii) A time savings account.

7 (viii) A mutual fund account.

8 (ix) A securities brokerage account.

9 (x) A money market account.

10 (xi) A retail investment account.

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

12 (i) A trust.

13 (ii) An annuity.

14 (iii) A qualified individual retirement account.

15 (iv) An account covered by the employee retirement income
16 security act of 1974, Public Law 93-406, 88 Stat. 829.

17 (v) A pension or retirement plan.

18 (vi) An insurance policy.

19 (c) "Address" means the primary address shown on the records
20 of a financial institution used by the financial institution to
21 contact the account holder.

22 (D) "CASH" MEANS MONEY OR THE EQUIVALENT OF MONEY, SUCH AS A
23 MONEY ORDER, CASHIER'S CHECK, OR NEGOTIABLE CHECK OR A PAYMENT BY
24 DEBIT OR CREDIT CARD, WHICH EQUIVALENT IS ACCEPTED AS CASH BY THE
25 AGENCY ACCEPTING THE PAYMENT.

26 (E) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
27 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A

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1 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
2 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY
3 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
4 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

5 (F) ~~-(d)-~~ "Department" means the family independence
6 agency.

7 (G) "DOMESTIC RELATIONS MATTER" MEANS A CIRCUIT COURT PRO-
8 CEEDING AS TO CHILD CUSTODY OR PARENTING TIME, OR CHILD OR SPOU-
9 SAL SUPPORT, THAT ARISES OUT OF LITIGATION UNDER A STATUTE OF
10 THIS STATE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

11 (i) 1846 RS 84, MCL 552.1 TO 552.45.

12 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO
13 552.459.

14 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO
15 722.31.

16 (iv) 1968 PA 293, MCL 722.1 TO 722.6.

17 (v) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

18 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
19 1952 PA 8, MCL 780.151 TO 780.183.

20 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996
21 PA 310, MCL 552.1101 TO 552.1901.

22 (H) ~~-(e)-~~ "Driver's license" means license as that term is
23 defined in section 25 of the Michigan vehicle code, 1949 PA 300,
24 MCL 257.25.

25 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
26 ship, partnership, association, or private or public corporation,
27 the United States or a federal agency, this state or a political

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1 subdivision of this state, another state or a political
2 subdivision of another state, or another legal entity that hires
3 and pays an individual for his or her services.

4 (J) ~~-(g)-~~ "Financial asset" means a deposit, account, money
5 market fund, stock, bond, or similar instrument.

6 (K) ~~-(h)-~~ "Financial institution" means any of the
7 following:

8 (i) A state or national bank.

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

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

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

13 (v) An insurance company.

14 (vi) An entity that offers any of the following to a resi-
15 dent of this state:

16 (A) A mutual fund account.

17 (B) A securities brokerage account.

18 (C) A money market account.

19 (D) A retail investment account.

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

22 (viii) An entity that is a member of the national associa-
23 tion of securities dealers and that collects funds from the
24 public.

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

26 (l) ~~-(i)-~~ "Friend of the court act" means 1982 PA 294, MCL
27 552.501 to 552.535.

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1 (M) ~~-(j)-~~ "Income" means any of the following:

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

5 (ii) A payment due or to be due in the future to an individ-
6 ual from a profit-sharing plan, a pension plan, an insurance con-
7 tract, an annuity, social security, unemployment compensation,
8 supplemental unemployment benefits, or worker's compensation.

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

15 (N) ~~-(k)-~~ "Insurer" means an insurer, health maintenance
16 organization, health care corporation, or other group, plan, or
17 entity that provides health care coverage in accordance with any
18 of the following acts:

19 (i) The public health code, 1978 PA 368, MCL 333.1101 to
20 333.25211.

21 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
22 500.8302.

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

25 (O) ~~-(l)-~~ "Medical assistance" means medical assistance as
26 established under title XIX of the social security act, chapter

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1 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6,
2 and 1396r-8 to 1396v.

3 (P) ~~-(m)-~~ "Occupational license" means a certificate, regis-
4 tration, or license issued by a state department, bureau, or
5 agency that has regulatory authority over an individual that
6 allows an individual to legally engage in a regulated occupation
7 or that allows the individual to use a specific title in the
8 practice of an occupation, profession, or vocation.

9 (Q) ~~-(n)-~~ "Office of child support" means the office of
10 child support established in section 2 of the office of child
11 support act, 1971 PA 174, MCL 400.232.

12 (R) ~~-(o)-~~ "Office of the friend of the court" means an
13 agency created in section 3 of the friend of the court act, MCL
14 552.503.

15 (S) ~~-(p)-~~ "Order of income withholding" means an order
16 entered by the circuit court providing for the withholding of a
17 payer's income to enforce a support order under this act.

18 (T) ~~-(q)-~~ "Payer" means an individual who is ordered by the
19 circuit court to pay support.

20 (U) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
21 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

22 (V) ~~-(r)-~~ "Plan administrator" means that term as used in
23 relation to a group health plan under section 609 of part 6 of
24 subtitle B of title I of the employee retirement income security
25 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
26 care coverage plan of the individual who is responsible for

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1 providing a child with health care coverage is subject to that
2 act.

3 (W) ~~-(s)-~~ "Political subdivision" means a county, city, vil-
4 lage, township, educational institution, school district, or spe-
5 cial district or authority of the state or of a local unit of
6 government.

7 (X) ~~-(t)-~~ "Recipient of support" means the following:

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

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

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

15 (Y) ~~-(u)-~~ "Recreational or sporting license" means a hunt-
16 ing, fishing, or fur harvester's license issued under the natural
17 resources and environmental protection act, 1994 PA 451, MCL
18 324.101 to 324.90106, but does not include a commercial fishing
19 license or permit issued under part 473 of the natural resources
20 and environmental protection act, 1994 PA 451, MCL 324.47301 to
21 324.47362.

22 (Z) ~~-(v)-~~ "Referee" means a person who is designated as a
23 referee under the friend of the court act.

24 (AA) ~~-(w)-~~ "Source of income" means an employer or successor
25 employer or another individual or entity that owes or will owe
26 income to the payer.

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1 (BB) ~~-(x)-~~ "State disbursement unit" or "SDU" means the
2 entity established in section 6 of the office of child support
3 act, 1971 PA 174, MCL 400.236.

4 (CC) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS
5 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19
6 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

7 (DD) ~~-(y)-~~ "Support" means all of the following:

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

13 (ii) The payment of money ordered by the circuit court under
14 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
15 necessary expenses incurred by or for the mother in connection
16 with her confinement, for other expenses in connection with the
17 pregnancy of the mother, or for the repayment of genetic testing
18 expenses.

19 (iii) A surcharge accumulated under section 3a.

20 (EE) ~~-(z)-~~ "Support order" means an order entered by the
21 circuit court for the payment of support, whether or not a sum
22 certain.

23 (FF) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
24 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 657,
25 658a TO 660, AND 663 TO 669b.

26 (GG) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE
27 PERFORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON

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1 PERFORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF
2 THE FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

3 (HH) ~~—(aa)—~~ "Work activity" means any of the following:

4 (i) Unsubsidized employment.

5 (ii) Subsidized private sector employment.

6 (iii) Subsidized public sector employment.

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

10 (v) On-the-job training.

11 (vi) Job search and job readiness assistance.

12 (vii) Community service programs.

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

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

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

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

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

25 Sec. 3. (1) A support order issued by a court of this state
26 shall be enforced as provided in this ~~—section—~~ ACT.

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1 (2) Except as otherwise provided in this section, a support
2 order that is part of a judgment or is an order in a domestic
3 relations matter ~~as defined in section 2 of the friend of the~~
4 ~~court act, MCL 552.502,~~ is a judgment on and after the date
5 ~~each support payment is due~~ THE SUPPORT AMOUNT IS DUE AS PRE-
6 SCRIBED IN SECTION 5C, with the full force, effect, and attrib-
7 utes of a judgment of this state, and is not, on and after the
8 date it is due, subject to retroactive modification. Retroactive
9 modification of a support payment due under a support order is
10 permissible with respect to a period during which there is pend-
11 ing a petition for modification, but only from the date that
12 notice of the petition was given to the payer or recipient of
13 support.

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

17 (4) The office of the friend of the court shall make avail-
18 able to a payer or payee the forms and instructions described in
19 section ~~17a~~ 5 of the friend of the court act, MCL ~~552.517a~~
20 552.505.

21 (5) This section does not prohibit a court approved agree-
22 ment between the parties to retroactively modify a support
23 order. This section does not limit other enforcement remedies
24 available under this or another act.

25 (6) Every support order that is part of a judgment issued by
26 a court of this state or that is an order in a domestic relations

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1 matter ~~as defined in section 2 of the friend of the court act,~~
2 ~~MCL 552.502,~~ shall include all of the following:

3 (a) Substantially the following statement: "Except as oth-
4 erwise provided in section 3 of the support and parenting time
5 enforcement act, 1982 PA 295, MCL 552.603, a support order that
6 is part of a judgment or that is an order in a domestic relations
7 matter as defined in section 2 of the friend of the court act,
8 1982 PA 294, MCL 552.502, is a judgment on and after the date
9 each support payment is due, with the full force, effect, and
10 attributes of a judgment of this state, and is not, on and after
11 the date it is due, subject to retroactive modification. A sur-
12 charge will be added to support ~~payments~~ AMOUNTS that are past
13 due as provided in section 3a of the support and parenting time
14 enforcement act, 1982 PA 295, MCL 552.603a."

15 (b) Notice informing the payer of the imposition of liens by
16 operation of law and that the payer's real and personal property
17 can be encumbered or seized if an arrearage accrues in an amount
18 greater than the amount of periodic support payments payable ~~for~~
19 ~~1-year~~ under the payer's support order FOR THE TIME PERIOD SPEC-
20 IFIED IN THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982
21 PA 295, MCL 552.601 TO 552.650.

22 (7) EACH SUPPORT ORDER THAT IS AN ORDER IN A [FRIEND OF THE
23 COURT] CASE SHALL INCLUDE ALL OF THE FOLLOWING:

24 (A) ~~(c)~~ A requirement that, within [21] days after the
25 payer or payee changes his or her residential or mailing address,
26 that ~~person~~ INDIVIDUAL report the new address and his or her
27 telephone number in writing to the friend of the court.

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1 (B) ~~-(d)-~~ A requirement that both the payer and payee notify
2 the office of the friend of the court if he or she holds an occu-
3 pational license and if he or she holds a driver's license.

4 (C) ~~-(e)-~~ The name, address, and telephone number of the
5 payer's and payee's current sources of income.

6 (D) ~~-(f)-~~ A requirement that both the payer and payee inform
7 the office of the friend of the court of his or her social secur-
8 ity number and driver's license number. The requirement of this
9 subdivision to provide a social security number with the informa-
10 tion does not apply to a payer or payee who demonstrates he or
11 she is exempt under law from obtaining a social security number
12 or to a payer or payee who for religious convictions is exempt
13 under law from disclosure of his or her social security number
14 under these circumstances. The court shall inform the payer and
15 payee of this possible exemption.

16 (E) ~~-(g)-~~ Notice that an order for dependent health care
17 coverage takes effect immediately and will be sent to the
18 parent's current and subsequent employers and insurers if
19 appropriate. The notice shall inform the parent that he or she
20 may contest the action by requesting a review or hearing concern-
21 ing availability of health care coverage at a reasonable cost.

22 (8) ~~-(7)-~~ A support order shall not accrue interest.

23 Sec. 3a. (1) ~~-As-~~ FOR A FRIEND OF THE COURT CASE, AS of
24 January 1 and July 1 of each year, a surcharge calculated at an
25 8% annual rate shall be added to support payments that are past
26 due as of those dates. The amount shown as due and owing on the
27 records of the friend of the court as of January 1 and July 1 of

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1 each year shall be reduced by an amount equal to 2 weeks' support
2 for purposes of assessing the surcharge. A surcharge under this
3 subsection shall not be added to support ordered under the pater-
4 nity act, ~~Act No. 205 of the Public Acts of 1956, being sections~~
5 ~~722.711 to 722.730 of the Michigan Compiled Laws~~ 1956 PA 205,
6 MCL 722.711 TO 722.730, for the time period to the date of the
7 support order.

8 (2) Upon receiving money for payment of support, the friend
9 of the court shall apply the amount received first to current
10 support and then to any support arrearage including any sur-
11 charges imposed under this section.

12 SEC. 3C. IF, IN A DOMESTIC RELATIONS MATTER IN WHICH THE
13 COURT ORDERED A FRIEND OF THE COURT CASE NOT TO BE OPENED OR TO
14 BE CLOSED AS PROVIDED IN SECTION 5A OF THE FRIEND OF THE COURT
15 ACT, MCL 552.505A, A FRIEND OF THE COURT CASE IS LATER REQUIRED
16 TO BE OPENED OR REOPENED, THE COURT SHALL ISSUE AN ORDER THAT
17 CONTAINS THE PROVISIONS REQUIRED BY THIS ACT FOR A FRIEND OF THE
18 COURT CASE.

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

22 (2) Each support order entered by the circuit court on or
23 before July 1, 1983 shall be considered to provide for an order
24 of income withholding by operation of law, and income withholding
25 shall be implemented under the same circumstances and enforced in
26 the same manner as in the case of orders of income withholding
27 ~~provided for pursuant to~~ REQUIRED BY subsection (1). The

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1 office of the friend of the court shall send notice of the
2 provisions of this subsection by ordinary mail to each payer
3 under a support order entered by the circuit court on or before
4 July 1, 1983 to whom this subsection applies.

5 (3) An order of income withholding in a support order
6 including consideration of any abatements of support entered or
7 modified after December 31, 1990, shall take effect immediately
8 unless 1 of the following applies:

9 (a) The court finds, upon notice and hearing, that there is
10 good cause for the order of income withholding not to take effect
11 immediately. For purposes of this subdivision, a finding of good
12 cause shall be based on at least all of the following:

13 (i) A written and specific finding by the court why immedi-
14 ate income withholding would not be in the CHILD'S best
15 interests. ~~of the child.~~

16 (ii) Proof of timely payment of previously ordered support,
17 if applicable.

18 (iii) ~~An~~ FOR A FRIEND OF THE COURT CASE, AN agreement by
19 the payer that he or she shall keep the office of the friend of
20 the court informed of both of the following:

21 (A) The name, address, and telephone number of his or her
22 current source of income.

23 (B) Any health care coverage that is available to him or her
24 as a benefit of employment or that is maintained by him or her;
25 the name of the insurer; the policy, certificate, or contract
26 number; and the names and birth dates of the persons for whose

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1 benefit he or she maintains health care coverage under the
2 policy, certificate, or contract.

3 (b) The parties enter into a written agreement that is
4 reviewed and entered in the record by the court that provides for
5 all of the following:

6 (i) The order of income withholding shall not take effect
7 immediately.

8 (ii) An alternative payment arrangement.

9 (iii) ~~That~~ FOR A FRIEND OF THE COURT CASE, THAT the payer
10 shall keep the office of the friend of the court informed of both
11 of the following:

12 (A) The name, address, and telephone number of his or her
13 current source of income.

14 (B) Any health care coverage that is available to him or her
15 as a benefit of employment or that is maintained by him or her;
16 the name of the insurer; the policy, certificate, or contract
17 number; and names and birth dates of the persons for whose bene-
18 fit he or she maintains health care coverage under the policy,
19 certificate, or contract.

20 (4) Except as otherwise provided in subsection (3)(a) or
21 (b), an order of income withholding in an ex parte interim sup-
22 port order shall take effect after the expiration of [14 21] days
23 after the order has been served on the opposite party unless the
24 opposite party files a written objection to the ex parte interim
25 support order during that [14-day 21-DAY] period.

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1 (5) An order of income withholding that does not take effect
2 immediately ~~pursuant to~~ AS PROVIDED IN this section shall take
3 effect when the requirement of section 7 is met.

4 (6) The court for cause or at the request of the payer may
5 order the withholding of income to take effect immediately.

6 (7) An order of income withholding in a support order
7 entered on or before December 31, 1990 shall take effect when the
8 requirement of section 7 is met.

9 Sec. 5a. (1) ~~FOR A FRIEND OF THE COURT CASE,~~ A child
10 support order entered or modified by the court shall provide that
11 each party shall keep the office of the friend of the court
12 informed of both of the following:

13 (a) The name and address of his or her current source of
14 income.

15 (b) Health care coverage that is available to him or her as
16 a benefit of employment or that is maintained by him or her; the
17 name of the insurance company, nonprofit health care corporation,
18 or health maintenance organization; the policy, certificate, or
19 contract number; and the names and birth dates of the persons for
20 whose benefit he or she maintains health care coverage under the
21 policy, certificate, or contract.

22 (2) If a child support order is entered, the court shall
23 require that 1 or both parents obtain or maintain health care
24 coverage that is available to them at a reasonable cost, as a
25 benefit of employment, for the benefit of the minor children of
26 the parties and, subject to section 5b, for the benefit of the
27 parties' children who are not minor children. If a parent is

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1 self-employed and maintains health care coverage, the court shall
2 require the parent to obtain or maintain dependent coverage for
3 the benefit of the minor children of the parties and, subject to
4 section 5b, for the benefit of the parties' children who are not
5 minor children, if available at a reasonable cost.

6 (3) A court may require either parent to file a bond with 1
7 or more sufficient sureties, in a sum to be fixed by the court,
8 guaranteeing payment of child support.

9 Sec. 7. (1) ~~If the fixed amount of arrearage determined~~
10 ~~under section 11(1) of the friend of the court act, MCL 552.511,~~
11 ~~is reached~~ FOR A FRIEND OF THE COURT CASE, IF THE ARREARAGE
12 UNDER A SUPPORT ORDER REACHES THE ARREARAGE AMOUNT THAT REQUIRES
13 THE INITIATION OF 1 OR MORE SUPPORT ENFORCEMENT MEASURES AS PRO-
14 VIDED IN SECTION 11 OF THE FRIEND OF THE COURT ACT, MCL 552.511,
15 the office of the friend of the court immediately shall send
16 notice of the arrearage to the payer by ordinary mail to his or
17 her last known address. The notice to the payer shall contain
18 the following information:

19 (a) The amount of the arrearage.

20 (b) That the payer's income is subject to income withholding
21 and the amount to be withheld.

22 (c) That income withholding will be applied to current and
23 subsequent employers and periods of employment and other sources
24 of income.

25 (d) That the order of income withholding is effective and
26 notice to withhold income will be sent to the payer's source of
27 income.

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1 (e) That the payer may request a hearing within [~~14~~ 21] days
2 after the date of the notice to contest the withholding, but only
3 on the grounds that the withholding is not proper because of a
4 mistake of fact concerning the amount of current or overdue sup-
5 port or the identity of the payer.

6 (f) That if the hearing is held before a referee, the payer
7 has a right to a de novo hearing before a circuit court judge.

8 (g) That if the payer believes that the amount of support
9 should be modified due to a change in circumstances, the payer
10 may file a petition with the court for modification of the sup-
11 port order.

12 (2) A copy of the notice provided for in subsection (1)
13 shall be sent by ordinary mail to each recipient of support.

14 (3) A payer to whom notice is sent under subsection (1),
15 within [~~14~~ 21] days after the date on which the notice was sent, may
16 request a hearing on the grounds that the withholding is not
17 proper because of a mistake of fact concerning the amount of cur-
18 rent or overdue support or the identity of the payer.

19 (4) A referee or circuit judge shall hold a hearing
20 requested under this section within 14 days after the date of the
21 request. If at the hearing the payer establishes that the with-
22 holding is not proper because of a mistake of fact concerning the
23 amount of current or overdue support or the identity of the
24 payer, the referee or circuit judge may direct that the order of
25 income withholding be rescinded until such time as the referee or
26 judge determines.

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1 (5) If the hearing provided under subsection (4) is held
2 before a referee, either party may request a de novo hearing as
3 provided in section ~~7(5)~~ 7 of the friend of the court act,
4 MCL 552.507.

5 (6) If a petition for modification of the support order is
6 filed by or on behalf of a payer and is pending at the date
7 scheduled for a hearing under subsection (4), the court may con-
8 solidate the hearing under subsection (4) and a hearing on the
9 petition for modification.

10 (7) All proceedings under this section shall be completed
11 within 45 days after the date that notice was sent under subsec-
12 tion (1), unless otherwise permitted by the court upon a showing
13 of good cause.

14 Sec. 10. ~~The~~ FOR A FRIEND OF THE COURT CASE, THE payer
15 shall give to the office of the friend of the court at the time
16 the order of income withholding is issued the name and address of
17 his or her employer. The payer shall immediately give to the
18 office of the friend of the court notice of the name and address
19 of any subsequent employer.

20 Sec. 17. ~~If~~ FOR A FRIEND OF THE COURT CASE, IF the court
21 orders a modification in support and an order of income withhold-
22 ing has been entered under this act, the office of the friend of
23 the court shall give to a source of income to which notice of
24 income withholding was sent under section 11 a notice of the mod-
25 ification by ordinary mail or by electronic means as agreed by
26 the source of income and the office of the friend of the court.
27 The amount assigned or withheld shall be changed to conform with

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1 the court ordered modification 7 days after receipt of the notice
2 of modification.

3 Sec. 19. (1) If the court awards to the payer sole custody
4 of a child for whom the payer has been previously ordered to pay
5 support and a previously accumulated arrearage under the support
6 order for that child does not exist, the court shall modify any
7 existing support order to exclude support ordered to be paid by
8 that payer for that particular child. If an existing support
9 order does not provide for support to any other child of whom the
10 payer does not have custody, for support to a former spouse, or
11 for payments of confinement or pregnancy expenses, the court
12 shall terminate the order of income withholding as soon as any
13 previously accumulated arrearage has been paid.

14 (2) The OFFICE OF THE FRIEND OF THE court shall suspend or
15 terminate an order of income withholding under any of the follow-
16 ing circumstances:

17 (a) The location of the child and custodial parent cannot be
18 determined ~~by the friend of the court~~ for a period of 90 days
19 or more, AND THE FRIEND OF THE COURT CASE IS BEING CLOSED.

20 (b) The court determines that there is no further support
21 obligation.

22 (c) When otherwise determined by the court, upon a showing
23 of good cause, and if the court determines that such suspension
24 or termination is not contrary to the best interests of the
25 child. In making a determination under this subdivision, the
26 court may consider the previous payment record of the payer,
27 evidence of the payer's intent to make regular and timely support

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1 payments, and any other factors considered relevant by the
2 court. However, the payment of arrearages under the support
3 order shall not be the sole reason for termination of an order of
4 income withholding.

5 (d) The parties enter into a written agreement that is
6 reviewed and entered in the record by the court that provides for
7 all of the following:

8 (i) The order of income withholding shall be suspended.

9 (ii) An alternative payment arrangement.

10 (iii) ~~The~~ FOR A FRIEND OF THE COURT CASE, THE payer shall
11 keep the office of the friend of the court informed of both of
12 the following:

13 (A) The name and address of his or her current source of
14 income.

15 (B) Any health care coverage that is available to him or her
16 as a benefit of employment or that is maintained by him or her;
17 the name of the insurance company, health care organization, or
18 health maintenance organization; the policy, certificate, or con-
19 tract number; and names and birth dates of the persons for whose
20 benefit he or she maintains health care coverage under the
21 policy, certificate, or contract.

22 (3) The parties shall not enter into a written agreement
23 ~~pursuant to~~ UNDER subsection (2)(d) if either of the following
24 circumstances exists:

25 (A) ~~(i)~~ There is a support arrearage.

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1 (B) ~~-(ii)-~~ An order of income withholding was previously
2 suspended or terminated and subsequently implemented due to the
3 payer's failure to pay support.

4 (4) If a written agreement is entered into ~~pursuant to~~
5 UNDER subsection (2)(d), the order of income withholding shall
6 take effect when ~~the fixed amount of arrearage determined under~~
7 ~~section 11(1) of the friend of the court act, MCL 552.511, is~~
8 ~~reached~~ AN ARREARAGE IN SUPPORT PAYMENTS AS AGREED TO UNDER THE
9 WRITTEN AGREEMENT REACHES THE ARREARAGE AMOUNT THAT WOULD REQUIRE
10 THE INITIATION OF 1 OR MORE SUPPORT ENFORCEMENT MEASURES IF THE
11 CASE WERE A FRIEND OF THE COURT CASE, AS PROVIDED IN SECTION 11
12 OF THE FRIEND OF THE COURT ACT, MCL 552.511.

13 (5) The court may suspend or terminate an order of income
14 withholding if the custodial parent moves out of the state with-
15 out court authorization.

16 (6) The office of the friend of the court shall promptly
17 refund money that has been improperly withheld.

18 Sec. 24. ~~-If-~~ FOR A FRIEND OF THE COURT CASE, IF a support
19 arrearage has accrued, the office of the friend of the court may
20 request the office of child support to initiate offset proceed-
21 ings against the delinquent payer's state tax refunds and federal
22 income tax refunds as provided in section 3a of the office of
23 child support act, ~~Act No. 174 of the Public Acts of 1971, being~~
24 ~~section 400.233a of the Michigan Compiled Laws~~ 1971 PA 174, MCL
25 400.233A.

26 Sec. 24a. ~~-If-~~ FOR A FRIEND OF THE COURT CASE, IF a support
27 arrearage has accrued and there is reason to believe the payer

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1 transferred title or ownership of real or personal property
2 without fair consideration, ~~the office of the friend of the~~
3 ~~court~~ THE TITLE IV-D AGENCY shall initiate proceedings to have
4 the transfer set aside as provided in the uniform fraudulent
5 ~~conveyance act, 1919 PA 310, MCL 566.11 to 566.23~~ TRANSFER ACT,
6 1998 PA 434, MCL 566.31 TO 566.43, or obtain a settlement in the
7 form of full payment of the arrearage or in periodic repayments
8 as is possible in the best interest of the recipient of support.

9 Sec. 26. (1) ~~Within~~ FOR A FRIEND OF THE COURT CASE,
10 WITHIN 2 business days after a new hire report is entered into
11 the state directory of new hires, as created under section 453A
12 of ~~part D of title IV of the social security act~~ TITLE IV-D,
13 42 U.S.C. 653a, or a payer's or parent's employer is otherwise
14 identified, the office shall, when appropriate, provide the new
15 employer with a notice of income withholding or a notice of the
16 order for dependent health care coverage, or both, on behalf of a
17 payer who is subject to income withholding or a parent or payer
18 who is required to provide dependent health care coverage.

19 (2) If an order for dependent health care coverage was
20 entered ~~before the effective date of the amendatory act that~~
21 ~~added this subsection~~ SEPTEMBER 30, 2001, the office shall, at
22 the time notice of the order is sent to the employer under
23 subsection (1), provide the payer or parent with instructions on
24 how to request a review or hearing to contest the availability of
25 dependent health care coverage at a reasonable cost.

26 (3) Notwithstanding subsection (2), if a parent fails to
27 obtain or maintain health care coverage for the parent's child as

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1 ordered by the court, the office of the friend of the court
2 shall, as applicable, do either of the following:

3 (a) Petition the court for an order to show cause why the
4 parent should not be held in contempt for failure to obtain or
5 maintain dependent health care coverage that is available at a
6 reasonable cost.

7 (b) Send notice of noncompliance to the parent. The notice
8 shall contain all of the following information:

9 (i) That the office will notify the parent's employer to
10 deduct premiums for, and to notify the insurer or plan adminis-
11 trator to enroll the child in, dependent health care coverage
12 unless the parent does either of the following within [~~14~~ 21] days
13 after mailing of the notice:

14 (A) Submits written proof to the friend of the court of the
15 child's enrollment in a health care coverage plan.

16 (B) Requests a hearing to determine the availability or rea-
17 sonable cost of the health care coverage.

18 (ii) That the order for dependent health care coverage will
19 be applied to current and subsequent employers and periods of
20 employment.

21 Enacting section 1. This amendatory act takes effect June
22 3, 2003.