

HOUSE BILL No. 4636

April 19, 2001, Introduced by Rep. Hart and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 3 (MCL 552.603), as amended by 1998 PA 334.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) Except as otherwise provided in this section, a support
4 order that is part of a judgment or is an order in a domestic
5 relations matter as defined in section 2 of the friend of the
6 court act, MCL 552.502, is a judgment on and after the date each
7 support payment is due, with the full force, effect, and attrib-
8 utes of a judgment of this state, and is not, on and after the
9 date it is due, subject to retroactive modification. Retroactive
10 modification of a support payment due under a support order is
11 permissible with respect to any period during which there is

1 pending a petition for modification, but only from the date that
2 notice of the petition was given to the payer or recipient of
3 support. THE CANCELLATION UNDER SECTION 5 OF A SUPPORT ARREARAGE
4 OWED UNDER A SUPPORT ORDER THAT IS TERMINATED AS PROVIDED IN
5 SECTION 5 IS A CORRECTION OF A MISTAKE AND NOT A RETROACTIVE
6 MODIFICATION.

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

10 (4) The office of the friend of the court shall make avail-
11 able to a payer or payee the forms and instructions described in
12 section 17a of the friend of the court act, MCL 552.517a.

13 (5) This section does not prohibit a court approved agree-
14 ment between the parties to retroactively modify a support
15 order. This section does not limit other enforcement remedies
16 available under this act or any other act.

17 (6) Every support order that is part of a judgment issued by
18 a court of this state or that is an order in a domestic relations
19 matter as defined in section 2 of the friend of the court act,
20 MCL 552.502, shall include all of the following:

21 (a) Substantially the following statement: "Except as oth-
22 erwise provided in section 3 of the support and parenting time
23 enforcement act, 1982 PA 295, MCL 552.603, a support order that
24 is part of a judgment or that is an order in a domestic relations
25 matter as defined in section 2 of the friend of the court act,
26 1982 PA 294, MCL 552.502, is a judgment on and after the date
27 each support payment is due, with the full force, effect, and

1 attributes of a judgment of this state, and is not, on and after
2 the date it is due, subject to retroactive modification. A sur-
3 charge will be added to support payments that are past due as
4 provided in section 3a of the support and parenting time enforce-
5 ment act, 1982 PA 295, MCL 552.603a."

6 (b) Notice informing the payer of the imposition of liens by
7 operation of law and that the payer's real and personal property
8 can be encumbered or seized if an arrearage accrues in an amount
9 greater than the amount of periodic support payments payable for
10 1 year under the payer's support order.

11 (c) A requirement that, within 21 days after the payer or
12 payee changes his or her residential or mailing address, that
13 person report the new address and his or her telephone number in
14 writing to the friend of the court.

15 (d) A requirement that both the payer and payee notify the
16 office of the friend of the court if he or she holds an occupa-
17 tional license and if he or she holds a driver's license.

18 (e) The name, address, and telephone number of the payer's
19 current source of income.

20 (f) A requirement that both the payer and payee inform the
21 office of the friend of the court of his or her social security
22 number and driver's license number. The requirement of this sub-
23 division to provide a social security number with the information
24 does not apply to a payer or payee who demonstrates he or she is
25 exempt under law from obtaining a social security number or to a
26 payer or payee who for religious convictions is exempt under law
27 from disclosure of his or her social security number under these

1 circumstances. The court shall inform the payer and payee of
2 this possible exemption.

3 (7) A support order shall not accrue interest.

4 Enacting section 1. This amendatory act does not take
5 effect unless Senate Bill No. ____ or House Bill No. 4635
6 (request no. 03253'01) of the 91st Legislature is enacted into
7 law.