

# HOUSE BILL No. 6012

May 7, 2002, Introduced by Reps. Patterson, Tabor, Hummel, DeRossett, Howell, Newell, Voorhees, Vander Veen, Palmer, Raczkowski, Vear, Caul, Julian, George, Bisbee, Jansen and Koetje and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending the title and sections 2, 3, 3a, 3b, 4, 5, 5a, 7, 7a,  
9, 10, 11, 13, 14, 15, 17, 19, 24, 24a, 25, 25b, 26, 26a, 26c,  
26d, 28, 30, 31, 32, 33, 37, 41, 42, 44, 45, and 48 (MCL 552.602,  
552.603, 552.603a, 552.603b, 552.604, 552.605, 552.605a, 552.607,  
552.607a, 552.609, 552.610, 552.611, 552.613, 552.614, 552.615,  
552.617, 552.619, 552.624, 552.624a, 552.625, 552.625b, 552.626,  
552.626a, 552.626c, 552.626d, 552.628, 552.630, 552.631, 552.632,  
552.633, 552.637, 552.641, 552.642, 552.644, 552.645, and  
552.648), the title and sections 3, 14, 26, and 26a as amended  
and sections 5 and 5a as added by 2001 PA 106, sections 2, 9, 37,  
and 48 as amended by 1999 PA 160, section 3a as amended by 1996  
PA 120, section 3b as added by 1996 PA 367, sections 4, 7, 11,  
13, 17, 19, 25, 28, 30, 33, 44, and 45 as amended and

sections 24a and 25b as added by 1998 PA 334, section 7a as added by 1996 PA 239, section 24 as added by 1985 PA 210, sections 26c and 26d as added by 1995 PA 236, sections 31 and 32 as amended by 2000 PA 442, and sections 41 and 42 as amended by 1996 PA 25.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 TITLE

2 An act to provide for and to supplement statutes that pro-  
3 vide for the provisions and enforcement of support, health care,  
4 and parenting time orders with respect to divorce, separate main-  
5 tenance, paternity, child custody and support, and spousal sup-  
6 port; to prescribe and authorize certain provisions of those  
7 orders; to prescribe the powers and duties of the circuit court  
8 and ~~friend of~~ the court FAMILY SERVICES OFFICE; to prescribe  
9 certain duties of certain employers and other sources of income;  
10 to provide for penalties and remedies; and to repeal acts and  
11 parts of acts.

12 Sec. 2. As used in this act:

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

14 (i) A demand deposit account.

15 (ii) A draft account.

16 (iii) A checking account.

17 (iv) A negotiable order of withdrawal account.

18 (v) A share account.

19 (vi) A savings account.

20 (vii) A time savings account.

21 (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, 88 Stat. 829.

(v) A pension or retirement plan.

(vi) An insurance policy.

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

(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) "COURT FAMILY SERVICES CASE" MEANS A DOMESTIC RELATIONS MATTER THAT A COURT FAMILY SERVICES OFFICE ESTABLISHES AS A COURT FAMILY SERVICES CASE AS REQUIRED UNDER SECTION 5A OF THE COURT FAMILY SERVICES OFFICE ACT, MCL 552.505A.

(F) "COURT FAMILY SERVICES OFFICE" OR "OFFICE" MEANS AN AGENCY CREATED IN SECTION 3 OF THE COURT FAMILY SERVICES OFFICE ACT, MCL 552.503.

(G) "COURT FAMILY SERVICES OFFICE ACT" MEANS 1982 PA 294, MCL 552.501 TO 552.535.

1           (H) ~~-(d)-~~ "Department" means the family independence  
2 agency.

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

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

8           (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO  
9 552.459.

10          (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO  
11 722.31.

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

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

14          (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,  
15 1952 PA 8, MCL 780.151 TO 780.183.

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

18          (J) ~~-(e)-~~ "Driver's license" means license as that term is  
19 defined in section 25 of the Michigan vehicle code, 1949 PA 300,  
20 MCL 257.25.

21          (K) ~~-(f)-~~ "Employer" means an individual, sole proprietor-  
22 ship, partnership, association, or private or public corporation,  
23 the United States or a federal agency, this state or a political  
24 subdivision of this state, another state or a political subdivi-  
25 sion of another state, or another legal entity that hires and  
26 pays an individual for his or her services.

1       (l) ~~(g)~~ "Financial asset" means a deposit, account, money  
2 market fund, stock, bond, or similar instrument.

3       (M) ~~(h)~~ "Financial institution" means any of the  
4 following:

5       (i) A state or national bank.

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

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

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

10       (v) An insurance company.

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

13       (A) A mutual fund account.

14       (B) A securities brokerage account.

15       (C) A money market account.

16       (D) A retail investment account.

17       (vii) An entity regulated by the securities and exchange  
18 commission that collects ~~funds~~ MONEY from the public.

19       (viii) An entity that is a member of the national associa-  
20 tion of securities dealers and that collects funds from the  
21 public.

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

23       ~~(i) "Friend of the court act" means 1982 PA 294,~~  
24 ~~MCL 552.501 to 552.535.~~

25       (N) ~~(j)~~ "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 and successor employers.

(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) "IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PERFORMING THE FUNCTIONS UNDER PART D OF TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655, 656 TO 660, AND 663 TO 669b, AND INCLUDES A PERSON PERFORMING THOSE FUNCTIONS

1 UNDER CONTRACT INCLUDING A COURT FAMILY SERVICES OFFICE OR A  
2 PROSECUTING ATTORNEY.

3 (Q) ~~(I)~~ "Medical assistance" means medical assistance as  
4 established under title XIX of the social security act, chapter  
5 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6  
6 ~~—~~ and 1396r-8 to 1396v.

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

13 (S) ~~(n)~~ "Office of child support" means the office of  
14 child support established in section 2 of the office of child  
15 support act, 1971 PA 174, MCL 400.232.

16 ~~(o) "Office of the friend of the court" means an agency~~  
17 ~~created in section 3 of the friend of the court act,~~  
18 ~~MCL 552.503.~~

19 (T) ~~(p)~~ "Order of income withholding" means an order  
20 entered by the circuit court providing for the withholding of a  
21 payer's income to enforce a support order under this act.

22 (U) ~~(q)~~ "Payer" means an individual who is ordered by the  
23 circuit court to pay support.

24 (V) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
25 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

26 (W) ~~(r)~~ "Plan administrator" means that term as used in  
27 relation to a group health plan under section 609 of part 6 of

1 subtitle B of title I of the employee retirement income security  
2 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health  
3 care coverage plan of the individual who is responsible for pro-  
4 viding a child with health care coverage is subject to that act.

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

9 (Y) ~~-(t)-~~ "Recipient of support" means the following:

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

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

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

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

24 (AA) ~~-(v)-~~ "Referee" means ~~a person~~ AN INDIVIDUAL who is  
25 designated as a referee under the friend of the court act.



1 (BB) ~~(w)~~ "Source of income" means an employer or successor  
2 employer or another individual or entity that owes or will owe  
3 income to the payer.

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

7 (DD) "STATE COURT FAMILY SERVICES OFFICE BUREAU" IS THE  
8 STATE COURT FAMILY SERVICES OFFICE BUREAU CREATED IN THE STATE  
9 COURT ADMINISTRATIVE OFFICE IN SECTION 19 OF THE COURT FAMILY  
10 SERVICES OFFICE ACT, MCL 552.519.

11 (EE) ~~(y)~~ "Support" means all of the following:

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

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

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

24 (FF) ~~(z)~~ "Support order" means an order entered by the  
25 circuit court for the payment of support, whether or not a sum  
26 certain.

1 (GG) ~~(aa)~~ "Work activity" means any of the following:

2 (i) Unsubsidized employment.

3 (ii) Subsidized private sector employment.

4 (iii) Subsidized public sector employment.

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

8 (v) On-the-job training.

9 (vi) Job search and job readiness assistance.

10 (vii) Community service programs.

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

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

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

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

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

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

25 (2) Except as otherwise provided in this section, a support  
26 order that is part of a judgment or is an order in a domestic  
27 relations matter ~~as defined in section 2 of the friend of the~~

1 ~~court act, MCL 552.502,~~ is a judgment on and after the date each  
2 support payment is due, with the full force, effect, and attrib-  
3 utes of a judgment of this state, and is not, on and after the  
4 date it is due, subject to retroactive modification. Retroactive  
5 modification of a support payment due under a support order is  
6 permissible with respect to a period during which there is pend-  
7 ing a petition for modification, but only from the date that  
8 notice of the petition was given to the payer or recipient of  
9 support.

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

13 (4) The ~~office of the friend of the~~ court FAMILY SERVICES  
14 OFFICE shall make available to a payer or payee the forms and  
15 instructions described in section ~~17a of the friend of the court~~  
16 ~~act, MCL 552.517a~~ 5 OF THE COURT FAMILY SERVICE OFFICE ACT,  
17 MCL 552.505.

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

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

26 (a) Substantially the following statement: "Except as  
27 otherwise provided in section 3 of the support and parenting time

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

11 (b) Notice informing the payer of the imposition of liens by  
12 operation of law and that the payer's real and personal property  
13 can be encumbered or seized if an arrearage accrues in an amount  
14 greater than the amount of periodic support payments payable for  
15 1 year under the payer's support order.

16 (7) EACH SUPPORT ORDER THAT IS PART OF A JUDGMENT ISSUED BY  
17 A COURT OF THIS STATE OR THAT IS AN ORDER IN A COURT FAMILY SERV-  
18 ICES CASE SHALL INCLUDE ALL OF THE FOLLOWING:

19 (A) ~~(c)~~ A requirement that, within 21 days after the payer  
20 or payee changes his or her residential or mailing address, that  
21 person report the new address and his or her telephone number in  
22 writing to ~~the friend of~~ the court FAMILY SERVICES OFFICE.

23 (B) ~~(d)~~ A requirement that both the payer and payee notify  
24 ~~the office of the friend of~~ the court FAMILY SERVICES OFFICE if  
25 he or she holds an occupational license and if he or she holds a  
26 driver's license.

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

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

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

19 (8) ~~-(7)-~~ A support order shall not accrue interest.

20 Sec. 3a. (1) ~~As~~ FOR A COURT FAMILY SERVICES CASE, AS of  
21 January 1 and July 1 of each year, a surcharge calculated at an  
22 8% annual rate shall be added to support payments that are past  
23 due as of those dates. The amount shown as due and owing on the  
24 records ~~of the friend~~ of the court FAMILY SERVICES OFFICE as of  
25 January 1 and July 1 of each year shall be reduced by an amount  
26 equal to 2 weeks' support for purposes of assessing the  
27 surcharge. A surcharge under this subsection shall not be added

1 to support ordered under the paternity act, ~~Act No. 205 of the~~  
2 ~~Public Acts of 1956, being sections 722.711 to 722.730 of the~~  
3 ~~Michigan Compiled Laws~~ 1956 PA 205, MCL 722.711 TO 722.730, for  
4 the time period to the date of the support order.

5 (2) Upon receiving money for payment of support, ~~the friend~~  
6 ~~of~~ the court FAMILY SERVICES OFFICE shall apply the amount  
7 received first to current support and then to any support arrear-  
8 age including any surcharges imposed under this section.

9 Sec. 3b. If an individual who is required by the court to  
10 report his or her income to the court or ~~the office of the~~  
11 ~~friend of~~ the court FAMILY SERVICES OFFICE knowingly and inten-  
12 tionally fails to report, refuses to report, or knowingly misrep-  
13 resents that income, after notice and an opportunity for a hear-  
14 ing, the court may retroactively correct the amount of support.

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

18 (2) Each support order entered by the circuit court on or  
19 before July 1, 1983 shall be considered to provide for an order  
20 of income withholding by operation of law, and income withholding  
21 shall be implemented under the same circumstances and enforced in  
22 the same manner as in the case of orders of income withholding  
23 ~~provided for pursuant to~~ REQUIRED BY subsection (1). The  
24 ~~office of the friend of the~~ court FAMILY SERVICES OFFICE shall  
25 send notice of the provisions of this subsection by ordinary mail  
26 to each payer under a support order entered by the circuit court  
27 on or before July 1, 1983 to whom this subsection applies.

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

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

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

12           (ii) Proof of timely payment of previously ordered support,  
13 if applicable.

14           (iii) ~~An~~ FOR A COURT FAMILY SERVICES CASE, AN agreement by  
15 the payer that he or she shall keep ~~the office of the friend of~~  
16 the court FAMILY SERVICES OFFICE informed of both of the  
17 following:

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

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

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

4 (i) The order of income withholding shall not take effect  
5 immediately.

6 (ii) An alternative payment arrangement.

7 (iii) ~~That~~ FOR A COURT FAMILY SERVICES CASE, THAT the  
8 payer shall keep ~~the office of the friend of~~ the court FAMILY  
9 SERVICES OFFICE informed of both of the following:

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

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

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

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



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

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

6           Sec. 5. (1) If a court orders the payment of child support  
7 under this or another act of the state, this section applies to  
8 that order.

9           (2) Except as otherwise provided in this section, the court  
10 shall order child support in an amount determined by application  
11 of the child support formula developed by the state ~~friend of~~  
12 ~~the~~ court FAMILY SERVICES OFFICE bureau as required in section  
13 19 of ~~the friend of~~ the court FAMILY SERVICES OFFICE act,  
14 MCL 552.519. The court may enter an order that deviates from the  
15 formula if the court determines from the facts of the case that  
16 application of the child support formula would be unjust or inap-  
17 propriate and sets forth in writing or on the record all of the  
18 following:

19           (a) The child support amount determined by application of  
20 the child support formula.

21           (b) How the child support order deviates from the child sup-  
22 port formula.

23           (c) The value of property or other support awarded instead  
24 of the payment of child support, if applicable.

25           (d) The reasons why application of the child support formula  
26 would be unjust or inappropriate in the case.

1       (3) Subsection (2) does not prohibit the court from entering  
2 a child support order that is agreed to by the parties and that  
3 deviates from the child support formula, if the requirements of  
4 subsection (2) are met.

5       Sec. 5a. (1) ~~—A—~~ FOR A COURT FAMILY SERVICES CASE, A child  
6 support order entered or modified by the court shall provide that  
7 each party shall keep ~~the office of the friend of~~ the court  
8 FAMILY SERVICES OFFICE informed of both of the following:

9       (a) The name and address of his or her current source of  
10 income.

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

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

1 section 5b, for the benefit of the parties' children who are not  
2 minor children, if available at a reasonable cost.

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

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

17 (a) The amount of the arrearage.

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

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

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

26 (e) That the payer may request a hearing within 14 days  
27 after the date of the notice to contest the withholding, but only

1 on the grounds that the withholding is not proper because of a  
2 mistake of fact concerning the amount of current or overdue sup-  
3 port or the identity of the payer.

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

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

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

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

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

25 (5) If the hearing provided under subsection (4) is held  
26 before a referee, either party may request a de novo hearing as

1 provided in section ~~7(5) of the friend~~ 7 of the court FAMILY  
2 SERVICES OFFICE act, MCL 552.507.

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

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

12 Sec. 7a. The ~~friend of the~~ court FAMILY SERVICES  
13 ADMINISTRATOR shall not consider a payer to have an arrearage if  
14 the payer produces documentary evidence that money has been with-  
15 held from the payer's income in an amount equal to or greater  
16 than the amount required under the payer's support order. This  
17 documentary evidence includes, but is not limited to, pay stubs,  
18 wage statements, or other written income information produced by  
19 the payer's employer.

20 Sec. 9. A notice of income withholding entered under this  
21 act shall be served on sources of income as provided in section  
22 11. The notice shall direct sources of income to withhold from  
23 income due the payer an amount sufficient to meet the payments  
24 ordered for support and service fees, and to defray arrearages in  
25 payments and service fees due at the time the order of income  
26 withholding takes effect. The notice shall also direct that the  
27 amount withheld for support, fees, and health care coverage

1 premiums shall not exceed the amount allowed under section 303(b)  
2 of title III of the consumer credit protection act, Public Law  
3 90-321, 15 U.S.C. 1673. The notice shall contain a statement of  
4 the requirements of sections 11, 11a, 12, 13, 14, and 23. The  
5 notice shall also direct that income withheld under the notice  
6 for support and fees shall be paid to ~~the office of the friend~~  
7 ~~of~~ the court FAMILY SERVICES OFFICE or to the state disbursement  
8 unit, as appropriate, within 3 days after the date of the  
9 withholding.

10 Sec. 10. ~~The~~ FOR A COURT FAMILY SERVICES CASE, THE payer  
11 shall give to ~~the office of the friend of~~ the court FAMILY  
12 SERVICES OFFICE, at the time the order of income withholding is  
13 issued, the name and address of his or her employer. The payer  
14 shall immediately give to ~~the office of the friend of~~ the court  
15 FAMILY SERVICES OFFICE notice of the name and address of any sub-  
16 sequent employer.

17 Sec. 11. An order of income withholding entered under this  
18 act is binding upon a source of income 7 days after service upon  
19 that source of income of a notice of the order of income with-  
20 holding by ordinary mail or by electronic means as agreed by the  
21 source of income and ~~the office of the friend of~~ the court  
22 FAMILY SERVICES OFFICE. The order of income withholding remains  
23 in effect until further order of the court. An order of income  
24 withholding has priority over all other legal process under state  
25 law against the same income.

26 Sec. 13. The court may find a source of income in contempt  
27 and fine the source of income if the source of income is served

1 with a notice of income withholding and fails to comply with the  
2 notice or to pay withheld amounts to ~~the friend of~~ the court  
3 FAMILY SERVICES OFFICE after the order becomes binding under sec-  
4 tion 11.

5       Sec. 14. (1) A source of income that has been served with a  
6 notice of income withholding or with an order or notice of an  
7 order for dependent health care coverage shall notify the appro-  
8 priate ~~office of the friend of the~~ court FAMILY SERVICES  
9 ADMINISTRATOR if the parent's income from that source or depen-  
10 dent health care coverage is terminated.

11       (2) If the source of income is an employer, the source of  
12 income shall promptly notify the appropriate ~~office of the~~  
13 ~~friend of the~~ court FAMILY SERVICES OFFICE when the payer's  
14 employment is terminated or interrupted for a period of 14 or  
15 more consecutive days, and shall provide the payer's last known  
16 address and the name and address of the payer's new employer or  
17 other source of income, if known. The ~~office of the friend of~~  
18 ~~the~~ court FAMILY SERVICES OFFICE shall immediately serve the  
19 payer's new employer or other source of income with a notice of  
20 income withholding and, if the payer's source of income is an  
21 employer, with a notice of the order for dependent health care  
22 coverage.

23       Sec. 15. The payer and any recipient of support shall imme-  
24 diately give to ~~the office of the friend of~~ the court FAMILY  
25 SERVICES OFFICE notice of any change in circumstances ~~which~~  
26 THAT would affect an order of income withholding or the  
27 distribution of money received under that order.

1       Sec. 17. ~~If~~ FOR A COURT FAMILY SERVICES CASE, IF the  
2 court orders a modification in support and an order of income  
3 withholding has been entered under this act, ~~the office of the~~  
4 ~~friend of~~ the court FAMILY SERVICES OFFICE shall give to a  
5 source of income to which notice of income withholding was sent  
6 under section 11 a notice of the modification by ordinary mail or  
7 by electronic means as agreed by the source of income and ~~the~~  
8 ~~office of the friend of~~ the court FAMILY SERVICES OFFICE. The  
9 amount assigned or withheld shall be changed to conform with the  
10 court ordered modification 7 days after receipt of the notice of  
11 modification.

12       Sec. 19. (1) If the court awards to the payer sole custody  
13 of a child for whom the payer has been previously ordered to pay  
14 support and a previously accumulated arrearage under the support  
15 order for that child does not exist, the court shall modify any  
16 existing support order to exclude support ordered to be paid by  
17 that payer for that particular child. If an existing support  
18 order does not provide for support to any other child of whom the  
19 payer does not have custody, for support to a former spouse, or  
20 for payments of confinement or pregnancy expenses, the court  
21 shall terminate the order of income withholding as soon as any  
22 previously accumulated arrearage has been paid.

23       (2) The court shall suspend or terminate an order of income  
24 withholding under any of the following circumstances:

25       (a) The location of the child and custodial parent cannot be  
26 determined by ~~the friend of~~ the court FAMILY SERVICES OFFICE  
27 for a period of 90 days or more.



1 (b) The court determines that there is no further support  
2 obligation.

3 (c) When otherwise determined by the court, upon a showing  
4 of good cause, and if the court determines that such suspension  
5 or termination is not contrary to the best interests of the  
6 child. In making a determination under this subdivision, the  
7 court may consider the previous payment record of the payer, evi-  
8 dence of the payer's intent to make regular and timely support  
9 payments, and any other factors considered relevant by the  
10 court. However, the payment of arrearages under the support  
11 order shall not be the sole reason for termination of an order of  
12 income withholding.

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

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

17 (ii) An alternative payment arrangement.

18 (iii) ~~The~~ FOR A COURT FAMILY SERVICES CASE, THE payer  
19 shall keep ~~the office of the friend of~~ the court FAMILY SERV-  
20 ICES OFFICE informed of both of the following:

21 (A) The name and address of his or her current source of  
22 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 insurance company, health care organization, or  
26 health maintenance organization; the policy, certificate, or  
27 contract number; and names and birth dates of the persons for

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

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

6 (i) There is a support arrearage.

7 (ii) An order of income withholding was previously suspended  
8 or terminated and subsequently implemented due to the payer's  
9 failure to pay support.

10 (4) If a written agreement is entered into ~~pursuant to~~  
11 UNDER subsection (2)(d), the order of income withholding shall  
12 take effect when ~~the fixed amount of arrearage determined under~~  
13 ~~section 11(1) of the friend of the court act, MCL 552.511, is~~  
14 ~~reached~~ AN ARREARAGE IN SUPPORT PAYMENTS AS AGREED TO UNDER THE  
15 WRITTEN AGREEMENT REACHES THE ARREARAGE AMOUNT THAT WOULD REQUIRE  
16 THE INITIATION OF 1 OR MORE SUPPORT ENFORCEMENT MEASURES AS PRO-  
17 VIDED IN SECTION 11 IF THE CASE WERE A COURT FAMILY SERVICES  
18 CASE.

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

22 (6) The ~~office of the friend of the~~ court FAMILY SERVICES  
23 OFFICE shall promptly refund money that has been improperly  
24 withheld.

25 Sec. 24. ~~If~~ FOR A COURT FAMILY SERVICES CASE, IF a sup-  
26 port arrearage has accrued, ~~the office of the friend of the~~  
27 court FAMILY SERVICES OFFICE may request the office of child

1 support to initiate offset proceedings against the delinquent  
2 payer's state tax refunds and federal income tax refunds as pro-  
3 vided in section 3a of the office of child support act, ~~Act~~  
4 ~~No. 174 of the Public Acts of 1971, being section 400.233a of the~~  
5 ~~Michigan Compiled Laws~~ 1971 PA 174, MCL 400.233A.

6 Sec. 24a. ~~If~~ FOR A COURT FAMILY SERVICES CASE, IF a sup-  
7 port arrearage has accrued and there is reason to believe the  
8 payer transferred title or ownership of real or personal property  
9 without fair consideration, ~~the office of the friend of~~ the  
10 court FAMILY SERVICES OFFICE shall initiate proceedings to have  
11 the transfer set aside as provided in the uniform fraudulent  
12 ~~conveyance act, 1919 PA 310, MCL 566.11 to 566.23~~ TRANSFER ACT,  
13 1998 PA 434, MCL 566.31 TO 566.43, or obtain a settlement in the  
14 form of full payment of the arrearage or in periodic repayments  
15 as is possible in the best interest of the recipient of support.

16 Sec. 25. In addition to providing remedies or imposing pen-  
17 alties otherwise available under this act or other law for the  
18 enforcement of support orders, the court, upon petition by ~~the~~  
19 ~~office of the friend of~~ the court FAMILY SERVICES OFFICE or  
20 recipient of support and after notice to the payer and an oppor-  
21 tunity for a hearing, may require a payer to provide sufficient  
22 bond, security, or other guarantee to secure the payment of sup-  
23 port that is past due, or due in the future, or both. Upon  
24 default in the payment of an amount secured by the bond, the  
25 court, after notice to the payer and sureties, if any, and an  
26 opportunity for a hearing, may render judgment against the payer  
27 and sureties for the amount of unpaid support. Upon default in

1 the payment of the amount awarded in the judgment, the court may  
2 order execution of the judgment; appoint a receiver of the real  
3 and personal property of the payer and order the property and its  
4 income to be applied to the amount of the judgment; or take any  
5 other appropriate action to enforce the judgment.

6 Sec. 25b. (1) ~~The office of the friend of the~~ court  
7 FAMILY SERVICES OFFICE may perfect a lien created under  
8 section 25a upon the real or personal property of the payer when  
9 an arrearage has accrued in an amount that exceeds the amount of  
10 periodic support payments payable for 1 year under the payer's  
11 support order.

12 (2) Before a lien is perfected in a case in which a support  
13 order was issued before ~~the effective date of this section, the~~  
14 ~~office of the friend of the court~~ AUGUST 10, 1998, THE COURT  
15 FAMILY SERVICES OFFICE shall send a notice to the payer subject  
16 to the support order informing the payer of the imposition of  
17 liens by operation of law and that the payer's real and personal  
18 property can be encumbered or seized if an arrearage accrues in  
19 an amount that exceeds the amount of periodic support payments  
20 payable for 1 year under the payer's support order.

21 (3) If the arrearage under subsection (2) is reached and  
22 ~~the office of the friend of~~ the court FAMILY SERVICES OFFICE  
23 has determined that the delinquent payer holds real or personal  
24 property, ~~the office of the friend of~~ the court FAMILY SERVICES  
25 OFFICE may perfect the lien.

1       (4) The ~~office of the friend of the~~ court FAMILY SERVICES  
2 OFFICE shall provide a copy of the notice under subsection (2) to  
3 each of the following:

4       (a) A financial institution doing business in this state if  
5 the payer has 1 or more accounts at that financial institution.

6       (b) The appropriate agency of another state if the payer  
7 holds assets in that other state.

8       (5) The ~~office of the friend of the~~ court FAMILY SERVICES  
9 OFFICE may provide notice of the lien and subsequent notices by  
10 paper or automated means.

11       (6) To perfect a lien created by section 25a, ~~the office of~~  
12 ~~the friend of~~ the court FAMILY SERVICES OFFICE must record the  
13 lien with the register of deeds in the county where the real  
14 property is located, or for personal property, in the appropriate  
15 state or county office. A lien recorded as provided in this sub-  
16 section takes effect on the date and at the time of that  
17 recording.

18       (7) The ~~office of the friend of the~~ court FAMILY SERVICES  
19 OFFICE shall notify the payer when ~~the office of the friend of~~  
20 the court FAMILY SERVICES OFFICE has perfected a lien against  
21 real or personal property of the payer. The notice shall be sent  
22 by ordinary mail to the payer's last known address. A copy of  
23 the notice shall be sent by ordinary mail to the recipient of  
24 support. The notice shall include all of the following:

25       (a) The amount of the arrearage.

26       (b) That a lien is in effect on the real or personal  
27 property of the payer.

1           (c) That the property is subject to seizure unless the payer  
2 responds by paying the arrearage or requesting a review within  
3 21 days after the date of mailing the notice.

4           (d) That, at the review, the payer may object to the lien  
5 and proposed action based on a mistake of fact concerning the  
6 overdue support amount or the payer's identity.

7           (e) That, if the payer believes that the amount of support  
8 ordered should be modified because of a change in circumstances,  
9 the payer may file a petition with the court for modification of  
10 the support order.

11          (8) Within 21 days after the date on which the notice  
12 described in subsection (7) is mailed to a payer, the payer may  
13 request a review on the lien and the proposed action. If the  
14 payer requests a review under this subsection, ~~the office of the~~  
15 ~~friend of~~ the court FAMILY SERVICES OFFICE shall schedule the  
16 review within 14 days after the date of the request.

17          (9) If, at the review, the payer establishes that the lien  
18 is not proper because of a mistake of fact, ~~the office of the~~  
19 ~~friend of~~ the court FAMILY SERVICES OFFICE shall terminate the  
20 lien and, within 7 days, notify the applicable entity that the  
21 lien is terminated.

22          (10) If the payer fails to request a review, to appear for a  
23 review, or to establish a mistake of fact, ~~the office of the~~  
24 ~~friend of~~ the court FAMILY SERVICES OFFICE may collect the  
25 arrearage by levy upon any property belonging to the payer as  
26 provided in this section. The ~~office of the friend of the~~

1 court FAMILY SERVICES OFFICE shall notify the payer at the review  
2 or by written notice of its intent to levy.

3 (11) To enforce a lien under this section by levying against  
4 an account at a financial institution, ~~the office of the friend~~  
5 ~~of~~ the court FAMILY SERVICES OFFICE shall provide notice in the  
6 manner provided by law for levying against an account at a finan-  
7 cial institution.

8 (12) To enforce a lien on real property or personal property  
9 other than an account at a financial institution, the office may  
10 order the sale of real property in the manner provided by law for  
11 the foreclosure of mortgage liens; order execution of the judg-  
12 ment; appoint a receiver of the real and personal property  
13 subject to the lien and order the property and its income to be  
14 applied to the amount of the judgment; or take any other appro-  
15 priate action to enforce the judgment. The office shall mail a  
16 copy of orders under this subsection to the payer and recipient  
17 of support at his or her last known address.

18 (13) A lien created under section 25a is subordinate to any  
19 prior perfected lien.

20 (14) A payer may request that ~~the office of the friend of~~  
21 the court FAMILY SERVICES OFFICE terminate a lien against the  
22 real and personal property of the payer on the basis that the  
23 payer is no longer in arrears. If the payer is no longer in  
24 arrears, ~~the office of the friend of~~ the court FAMILY SERVICES  
25 OFFICE shall terminate the lien ~~pursuant to~~ AS PROVIDED BY  
26 law.

1       (15) An entity is not liable under any federal or state law  
2 to any person for any disclosure of information to the office or  
3 the designee of the office under this section or for any other  
4 action taken in good faith to comply with the requirements of  
5 this section.

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

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

23       (3) Notwithstanding subsection (2), if a parent fails to  
24 obtain or maintain health care coverage for the parent's child as  
25 ordered by the court, ~~the office of the friend of~~ the court  
26 FAMILY SERVICES OFFICE shall, as applicable, do either of the  
27 following:



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

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

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

12           (A) Submits written proof to ~~the friend of~~ the court  
13 FAMILY SERVICES OFFICE of the child's enrollment in a health care  
14 coverage plan.

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

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

20           Sec. 26a. (1) If a parent is eligible for health care cov-  
21 erage through an employer doing business in the state, within 20  
22 business days after the date of an order or notice of an order  
23 for dependent health care coverage, the employer shall notify its  
24 insurer or plan administrator and take other action as required  
25 to enroll that parent's child in its health care coverage plan or  
26 plans, without regard to any enrollment period restrictions, when  
27 all of the following exist:

1 (a) The parent is required by a court or administrative  
2 order to provide health care coverage for the parent's child.

3 (b) The child is eligible for coverage under the plan. A  
4 child cannot be denied enrollment or coverage on the grounds that  
5 the child was born out of wedlock, is not claimed as a dependent  
6 on the parent's federal income tax return, does not reside with  
7 the parent or in the insurer's service area, or is eligible for  
8 or receiving medical assistance.

9 (c) The employee applies for coverage for the child or, if  
10 the employee fails to apply, ~~the friend of~~ the court FAMILY  
11 SERVICES OFFICE or child's other parent through ~~the friend of~~  
12 the court FAMILY SERVICES OFFICE applies for coverage for the  
13 child. Application by ~~the friend of~~ the court FAMILY SERVICES  
14 OFFICE shall be in the form of the order for dependent health  
15 care coverage or a notice of the order for dependent health care  
16 coverage.

17 (2) If coverage is available through the parent's employer,  
18 the employer shall withhold from the employee's income the  
19 employee's share, if any, of premiums for dependent health care  
20 coverage not to exceed the amount allowed under section 8 and pay  
21 that amount to the insurer or plan administrator.

22 (3) An employer shall not disenroll or eliminate health care  
23 coverage of a child eligible for coverage and enrolled under sub-  
24 section (1) unless the employer is provided with satisfactory  
25 written evidence that 1 of the following applies:

26 (a) The court or administrative order requiring health care  
27 coverage is no longer in effect.

1 (b) The child is or will be enrolled in comparable health  
2 care coverage that takes effect not later than the effective date  
3 of the disenrollment from the existing plan.

4 (c) The employer has eliminated dependent health care cover-  
5 age for all of its employees or members.

6 Sec. 26c. If the court modifies an order for health care  
7 coverage that may affect the provision of dependent health care  
8 coverage, ~~the office of the friend of~~ the court FAMILY SERVICES  
9 OFFICE shall send a notice of the modification to the employer,  
10 insurer, or plan administrator.

11 Sec. 26d. ~~The office of the friend of the~~ court FAMILY  
12 SERVICES OFFICE shall notify the state department of social serv-  
13 ices if the office identifies health care coverage that has been  
14 obtained or is being maintained by a parent for a child who is a  
15 recipient of public assistance or medical assistance. The notice  
16 shall include available information on the name and address of  
17 the insurance company, health care organization, or health main-  
18 tenance organization; the policy, certificate, or contract  
19 number; the effective date of the coverage; the name and birth  
20 date of the individual for whose benefit the coverage is main-  
21 tained; and the name and social security number of the  
22 policyholder.

23 Sec. 28. (1) ~~The office of the friend of the court~~ FOR A  
24 COURT FAMILY SERVICES CASE, A COURT FAMILY SERVICES OFFICE may  
25 petition the court for an order to suspend a payer's occupational  
26 license, driver's license, or recreational or sporting license,

1 or any combination of the licenses, if all of the following  
2 circumstances are true:

3 (a) An arrearage has accrued in an amount greater than the  
4 amount of periodic support payments payable for 6 months under  
5 the payer's support order.

6 (b) The payer holds an occupational license, driver's  
7 license, or recreational or sporting license or the payer's occu-  
8 pation requires an occupational license.

9 (c) An order of income withholding is not applicable or has  
10 been unsuccessful in assuring regular payments on the support  
11 obligation and regular payments on the arrearage.

12 (2) ~~An office of the friend of the court~~ A COURT FAMILY  
13 SERVICES OFFICE shall not file a petition as authorized under  
14 subsection (1) unless the office sends the payer a notice that  
15 includes all of the following information:

16 (a) The amount of the arrearage.

17 (b) That the payer's occupational license, driver's license,  
18 or recreational or sporting license, or any combination of the  
19 licenses, may be subject to an order of suspension.

20 (c) That the suspension order will be entered and sent to  
21 the licensing agency unless the payer responds by paying the  
22 arrearage or requesting a hearing within 21 days after the date  
23 of mailing the notice.

24 (d) That, at the hearing, the payer may do either of the  
25 following:

1           (i) Object to the proposed suspension based on a mistake of  
2 fact concerning the overdue support amount or the payer's  
3 identity.

4           (ii) Suggest to the court a schedule for the payment of the  
5 arrearage.

6           (e) That, if the payer believes that the amount of support  
7 ordered should be modified due to a change in circumstances, the  
8 payer may file a petition with the court for modification of the  
9 support order.

10          Sec. 30. (1) If the court orders a suspension of an occupa-  
11 tional license, driver's license, or recreational or sporting  
12 license, or any combination of the licenses, under section 29,  
13 33, 35, or 45, the order shall indicate that the licensing agency  
14 shall suspend the license within 7 business days after receipt of  
15 the suspension order. The ~~office of the friend of the~~ court  
16 FAMILY SERVICES OFFICE shall send a copy of the suspension order  
17 to the licensing agency. If the payer is the subject of a sus-  
18 pension order under section 29 and has failed to respond in any  
19 manner to the notice given under section 28, ~~the office of the~~  
20 ~~friend of~~ the court FAMILY SERVICES OFFICE shall not send the  
21 suspension order to the licensing agency until at least 14 days  
22 after the date the office first attempts service of a copy of the  
23 order on the payer by personal service or by registered or certi-  
24 fied mail, return receipt requested, with delivery restricted to  
25 the payer.

26          (2) After entry of a suspension order under section 29, a  
27 payer may agree to and the court may order a schedule for the

1 payment of the arrearage. If the court orders a schedule for  
2 payment of the arrearage, the court shall enter an order rescind-  
3 ing the suspension order that is effective as provided in section  
4 4 of the regulated occupation support enforcement act, 1996  
5 PA 236, MCL 338.3434, section 321c of the Michigan vehicle code,  
6 1949 PA 300, MCL 257.321c, or section 43559 of the natural  
7 resources and environmental protection act, 1994 PA 451,  
8 MCL 324.43559. If a suspension order has been sent, within 7  
9 business days after entry of the order rescinding the suspension  
10 order, ~~the office of the friend of~~ the court FAMILY SERVICES  
11 OFFICE shall send a copy of the order rescinding the suspension  
12 order to the licensing agency.

13       Sec. 31. (1) If a person is ordered to pay support under a  
14 support order and fails or refuses to obey and perform the order,  
15 and if an order of income withholding is inapplicable or unsuc-  
16 cessful, a recipient of support or ~~the office of the friend of~~  
17 the court FAMILY SERVICES OFFICE may commence a civil contempt  
18 proceeding by filing in the circuit court a petition for an order  
19 to show cause why the delinquent payer should not be held in  
20 contempt. If the payer fails to appear in response to an order  
21 to show cause, the court may issue a bench warrant requiring that  
22 the payer be brought before the court without unnecessary delay  
23 to answer and plead to that neglect or refusal.

24       (2) In a bench warrant issued under this section, the court  
25 shall require that, upon arrest, unless the payer deposits a bond  
26 or cash in the manner required by section 32, the payer shall  
27 remain in custody until the time of the hearing. Except as

1 otherwise provided in this section, the bond or cash amount shall  
 2 be set at not less than \$500.00 or 25% of the arrearage, which-  
 3 ever is greater. At its own discretion, the court may add to the  
 4 amount of the required deposit the amount of the costs the court  
 5 may require under subsection (3).

6 (3) If the court issues a bench warrant under this section,  
 7 except for good cause shown on the record, the court shall order  
 8 the payer to pay the costs related to the hearing, issuance of  
 9 the warrant, arrest, and further hearings. Those costs and costs  
 10 ordered for failure to appear under sections 32 and 44 shall be  
 11 transmitted to the county treasurer for distribution as required  
 12 in section 2530 of the revised judicature act of 1961, 1961  
 13 PA 236, MCL 600.2530.

14 Sec. 32. (1) If a payer arrested under a bench warrant  
 15 issued under section 31 cannot be brought before the court within  
 16 24 hours, the payer may recognize for his or her appearance by  
 17 leaving with the sheriff or deputy sheriff in charge of the  
 18 county jail a bond or cash in the amount stated on the bench  
 19 warrant.

20 (2) The officer receiving a bond or cash under subsection  
 21 (1) shall give to the arrested payer a receipt for the bond or  
 22 cash on a form as follows:

23 Date\_\_\_\_\_

24 Received from \_\_\_\_\_ a bond or cash in the amount  
 25 of \_\_\_\_\_ dollars to assure the appearance of

26 \_\_\_\_\_ before \_\_\_\_\_ circuit court judge

27 in the county of \_\_\_\_\_, at \_\_\_\_\_ on the \_\_\_\_\_

1 day of \_\_\_\_\_, ~~19~~ 20\_\_, to respond to an order to show  
 2 cause why he or she should not be held in contempt for failure or  
 3 refusal to obey or perform a support order. If the payer fails  
 4 to appear at the time and place indicated above, fails to submit  
 5 to the jurisdiction of the court, and fails to abide by an order  
 6 of the court, the bond or cash deposited shall be transmitted to  
 7 ~~the friend of~~ the court FAMILY SERVICES OFFICE or to the state  
 8 disbursement unit for payment of the arrearage to the recipient  
 9 of support and of costs to the court. By depositing the bond or  
 10 cash with the officer and accepting this receipt, the recipient  
 11 of this receipt waives a claim to the money under the bond or to  
 12 the cash following its transmittal to ~~the friend of~~ the court  
 13 FAMILY SERVICES OFFICE or to the SDU.

14

15

\_\_\_\_\_  
 Officer: \_\_\_\_\_ Dept.: \_\_\_\_\_

16

17

18

(3) The officer receiving the bond or cash shall in turn  
 deposit the bond or cash received under this section with the  
 clerk of the court that issued the bench warrant.

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(4) On the basis of the hearing on the order to show cause,  
 the court by order shall determine how much of the bond or cash  
 deposited under this section is to be transmitted to ~~the friend~~  
~~of~~ the court FAMILY SERVICES OFFICE or to the SDU for payment to  
 1 or more recipients of support and shall return the balance, if  
 any, to the payer.

25

26

27

(5) If the payer fails to appear as required, the court  
 shall transmit the bond or cash to ~~the friend of~~ the court  
 FAMILY SERVICES OFFICE or to the SDU for payment to 1 or more



1 recipients of support and to the county treasurer for  
2 distribution as provided in section 31. In addition, the court  
3 may again issue a bench warrant for the further appearance of the  
4 payer.

5 (6) If the payer does not post the bond or cash under this  
6 section and remains in custody, the court shall hold the show  
7 cause hearing within 48 hours after the arrest.

8 Sec. 33. (1) The court may find a payer in contempt if the  
9 court finds that the payer is in arrears and if the court is sat-  
10 isfied that the payer has the capacity to pay out of currently  
11 available resources all or some portion of the amount due under  
12 the support order. In the absence of proofs to the contrary  
13 introduced by the payer, the court shall presume that the payer  
14 has currently available resources equal to 4 weeks of payments  
15 under the support order. The court shall not find that the payer  
16 has currently available resources of more than 4 weeks of pay-  
17 ments without proof of those resources by ~~the office of the~~  
18 ~~friend of~~ the court FAMILY SERVICES OFFICE or the recipient of  
19 support. Upon finding a payer in contempt of court under this  
20 section, the court may immediately enter an order doing 1 of the  
21 following:

22 (a) Committing the payer to the county jail.

23 (b) Committing the payer to the county jail with the privi-  
24 lege of leaving the jail during the hours the court determines,  
25 and under the supervision the court considers, necessary for the  
26 purpose of allowing the payer to go to and return from his or her  
27 place of employment.

1 (c) Committing the payer to a penal or correctional facility  
2 in this state that is not operated by the state department of  
3 corrections.

4 (d) If the payer holds an occupational license, driver's  
5 license, or recreational or sporting license, conditioning a sus-  
6 pension of the payer's license, or any combination of the  
7 licenses, upon noncompliance with an order for payment of the  
8 arrearage in 1 or more scheduled installments of a sum certain.  
9 A court shall not order the sanction authorized by this subdivi-  
10 sion unless the court finds that the payer has accrued an arrear-  
11 age of support payments in an amount greater than the amount of  
12 periodic support payments payable for 6 months under the payer's  
13 support order.

14 (e) Ordering the payer to participate in a work activity.  
15 The court shall not enter an order using this subdivision unless  
16 the payer's arrearage is under a child support order and a child  
17 who is the subject of that order is receiving financial assist-  
18 ance under title IV of the social security act, chapter 531, 49  
19 Stat. 620, 42 U.S.C. 601 to 603, 604 to 608, 609 to 619, 620 to  
20 629e, 651 to 660, 663 to 669b, 670 to 673, 673b, 674 to 679, AND  
21 679b. ~~—, and 681 to 687.~~ This subdivision does not alter the  
22 court's authority to include provisions in an order issued under  
23 this section concerning a payer's employment or his or her seek-  
24 ing of employment as that authority exists on the effective date  
25 of the amendatory act that added this subdivision.

26 (2) If the court enters an order under subsection (1)(d) and  
27 the payer fails to comply with the arrearage payment schedule,

1 after notice and opportunity for a hearing, the court shall order  
2 suspension of the payer's license or licenses with respect to  
3 which the order under subsection (1)(d) was entered and shall  
4 proceed under section 30.

5 Sec. 37. (1) An order of commitment under section 33 or 35  
6 shall be entered only if other remedies appear unlikely to cor-  
7 rect the payer's failure or refusal to pay support.

8 (2) An order of commitment under section 33 shall separately  
9 state both of the following:

10 (a) The amount of the arrearage under the support order.

11 (b) The amount to be paid by the payer in order to be  
12 released from the order of commitment, which amount may not be  
13 greater than the payer's currently available resources as found  
14 by the court.

15 (3) An order of commitment under section 35 shall separately  
16 state both of the following:

17 (a) The amount of arrearage under the support order.

18 (b) The amount to be paid in order to be released from the  
19 order of commitment.

20 (4) A commitment shall continue until the amount ordered to  
21 be paid under subsection (2)(b) or (3)(b) is paid but shall not  
22 exceed 45 days for the first adjudication of contempt or 90 days  
23 for a subsequent adjudication of contempt.

24 (5) The court may further direct that a portion or all of  
25 the earnings of the payer in the facility or institution shall be  
26 paid to and applied for support until the payer complies with the  
27 order of the court, until the payer is released ~~pursuant to~~ AS

1 PROVIDED IN this section from an order of commitment, or until  
2 the further order of the court. If it appears that the depart-  
3 ment has contributed towards the support of the minor child or  
4 children during the period of noncompliance with the order of the  
5 court, the court, in the contempt proceedings, may order all or  
6 part of a lump sum payment to ~~the office of the friend of~~ the  
7 court FAMILY SERVICES OFFICE, state disbursement unit, or county  
8 clerk to be paid to the department not to exceed the amount of  
9 the contribution made by the department. The court may order the  
10 money paid to the person or persons entitled to the money in  
11 weekly or monthly installments by ~~the office of the friend of~~  
12 the court FAMILY SERVICES OFFICE, SDU, or county clerk to the  
13 extent that the court considers installments necessary for  
14 support.

15 Sec. 41. (1) Except as provided in subsection (2), ~~the~~  
16 ~~friend of the court~~ FOR A COURT FAMILY SERVICES CASE, A COURT  
17 FAMILY SERVICES OFFICE shall do 1 or more of the following in a  
18 dispute concerning parenting time of a minor child:

19 (a) Apply a makeup parenting time policy established under  
20 section 42.

21 (b) Commence civil contempt proceedings under section 44.

22 (c) Petition the court for a modification of existing par-  
23 enting time provisions to ensure parenting time, unless contrary  
24 to the best interests of the child. A written report and recom-  
25 mendation shall accompany the petition.

26 (2) The friend of the court shall not invoke 1 or more of  
27 the options under subsection (1) if the parties resolve their

1 dispute through an informal joint meeting or through domestic  
2 relations mediation as provided under section 11 or 13 of the  
3 ~~friend of the court act, Act No. 294 of the Public Acts of 1982,~~  
4 ~~being sections 552.511 and 552.513 of the Michigan Compiled Laws~~  
5 COURT FAMILY SERVICES OFFICE ACT, MCL 552.511 AND 552.513.

6 Sec. 42. (1) ~~Not later than 180 days after the enactment~~  
7 ~~date of this amendatory act, each~~ EACH circuit shall formulate a  
8 makeup parenting time policy under which a noncustodial parent  
9 who has been wrongfully denied parenting time is able to make up  
10 the parenting time at a later date. The policy does not apply  
11 until it is approved by the chief circuit judge or only circuit  
12 judge of the circuit.

13 (2) Before a makeup parenting time policy is applied in a  
14 particular case, ~~the office of the friend of~~ the court FAMILY  
15 SERVICES OFFICE shall send to both parties a notice, by ordinary  
16 mail to the person's last known address, that the policy will be  
17 applied in their case.

18 (3) A makeup parenting time policy formulated and approved  
19 under this section shall include all of the following:

20 (a) Makeup parenting time shall be the same type and dura-  
21 tion of parenting time as the parenting time that was denied,  
22 including but not limited to weekend parenting time for weekend  
23 parenting time, holiday parenting time for holiday parenting  
24 time, weekday parenting time for weekday parenting time, and  
25 summer parenting time for summer parenting time.

26 (b) Makeup parenting time shall be taken within 1 year after  
27 the wrongfully denied parenting time was to have occurred.

1 (c) The time of the makeup parenting time shall be chosen by  
2 the noncustodial parent.

3 (4) Beginning upon approval of a makeup parenting time  
4 policy formulated ~~pursuant to~~ UNDER subsection (1), ~~the office~~  
5 ~~of the friend of~~ the court FAMILY SERVICES OFFICE shall keep an  
6 accurate record of alleged parenting time arrears and the noncus-  
7 todial parent shall give to the office written notice of an  
8 alleged, wrongfully denied parenting time within 7 days of  
9 alleged denial.

10 (5) Beginning upon approval of a makeup parenting time  
11 policy formulated under subsection (1), if a wrongfully denied  
12 parenting time is alleged and ~~the friend of~~ the court FAMILY  
13 SERVICES OFFICE determines that action should be taken under sec-  
14 tion 41(1)(a), the following shall apply:

15 (a) The ~~office of the friend of the~~ court FAMILY SERVICES  
16 OFFICE shall give to the custodial parent within 5 days after  
17 receipt of the notice of denied parenting time under subsection  
18 (4) a notice, which shall contain the following statement in  
19 boldface type of not less than 12 points:

20 "FAILURE TO RESPOND IN 7 DAYS TO ~~THE OFFICE OF THE FRIEND~~  
21 ~~OF~~ THE COURT FAMILY SERVICES OFFICE SHALL BE CONSIDERED AS  
22 AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND  
23 THAT OFFICE WILL ADJUST THE ACCOUNT OF PARENTING TIME  
24 ARREARS ACCORDINGLY."

25 (b) If the custodial parent makes a timely reply contesting  
26 the alleged wrongful denial of parenting time, a hearing shall be

1 held by a referee or a circuit judge after notice is given to  
2 both parties.

3 (c) The referee or judge shall determine whether parenting  
4 time was wrongfully denied.

5 (d) If the hearing provided under subdivision (b) is held  
6 before a referee, either party is entitled to a de novo hearing  
7 before a circuit court judge as provided in section ~~7(5) of Act~~  
8 ~~No. 294 of the Public Acts of 1982, being section 552.507 of the~~  
9 ~~Michigan Compiled Laws~~ 7 OF THE COURT FAMILY SERVICES OFFICE  
10 ACT, MCL 552.507.

11 (e) After a final determination that parenting time was  
12 wrongfully denied, ~~the office of the friend of~~ the court FAMILY  
13 SERVICES OFFICE shall adjust the parenting time arrears account  
14 accordingly.

15 (f) The noncustodial parent shall give to ~~the office of the~~  
16 ~~friend of~~ the court FAMILY SERVICES OFFICE and custodial parent  
17 a written notice of makeup parenting time at least 1 week before  
18 a makeup weekday or weekend parenting time or at least 30 days  
19 before a makeup holiday or makeup summer parenting time.

20 Sec. 44. (1) If ~~the office of the friend of~~ the court  
21 FAMILY SERVICES OFFICE determines that application of a makeup  
22 parenting time policy under section 41(1)(a) is unsuccessful in  
23 resolving a parenting time dispute or that action should other-  
24 wise be taken under section 41(1)(b), ~~the office of the friend~~  
25 ~~of~~ the court FAMILY SERVICES OFFICE shall commence a civil con-  
26 tempt proceeding to resolve a dispute concerning parenting time  
27 with a minor child by filing with the circuit court a petition

1 for an order to show cause why either parent who has violated a  
2 parenting time order should not be held in contempt. The ~~office~~  
3 ~~of the friend of the~~ court FAMILY SERVICES OFFICE shall notify  
4 the parent who is the subject of the petition. The notice shall  
5 include at least all of the following:

6 (a) A list of each possible sanction if the parent is found  
7 in contempt.

8 (b) The right of the parent to a hearing on a proposed modi-  
9 fication of parenting time if requested within 14 days after the  
10 date of the notice, as provided in section 45.

11 (2) If the court finds that either parent has violated a  
12 parenting time order, the court shall find that parent in con-  
13 tempt and may do 1 or more of the following:

14 (a) Require additional terms and conditions consistent with  
15 the court's parenting time order.

16 (b) After notice to both parties and a hearing, if requested  
17 by a party, on a proposed modification of parenting time, modify  
18 the parenting time order to meet the CHILD'S best interests. ~~of~~  
19 ~~the child.~~

20 (c) Order that makeup parenting time be provided for the  
21 noncustodial parent to take the place of wrongfully denied par-  
22 enting time.

23 (d) Order the parent to pay a fine of not more than  
24 \$100.00.

25 (e) Commit the parent to the county jail.

26 (f) Commit the parent to the county jail with the privilege  
27 of leaving the jail during the hours the court determines



1 necessary, and under the supervision the court considers  
2 necessary, for the purpose of allowing the parent to go to and  
3 return from his or her place of employment.

4 (g) If the parent holds an occupational license, driver's  
5 license, or recreational or sporting license, condition the sus-  
6 pension of the license, or any combination of the licenses, upon  
7 noncompliance with an order for makeup and ongoing parenting  
8 time.

9 (h) State on the record the reason the court is not ordering  
10 a sanction listed in subdivisions (a) to (g).

11 (3) A commitment under subsection (2)(e) or (f) shall not  
12 exceed 45 days for the first finding of contempt or 90 days for  
13 each subsequent finding of contempt. A parent committed under  
14 subsection (2)(e) or (f) shall be released if the court has rea-  
15 sonable cause to believe that the parent will comply with the  
16 parenting time order.

17 (4) If a parent fails to appear in response to an order to  
18 show cause, the court may issue a bench warrant requiring that  
19 the parent be brought before the court without unnecessary delay  
20 to show cause why the parent should not be held in contempt.  
21 Except for good cause shown on the record, the court shall fur-  
22 ther order the parent to pay the costs of the hearing, the issu-  
23 ance of the warrant, the arrest, and further hearings, which  
24 costs shall be transmitted to the county treasurer for distribu-  
25 tion as provided in section 31.

26 Sec. 45. (1) If the court enters an order under section  
27 44(2)(g) and the parent fails to comply with the makeup and

1 ongoing parenting time schedule, the court shall find the parent  
2 in contempt and, after notice and an opportunity for a hearing,  
3 may order suspension of the parent's license or licenses with  
4 respect to which the order under section 44(2)(g) was entered and  
5 proceed under section 30.

6 (2) After entry of a suspension order under subsection (1),  
7 a parent may agree to a makeup parenting time schedule. The  
8 court may order a makeup parenting time schedule if the parent  
9 demonstrates a good faith effort to comply with the parenting  
10 time order. If the court orders a makeup parenting time sched-  
11 ule, the court shall enter an order rescinding the suspension  
12 order that is effective as provided in section 4 of the regulated  
13 occupation support enforcement act, 1996 PA 236, MCL 338.3434,  
14 section 321c of the Michigan vehicle code, 1949 PA 300,  
15 MCL 257.321c, or section 43559 of the natural resources and envi-  
16 ronmental protection act, 1994 PA 451, MCL 324.43559. Within 7  
17 business days after entry of the order rescinding the suspension  
18 order, ~~the office of the friend of~~ the court FAMILY SERVICES  
19 OFFICE shall send a copy of the order rescinding the suspension  
20 order to the licensing agency.

21 (3) Within 14 days after the date of the notice under sec-  
22 tion 44, a parent who is notified of a petition to show cause  
23 under section 44 may request a hearing on a proposed modification  
24 of parenting time. The court shall hold the requested hearing  
25 unless the parenting time dispute is resolved by other means.  
26 The court shall combine the hearing prescribed by this subsection  
27 with the hearing on the order to show cause unless the court

1 finds for good cause shown on the record that the hearings should  
2 be held separately. If the court finds that the hearings should  
3 be held separately, the hearing on a proposed modification of  
4 parenting time shall be held before the hearing on the order to  
5 show cause.

6 Sec. 48. The department, the SDU, and each ~~office of the~~  
7 ~~friend of the~~ court FAMILY SERVICES OFFICE shall cooperate in  
8 the transition to the centralized receipt and disbursement of  
9 support and fees. ~~An office of the friend of the court~~ A COURT  
10 FAMILY SERVICES OFFICE shall continue to receive and disburse  
11 support and fees through the transition, based on the schedule  
12 developed as required by section ~~6~~ 7 of the office of child  
13 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-  
14 tions to that schedule as the department considers necessary.

15 Enacting section 1. This amendatory act does not take  
16 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6011  
17 (request no. 04605'01 \*) of the 91st Legislature is enacted into  
18 law.