

HOUSE BILL No. 6318

September 17, 2002, Introduced by Rep. Wojno 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, 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, 552.607, 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 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~~ CHILD; to prescribe certain duties of
9 certain employers and other sources of income; to provide for
10 penalties and remedies; and to repeal acts and parts of acts.

11 Sec. 2. As used in this act:

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

13 (i) A demand deposit account.

14 (ii) A draft account.

15 (iii) A checking account.

16 (iv) A negotiable order of withdrawal account.

17 (v) A share account.

18 (vi) A savings account.

19 (vii) A time savings account.

20 (viii) A mutual fund account.

21 (ix) A securities brokerage account.

1 (x) A money market account.

2 (xi) A retail investment account.

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

4 (i) A trust.

5 (ii) An annuity.

6 (iii) A qualified individual retirement account.

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

9 (v) A pension or retirement plan.

10 (vi) An insurance policy.

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

14 (d) "Department" means the family independence agency.

15 (e) "Driver's license" means license as that term is defined
16 in section 25 of the Michigan vehicle code, 1949 PA 300, MCL
17 257.25.

18 (f) "Employer" means an individual, sole proprietorship,
19 partnership, association, or private or public corporation, the
20 United States or a federal agency, this state or a political sub-
21 division of this state, another state or a political subdivision
22 of another state, or another legal entity that hires and pays an
23 individual for his or her services.

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

26 (h) "Financial institution" means any of the following:

1 (i) A state or national bank.

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

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

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

6 (v) An insurance company.

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

9 (A) A mutual fund account.

10 (B) A securities brokerage account.

11 (C) A money market account.

12 (D) A retail investment account.

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

15 (viii) An entity that is a member of the national associa-
16 tion of securities dealers and that collects ~~funds~~ MONEY from
17 the public.

18 (ix) Another entity that collects ~~funds~~ MONEY from the
19 public.

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

22 (j) "Income" means any of the following:

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

26 (ii) A payment due or to be due in the future to an
27 individual from a profit-sharing plan, a pension plan, an

1 insurance contract, an annuity, social security, unemployment
2 compensation, supplemental unemployment benefits, or worker's
3 compensation.

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

10 (k) "Insurer" means an insurer, health maintenance organiza-
11 tion, health care corporation, or other group, plan, or entity
12 that provides health care coverage in accordance with any of the
13 following acts:

14 (i) The public health code, 1978 PA 368, MCL 333.1101 to
15 333.25211.

16 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
17 500.8302.

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

20 (l) "Medical assistance" means medical assistance as estab-
21 lished under title XIX of the social security act, chapter 531,
22 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and
23 1396r-8 to 1396v.

24 (m) "Occupational license" means a certificate, registra-
25 tion, or license issued by a state department, bureau, or agency
26 that has regulatory authority over an individual that allows an
27 individual to legally engage in a regulated occupation or that

1 allows the individual to use a specific title in the practice of
2 an occupation, profession, or vocation.

3 (n) "Office of child support" means the office of child sup-
4 port established in section 2 of the office of child support act,
5 1971 PA 174, MCL 400.232.

6 (o) "Office of the friend of the ~~court~~ CHILD" means an
7 agency created in section 3 of the friend of the ~~court~~ CHILD
8 act, MCL 552.503.

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

12 (q) "Payer" means an individual who is ordered by the cir-
13 cuit court to pay support.

14 (r) "Plan administrator" means that term as used in relation
15 to a group health plan under section 609 of part 6 of subtitle B
16 of title I of the employee retirement income security act of
17 1974, Public Law 93-406, 29 U.S.C. 1169, if the health care cov-
18 erage plan of the individual who is responsible for providing a
19 child with health care coverage is subject to that act.

20 (s) "Political subdivision" means a county, city, village,
21 township, educational institution, school district, or special
22 district or authority of the state or of a local unit of
23 government.

24 (t) "Recipient of support" means the following:

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

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

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

6 (u) "Recreational or sporting license" means a hunting,
7 fishing, or fur harvester's license issued under the natural
8 resources and environmental protection act, 1994 PA 451, MCL
9 324.101 to 324.90106, but does not include a commercial fishing
10 license or permit issued under part 473 of the natural resources
11 and environmental protection act, 1994 PA 451, MCL 324.47301 to
12 324.47362.

13 (v) "Referee" means a person who is designated as a referee
14 under the friend of the ~~court~~ CHILD act.

15 (w) "Source of income" means an employer or successor
16 employer or another individual or entity that owes or will owe
17 income to the payer.

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

21 (y) "Support" means all of the following:

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

1 (ii) The payment of money ordered by the circuit court under
2 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
3 necessary expenses incurred by or for the mother in connection
4 with her confinement, for other expenses in connection with the
5 pregnancy of the mother, or for the repayment of genetic testing
6 expenses.

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

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

10 (aa) "Work activity" means any of the following:

11 (i) Unsubsidized employment.

12 (ii) Subsidized private sector employment.

13 (iii) Subsidized public sector employment.

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

17 (v) On-the-job training.

18 (vi) Job search and job readiness assistance.

19 (vii) Community service programs.

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

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

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

26 (xi) Satisfactory attendance at secondary school or in a
27 course of study leading to a certificate of general equivalence,

1 in the case of an individual who has not completed secondary
2 school or received such a certificate.

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

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

7 (2) Except as otherwise provided in this section, a support
8 order that is part of a judgment or is an order in a domestic
9 relations matter as defined in section 2 of the friend of the
10 ~~court~~ CHILD act, MCL 552.502, is a judgment on and after the
11 date each support payment is due, with the full force, effect,
12 and attributes of a judgment of this state, and is not, on and
13 after the date it is due, subject to retroactive modification.
14 Retroactive modification of a support payment due under a support
15 order is permissible with respect to a period during which there
16 is pending a petition for modification, but only from the date
17 that notice of the petition was given to the payer or recipient
18 of support.

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

22 (4) The office of the friend of the ~~court~~ CHILD shall make
23 available to a payer or payee the forms and instructions
24 described in section 17a of the friend of the ~~court~~ CHILD act,
25 MCL 552.517a.

26 (5) This section does not prohibit a court approved
27 agreement between the parties to retroactively modify a support

1 order. This section does not limit other enforcement remedies
2 available under this or another act.

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

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

19 (b) Notice informing the payer of the imposition of liens by
20 operation of law and that the payer's real and personal property
21 can be encumbered or seized if an arrearage accrues in an amount
22 greater than the amount of periodic support payments payable for
23 1 year under the payer's support order.

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

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

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

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

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

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

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

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

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

12 Sec. 3b. If an individual who is required by the court to
13 report his or her income to the court or the office of the friend
14 of the ~~court~~ CHILD knowingly and intentionally fails to report,
15 refuses to report, or knowingly misrepresents that income, after
16 notice and an opportunity for a hearing, the court may retroac-
17 tively correct the amount of support.

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

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

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

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

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

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

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

17 (iii) An agreement by the payer that he or she shall keep
18 the office of the friend of the ~~court~~ CHILD informed of both of
19 the following:

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

22 (B) Any health care coverage that is available to him or her
23 as a benefit of employment or that is maintained by him or her;
24 the name of the insurer; the policy, certificate, or contract
25 number; and the names and birth dates of the persons for whose
26 benefit he or she maintains health care coverage under the
27 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 the payer shall keep the office of the friend of
8 the ~~court~~ CHILD informed of both of the following:

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

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

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

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

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

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

4 Sec. 7. (1) If the fixed amount of arrearage determined
5 under section 11(1) of the friend of the ~~court~~ CHILD act,
6 MCL 552.511, is reached, the office of the friend of the ~~court~~
7 CHILD immediately shall send notice of the arrearage to the payer
8 by ordinary mail to his or her last known address. The notice to
9 the payer shall contain the following information:

10 (a) The amount of the arrearage.

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

13 (c) That income withholding will be applied to current and
14 subsequent employers and periods of employment and other sources
15 of income.

16 (d) That the order of income withholding is effective and
17 notice to withhold income will be sent to the payer's source of
18 income.

19 (e) That the payer may request a hearing within 14 days
20 after the date of the notice to contest the withholding, but only
21 on the grounds that the withholding is not proper because of a
22 mistake of fact concerning the amount of current or overdue sup-
23 port or the identity of the payer.

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

26 (g) That if the payer believes that the amount of support
27 should be modified due to a change in circumstances, the payer

1 may file a petition with the court for modification of the
2 support order.

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

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

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

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

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

1 (7) All proceedings under this section shall be completed
2 within 45 days after the date that notice was sent under
3 subsection (1), unless otherwise permitted by the court upon a
4 showing of good cause.

5 Sec. 7a. The friend of the ~~court~~ CHILD shall not consider
6 a payer to have an arrearage if the payer produces documentary
7 evidence that money has been withheld from the payer's income in
8 an amount equal to or greater than the amount required under the
9 payer's support order. This documentary evidence includes, but
10 is not limited to, pay stubs, wage statements, or other written
11 income information produced by the payer's employer.

12 Sec. 9. A notice of income withholding entered under this
13 act shall be served on sources of income as provided in section
14 11. The notice shall direct sources of income to withhold from
15 income due the payer an amount sufficient to meet the payments
16 ordered for support and service fees, and to defray arrearages in
17 payments and service fees due at the time the order of income
18 withholding takes effect. The notice shall also direct that the
19 amount withheld for support, fees, and health care coverage pre-
20 miums shall not exceed the amount allowed under section 303(b) of
21 title III of the consumer credit protection act, Public Law
22 90-321, 15 U.S.C. 1673. The notice shall contain a statement of
23 the requirements of sections 11, 11a, 12, 13, 14, and 23. The
24 notice shall also direct that income withheld under the notice
25 for support and fees shall be paid to the office of the friend of
26 the ~~court~~ CHILD or to the state disbursement unit, as
27 appropriate, within 3 days after the date of the withholding.

1 Sec. 10. The payer shall give to the office of the friend
2 of the ~~court~~ CHILD at the time the order of income withholding
3 is issued the name and address of his or her employer. The payer
4 shall immediately give to the office of the friend of the ~~court~~
5 CHILD notice of the name and address of any subsequent employer.

6 Sec. 11. An order of income withholding entered under this
7 act is binding upon a source of income 7 days after service upon
8 that source of income of a notice of the order of income with-
9 holding by ordinary mail or by electronic means as agreed by the
10 source of income and the office of the friend of the ~~court~~
11 CHILD. The order of income withholding remains in effect until
12 further order of the court. An order of income withholding has
13 priority over all other legal process under state law against the
14 same income.

15 Sec. 13. The court may find a source of income in contempt
16 and fine the source of income if the source of income is served
17 with a notice of income withholding and fails to comply with the
18 notice or to pay withheld amounts to the friend of the ~~court~~
19 CHILD after the order becomes binding under section 11.

20 Sec. 14. (1) A source of income that has been served with a
21 notice of income withholding or with an order or notice of an
22 order for dependent health care coverage shall notify the appro-
23 priate office of the friend of the ~~court~~ CHILD if the parent's
24 income from that source or dependent health care coverage is
25 terminated.

26 (2) If the source of income is an employer, the source of
27 income shall promptly notify the appropriate office of the friend

1 of the ~~court~~ CHILD when the payer's employment is terminated or
2 interrupted for a period of 14 or more consecutive days, and
3 shall provide the payer's last known address and the name and
4 address of the payer's new employer or other source of income, if
5 known. The office of the friend of the ~~court~~ CHILD shall imme-
6 diately serve the payer's new employer or other source of income
7 with a notice of income withholding and, if the payer's source of
8 income is an employer, with a notice of the order for dependent
9 health care coverage.

10 Sec. 15. The payer and ~~any~~ A recipient of support shall
11 immediately give to the office of the friend of the ~~court~~ CHILD
12 notice of any change in circumstances which would affect an order
13 of income withholding or the distribution of money received under
14 that order.

15 Sec. 17. If the court orders a modification in support and
16 an order of income withholding has been entered under this act,
17 the office of the friend of the ~~court~~ CHILD shall give to a
18 source of income to which notice of income withholding was sent
19 under section 11 a notice of the modification by ordinary mail or
20 by electronic means as agreed by the source of income and the
21 office of the friend of the ~~court~~ CHILD. The amount assigned
22 or withheld shall be changed to conform with the court ordered
23 modification 7 days after receipt of the notice of modification.

24 Sec. 19. (1) If the court awards to the payer sole custody
25 of a child for whom the payer has been previously ordered to pay
26 support and a previously accumulated arrearage under the support
27 order for that child does not exist, the court shall modify any

1 existing support order to exclude support ordered to be paid by
2 that payer for that particular child. If an existing support
3 order does not provide for support to any other child of whom the
4 payer does not have custody, for support to a former spouse, or
5 for payments of confinement or pregnancy expenses, the court
6 shall terminate the order of income withholding as soon as any
7 previously accumulated arrearage has been paid.

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

10 (a) The location of the child and custodial parent cannot be
11 determined by the friend of the ~~court~~ CHILD for a period of
12 90 days or more.

13 (b) The court determines that there is no further support
14 obligation.

15 (c) When otherwise determined by the court, upon a showing
16 of good cause, and if the court determines that such suspension
17 or termination is not contrary to the best interests of the
18 child. In making a determination under this subdivision, the
19 court may consider the previous payment record of the payer, evi-
20 dence of the payer's intent to make regular and timely support
21 payments, and any other factors considered relevant by the
22 court. However, the payment of arrearages under the support
23 order shall not be the sole reason for termination of an order of
24 income withholding.

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

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

2 (ii) An alternative payment arrangement.

3 (iii) The payer shall keep the office of the friend of the
4 ~~court~~ CHILD informed of both of the following:

5 (A) The name and address of his or her current source of
6 income.

7 (B) Any health care coverage that is available to him or her
8 as a benefit of employment or that is maintained by him or her;
9 the name of the insurance company, health care organization, or
10 health maintenance organization; the policy, certificate, or con-
11 tract number; and names and birth dates of the persons for whose
12 benefit he or she maintains health care coverage under the
13 policy, certificate, or contract.

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

17 (i) There is a support arrearage.

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

21 (4) If a written agreement is entered into ~~pursuant to~~
22 UNDER subsection (2)(d), the order of income withholding shall
23 take effect when the fixed amount of arrearage determined under
24 section 11(1) of the friend of the ~~court~~ CHILD act,
25 MCL 552.511, is reached.

1 (5) The court may suspend or terminate an order of income
2 withholding if the custodial parent moves out of the state
3 without court authorization.

4 (6) The office of the friend of the ~~court~~ CHILD shall
5 promptly refund money that has been improperly withheld.

6 Sec. 24. If a support arrearage has accrued, the office of
7 the friend of the ~~court~~ CHILD may request the office of child
8 support to initiate offset proceedings against the delinquent
9 payer's state tax refunds and federal income tax refunds as pro-
10 vided in section 3a of the office of child support act, ~~Act~~
11 ~~No. 174 of the Public Acts of 1971, being section 400.233a of the~~
12 ~~Michigan Compiled Laws~~ 1971 PA 174, MCL 400.233A.

13 Sec. 24a. If a support arrearage has accrued and there is
14 reason to believe the payer transferred title or ownership of
15 real or personal property without fair consideration, the office
16 of the friend of the ~~court~~ CHILD shall initiate proceedings to
17 have the transfer set aside as provided in the uniform fraudulent
18 ~~conveyance act, 1919 PA 310, MCL 566.11 to 566.23~~ TRANSFER ACT,
19 1998 PA 434, MCL 566.31 TO 566.43, or obtain a settlement in the
20 form of full payment of the arrearage or in periodic repayments
21 as is possible in the best interest of the recipient of support.

22 Sec. 25. In addition to providing remedies or imposing pen-
23 alties otherwise available under this act or other law for the
24 enforcement of support orders, the court, upon petition by the
25 office of the friend of the ~~court~~ CHILD or recipient of support
26 and after notice to the payer and an opportunity for a hearing,
27 may require a payer to provide sufficient bond, security, or

1 other guarantee to secure the payment of support that is past
2 due, or due in the future, or both. Upon default in the payment
3 of an amount secured by the bond, the court, after notice to the
4 payer and sureties, if any, and an opportunity for a hearing, may
5 render judgment against the payer and sureties for the amount of
6 unpaid support. Upon default in the payment of the amount
7 awarded in the judgment, the court may order execution of the
8 judgment; appoint a receiver of the real and personal property of
9 the payer and order the property and its income to be applied to
10 the amount of the judgment; or take any other appropriate action
11 to enforce the judgment.

12 Sec. 25b. (1) The office of the friend of the ~~court~~ CHILD
13 may perfect a lien created under section 25a upon the real or
14 personal property of the payer when an arrearage has accrued in
15 an amount that exceeds the amount of periodic support payments
16 payable for 1 year under the payer's support order.

17 (2) Before a lien is perfected in a case in which a support
18 order was issued before ~~the effective date of this section~~
19 AUGUST 10, 1998, the office of the friend of the ~~court~~ CHILD
20 shall send a notice to the payer subject to the support order
21 informing the payer of the imposition of liens by operation of
22 law and that the payer's real and personal property can be encum-
23 bered or seized if an arrearage accrues in an amount that exceeds
24 the amount of periodic support payments payable for 1 year under
25 the payer's support order.

26 (3) If the arrearage under subsection (2) is reached and the
27 office of the friend of the ~~court~~ CHILD has determined that the

1 delinquent payer holds real or personal property, the office of
2 the friend of the ~~court~~ CHILD may perfect the lien.

3 (4) The office of the friend of the ~~court~~ CHILD shall pro-
4 vide a copy of the notice under subsection (2) to each of the
5 following:

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

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

10 (5) The office of the friend of the ~~court~~ CHILD may pro-
11 vide notice of the lien and subsequent notices by paper or auto-
12 mated means.

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

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

26 (a) The amount of the arrearage.

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

3 (c) That the property is subject to seizure unless the payer
4 responds by paying the arrearage or requesting a review within
5 21 days after the date of mailing the notice.

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

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

13 (8) Within 21 days after the date on which the notice
14 described in subsection (7) is mailed to a payer, the payer may
15 request a review on the lien and the proposed action. If the
16 payer requests a review under this subsection, the office of the
17 friend of the ~~court~~ CHILD shall schedule the review within
18 14 days after the date of the request.

19 (9) If, at the review, the payer establishes that the lien
20 is not proper because of a mistake of fact, the office of the
21 friend of the ~~court~~ CHILD shall terminate the lien and, within
22 7 days, notify the applicable entity that the lien is
23 terminated.

24 (10) If the payer fails to request a review, to appear for a
25 review, or to establish a mistake of fact, the office of the
26 friend of the ~~court~~ CHILD may collect the arrearage by levy
27 upon any property belonging to the payer as provided in this

1 section. The office of the friend of the ~~court~~ CHILD shall
2 notify the payer at the review or by written notice of its intent
3 to levy.

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

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

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

21 (14) A payer may request that the office of the friend of
22 the ~~court~~ CHILD terminate a lien against the real and personal
23 property of the payer on the basis that the payer is no longer in
24 arrears. If the payer is no longer in arrears, the office of the
25 friend of the ~~court~~ CHILD shall terminate the lien ~~pursuant~~
26 ~~to~~ AS PROVIDED BY 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 2 business days after a new hire report
7 is entered into the state directory of new hires, as created
8 under section 453A of part D of title IV of the social security
9 act, 42 U.S.C. 653a, or a payer's or parent's employer is other-
10 wise identified, the office shall, when appropriate, provide the
11 new employer with a notice of income withholding or a notice of
12 the order for dependent health care coverage, or both, on behalf
13 of a payer who is subject to income withholding or a parent or
14 payer who is required to provide dependent health care coverage.

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

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

26 (a) Petition the court for an order to show cause why the
27 parent should not be held in contempt for failure to obtain or

1 maintain dependent health care coverage that is available at a
2 reasonable cost.

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

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

10 (A) Submits written proof to the friend of the ~~court~~ CHILD
11 of the child's enrollment in a health care coverage plan.

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

14 (ii) That the order for dependent health care coverage will
15 be applied to current and subsequent employers and periods of
16 employment.

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

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

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

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

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

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

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

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

1 (c) The employer has eliminated dependent health care
2 coverage for all of its employees or members.

3 Sec. 26c. If the court modifies an order for health care
4 coverage that may affect the provision of dependent health care
5 coverage, the office of the friend of the ~~court~~ CHILD shall
6 send a notice of the modification to the employer, insurer, or
7 plan administrator.

8 Sec. 26d. The office of the friend of the ~~court~~ CHILD
9 shall notify the state department of social services if the
10 office identifies health care coverage that has been obtained or
11 is being maintained by a parent for a child who is a recipient of
12 public assistance or medical assistance. The notice shall
13 include available information on the name and address of the
14 insurance company, health care organization, or health mainte-
15 nance organization; the policy, certificate, or contract number;
16 the effective date of the coverage; the name and birth date of
17 the individual for whose benefit the coverage is maintained; and
18 the name and social security number of the policyholder.

19 Sec. 28. (1) The office of the friend of the ~~court~~ CHILD
20 may petition the court for an order to suspend a payer's occupa-
21 tional license, driver's license, or recreational or sporting
22 license, or any combination of the licenses, if all of the fol-
23 lowing circumstances are true:

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

1 (b) The payer holds an occupational license, driver's
2 license, or recreational or sporting license or the payer's
3 occupation requires an occupational license.

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

7 (2) An office of the friend of the ~~court~~ CHILD shall not
8 file a petition as authorized under subsection (1) unless the
9 office sends the payer a notice that includes all of the follow-
10 ing information:

11 (a) The amount of the arrearage.

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

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

19 (d) That, at the hearing, the payer may do either of the
20 following:

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

24 (ii) Suggest to the court a schedule for the payment of the
25 arrearage.

26 (e) That, if the payer believes that the amount of support
27 ordered should be modified due to a change in circumstances, the

1 payer may file a petition with the court for modification of the
2 support order.

3 Sec. 30. (1) If the court orders a suspension of an occupa-
4 tional license, driver's license, or recreational or sporting
5 license, or any combination of the licenses, under section 29,
6 33, 35, or 45, the order shall indicate that the licensing agency
7 shall suspend the license within 7 business days after receipt of
8 the suspension order. The office of the friend of the ~~court~~
9 CHILD shall send a copy of the suspension order to the licensing
10 agency. If the payer is the subject of a suspension order under
11 section 29 and has failed to respond in any manner to the notice
12 given under section 28, the office of the friend of the ~~court~~
13 CHILD shall not send the suspension order to the licensing agency
14 until at least 14 days after the date the office first attempts
15 service of a copy of the order on the payer by personal service
16 or by registered or certified mail, return receipt requested,
17 with delivery restricted to the payer.

18 (2) After entry of a suspension order under section 29, a
19 payer may agree to and the court may order a schedule for the
20 payment of the arrearage. If the court orders a schedule for
21 payment of the arrearage, the court shall enter an order rescind-
22 ing the suspension order that is effective as provided in section
23 4 of the regulated occupation support enforcement act, 1996 PA
24 236, MCL 338.3434, section 321c of the Michigan vehicle code,
25 1949 PA 300, MCL 257.321c, or section 43559 of the natural
26 resources and environmental protection act, 1994 PA 451, MCL
27 324.43559. If a suspension order has been sent, within 7

1 business days after entry of the order rescinding the suspension
2 order, the office of the friend of the ~~court~~ CHILD shall send a
3 copy of the order rescinding the suspension order to the licens-
4 ing agency.

5 Sec. 31. (1) If a person is ordered to pay support under a
6 support order and fails or refuses to obey and perform the order,
7 and if an order of income withholding is inapplicable or unsuc-
8 cessful, a recipient of support or the office of the friend of
9 the ~~court~~ CHILD may commence a civil contempt proceeding by
10 filing in the circuit court a petition for an order to show cause
11 why the delinquent payer should not be held in contempt. If the
12 payer fails to appear in response to an order to show cause, the
13 court may issue a bench warrant requiring that the payer be
14 brought before the court without unnecessary delay to answer and
15 plead to that neglect or refusal.

16 (2) In a bench warrant issued under this section, the court
17 shall require that, upon arrest, unless the payer deposits a bond
18 or cash in the manner required by section 32, the payer shall
19 remain in custody until the time of the hearing. Except as oth-
20 erwise provided in this section, the bond or cash amount shall be
21 set at not less than \$500.00 or 25% of the arrearage, whichever
22 is greater. At its own discretion, the court may add to the
23 amount of the required deposit the amount of the costs the court
24 may require under subsection (3).

25 (3) If the court issues a bench warrant under this section,
26 except for good cause shown on the record, the court shall order
27 the payer to pay the costs related to the hearing, issuance of

1 the warrant, arrest, and further hearings. Those costs and costs
2 ordered for failure to appear under sections 32 and 44 shall be
3 transmitted to the county treasurer for distribution as required
4 in section 2530 of the revised judicature act of 1961, 1961
5 PA 236, MCL 600.2530.

6 Sec. 32. (1) If a payer arrested under a bench warrant
7 issued under section 31 cannot be brought before the court within
8 24 hours, the payer may recognize for his or her appearance by
9 leaving with the sheriff or deputy sheriff in charge of the
10 county jail a bond or cash in the amount stated on the bench
11 warrant.

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

15 Date _____
16 Received from _____ a bond or cash in the amount
17 of _____ dollars to assure the appearance of
18 _____ before _____ circuit court judge
19 in the county of _____, at _____ on the _____
20 day of _____, ~~19~~ 20____, to respond to an order to
21 show cause why he or she should not be held in contempt for fail-
22 ure or refusal to obey or perform a support order. If the payer
23 fails to appear at the time and place indicated above, fails to
24 submit to the jurisdiction of the court, and fails to abide by an
25 order of the court, the bond or cash deposited shall be transmit-
26 ted to the friend of the ~~court~~ CHILD or to the state
27 disbursement unit for payment of the arrearage to the recipient

1 of support and of costs to the court. By depositing the bond or
2 cash with the officer and accepting this receipt, the recipient
3 of this receipt waives a claim to the money under the bond or to
4 the cash following its transmittal to the friend of the ~~court~~
5 CHILD or to the SDU.

6 _____
7 Officer: _____ Dept.: _____

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

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

17 (5) If the payer fails to appear as required, the court
18 shall transmit the bond or cash to the friend of the ~~court~~
19 CHILD or to the SDU for payment to 1 or more recipients of sup-
20 port and to the county treasurer for distribution as provided in
21 section 31. In addition, the court may again issue a bench war-
22 rant for the further appearance of the payer.

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

26 Sec. 33. (1) The court may find a payer in contempt if the
27 court finds that the payer is in arrears and if the court is

1 satisfied that the payer has the capacity to pay out of currently
2 available resources all or some portion of the amount due under
3 the support order. In the absence of proofs to the contrary
4 introduced by the payer, the court shall presume that the payer
5 has currently available resources equal to 4 weeks of payments
6 under the support order. The court shall not find that the payer
7 has currently available resources of more than 4 weeks of pay-
8 ments without proof of those resources by the office of the
9 friend of the ~~court~~ CHILD or the recipient of support. Upon
10 finding a payer in contempt of court under this section, the
11 court may immediately enter an order doing 1 of the following:

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

13 (b) Committing the payer to the county jail with the privi-
14 lege of leaving the jail during the hours the court determines,
15 and under the supervision the court considers, necessary for the
16 purpose of allowing the payer to go to and return from his or her
17 place of employment.

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

21 (d) If the payer holds an occupational license, driver's
22 license, or recreational or sporting license, conditioning a sus-
23 pension of the payer's license, or any combination of the
24 licenses, upon noncompliance with an order for payment of the
25 arrearage in 1 or more scheduled installments of a sum certain.
26 A court shall not order the sanction authorized by this
27 subdivision unless the court finds that the payer has accrued an

1 arrearage of support payments in an amount greater than the
2 amount of periodic support payments payable for 6 months under
3 the payer's support order.

4 (e) Ordering the payer to participate in a work activity.
5 The court shall not enter an order using this subdivision unless
6 the payer's arrearage is under a child support order and a child
7 who is the subject of that order is receiving financial assist-
8 ance under title IV of the social security act, chapter 531, 49
9 Stat. 620, 42 U.S.C. 601 to 603, 604 to 608, 609 to 619, 620 to
10 629e, 651 to 660, 663 to 669b, 670 to 673, 673b, 674 to 679, AND
11 679b. ~~, and 681 to 687.~~ This subdivision does not alter the
12 court's authority to include provisions in an order issued under
13 this section concerning a payer's employment or his or her seek-
14 ing of employment as that authority exists on the effective date
15 of the amendatory act that added this subdivision.

16 (2) If the court enters an order under subsection (1)(d) and
17 the payer fails to comply with the arrearage payment schedule,
18 after notice and opportunity for a hearing, the court shall order
19 suspension of the payer's license or licenses with respect to
20 which the order under subsection (1)(d) was entered and shall
21 proceed under section 30.

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

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

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

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

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

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

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

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

15 (5) The court may further direct that a portion or all of
16 the earnings of the payer in the facility or institution shall be
17 paid to and applied for support until the payer complies with the
18 order of the court, until the payer is released ~~pursuant to~~ AS
19 PROVIDED IN this section from an order of commitment, or until
20 the further order of the court. If it appears that the depart-
21 ment has contributed towards the support of the minor child or
22 children during the period of noncompliance with the order of the
23 court, the court, in the contempt proceedings, may order all or
24 part of a lump sum payment to the office of the friend of the
25 ~~court~~ CHILD, state disbursement unit, or county clerk to be
26 paid to the department not to exceed the amount of the
27 contribution made by the department. The court may order the

1 money paid to the person or persons entitled to the money in
2 weekly or monthly installments by the office of the friend of the
3 ~~court~~ CHILD, SDU, or county clerk to the extent that the court
4 considers installments necessary for support.

5 Sec. 41. (1) Except as provided in subsection (2), the
6 friend of the ~~court~~ CHILD shall do 1 or more of the following
7 in a dispute concerning parenting time of a minor child:

8 (a) Apply a makeup parenting time policy established under
9 section 42.

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

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

15 (2) The friend of the ~~court~~ CHILD shall not invoke 1 or
16 more of the options under subsection (1) if the parties resolve
17 their dispute through an informal joint meeting or through domes-
18 tic relations mediation as provided under section 11 or 13 of the
19 friend of the ~~court~~ CHILD act, ~~Act No. 294 of the Public Acts~~
20 ~~of 1982, being sections 552.511 and 552.513 of the Michigan~~
21 ~~Compiled Laws~~ MCL 552.511 AND 552.513.

22 Sec. 42. (1) ~~Not later than 180 days after the enactment~~
23 ~~date of this amendatory act, each~~ EACH circuit shall formulate a
24 makeup parenting time policy under which a noncustodial parent
25 who has been wrongfully denied parenting time is able to make up
26 the parenting time at a later date. The policy does not apply

1 until it is approved by the chief circuit judge or only circuit
2 judge of the circuit.

3 (2) Before a makeup parenting time policy is applied in a
4 particular case, the office of the friend of the ~~court~~ CHILD
5 shall send to both parties a notice, by ordinary mail to the
6 person's last known address, that the policy will be applied in
7 their case.

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

10 (a) Makeup parenting time shall be the same type and dura-
11 tion of parenting time as the parenting time that was denied,
12 including but not limited to weekend parenting time for weekend
13 parenting time, holiday parenting time for holiday parenting
14 time, weekday parenting time for weekday parenting time, and
15 summer parenting time for summer parenting time.

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

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

20 (4) Beginning upon approval of a makeup parenting time
21 policy formulated ~~pursuant to~~ UNDER subsection (1), the office
22 of the friend of the ~~court~~ CHILD shall keep an accurate record
23 of alleged parenting time arrears and the noncustodial parent
24 shall give to the office written notice of an alleged, wrongfully
25 denied parenting time within 7 days of alleged denial.

26 (5) Beginning upon approval of a makeup parenting time
27 policy formulated under subsection (1), if a wrongfully denied

1 parenting time is alleged and the friend of the ~~court~~ CHILD
2 determines that action should be taken under section 41(1)(a),
3 the following shall apply:

4 (a) The office of the friend of the ~~court~~ CHILD shall give
5 to the custodial parent within 5 days after receipt of the notice
6 of denied parenting time under subsection (4) a notice, which
7 shall contain the following statement in boldface type of not
8 less than 12 points:

9 "FAILURE TO RESPOND IN 7 DAYS TO THE OFFICE OF THE FRIEND
10 OF THE ~~COURT~~ CHILD SHALL BE CONSIDERED AS AN AGREEMENT
11 THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT OFFICE
12 WILL ADJUST THE ACCOUNT OF PARENTING TIME ARREARS
13 ACCORDINGLY.".

14 (b) If the custodial parent makes a timely reply contesting
15 the alleged wrongful denial of parenting time, a hearing shall be
16 held by a referee or a circuit judge after notice is given to
17 both parties.

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

20 (d) If the hearing provided under subdivision (b) is held
21 before a referee, either party is entitled to a de novo hearing
22 before a circuit court judge as provided in section 7(5) of ~~Act~~
23 ~~No. 294 of the Public Acts of 1982, being section 552.507 of the~~
24 ~~Michigan Compiled Laws~~ THE FRIEND OF THE CHILD ACT,
25 MCL 552.507.

1 (e) After a final determination that parenting time was
2 wrongfully denied, the office of the friend of the ~~court~~ CHILD
3 shall adjust the parenting time arrears account accordingly.

4 (f) The noncustodial parent shall give to the office of the
5 friend of the ~~court~~ CHILD and custodial parent a written notice
6 of makeup parenting time at least 1 week before a makeup weekday
7 or weekend parenting time or at least 30 days before a makeup
8 holiday or makeup summer parenting time.

9 Sec. 44. (1) If the office of the friend of the ~~court~~
10 CHILD determines that application of a makeup parenting time
11 policy under section 41(1)(a) is unsuccessful in resolving a par-
12 enting time dispute or that action should otherwise be taken
13 under section 41(1)(b), the office of the friend of the ~~court~~
14 CHILD shall commence a civil contempt proceeding to resolve a
15 dispute concerning parenting time with a minor child by filing
16 with the circuit court a petition for an order to show cause why
17 either parent who has violated a parenting time order should not
18 be held in contempt. The office of the friend of the ~~court~~
19 CHILD shall notify the parent who is the subject of the
20 petition. The notice shall include at least all of the
21 following:

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

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

1 (2) If the court finds that either parent has violated a
2 parenting time order, the court shall find that parent in
3 contempt and may do 1 or more of the following:

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

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

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

13 (d) Order the parent to pay a fine of not more than
14 \$100.00.

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

16 (f) Commit the parent to the county jail with the privilege
17 of leaving the jail during the hours the court determines neces-
18 sary, and under the supervision the court considers necessary,
19 for the purpose of allowing the parent to go to and return from
20 his or her place of employment.

21 (g) If the parent holds an occupational license, driver's
22 license, or recreational or sporting license, condition the sus-
23 pension of the license, or any combination of the licenses, upon
24 noncompliance with an order for makeup and ongoing parenting
25 time.

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

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

7 (4) If a parent fails to appear in response to an order to
8 show cause, the court may issue a bench warrant requiring that
9 the parent be brought before the court without unnecessary delay
10 to show cause why the parent should not be held in contempt.
11 Except for good cause shown on the record, the court shall fur-
12 ther order the parent to pay the costs of the hearing, the issu-
13 ance of the warrant, the arrest, and further hearings, which
14 costs shall be transmitted to the county treasurer for distribu-
15 tion as provided in section 31.

16 Sec. 45. (1) If the court enters an order under section
17 44(2)(g) and the parent fails to comply with the makeup and ongo-
18 ing parenting time schedule, the court shall find the parent in
19 contempt and, after notice and an opportunity for a hearing, may
20 order suspension of the parent's license or licenses with respect
21 to which the order under section 44(2)(g) was entered and proceed
22 under section 30.

23 (2) After entry of a suspension order under subsection (1),
24 a parent may agree to a makeup parenting time schedule. The
25 court may order a makeup parenting time schedule if the parent
26 demonstrates a good faith effort to comply with the parenting
27 time order. If the court orders a makeup parenting time

1 schedule, the court shall enter an order rescinding the
2 suspension order that is effective as provided in section 4 of
3 the regulated occupation support enforcement act, 1996 PA 236,
4 MCL 338.3434, section 321c of the Michigan vehicle code, 1949 PA
5 300, MCL 257.321c, or section 43559 of the natural resources and
6 environmental protection act, 1994 PA 451, MCL 324.43559. Within
7 7 business days after entry of the order rescinding the suspen-
8 sion order, the office of the friend of the ~~court~~ CHILD shall
9 send a copy of the order rescinding the suspension order to the
10 licensing agency.

11 (3) Within 14 days after the date of the notice under sec-
12 tion 44, a parent who is notified of a petition to show cause
13 under section 44 may request a hearing on a proposed modification
14 of parenting time. The court shall hold the requested hearing
15 unless the parenting time dispute is resolved by other means.
16 The court shall combine the hearing prescribed by this subsection
17 with the hearing on the order to show cause unless the court
18 finds for good cause shown on the record that the hearings should
19 be held separately. If the court finds that the hearings should
20 be held separately, the hearing on a proposed modification of
21 parenting time shall be held before the hearing on the order to
22 show cause.

23 Sec. 48. The department, the SDU, and each office of the
24 friend of the ~~court~~ CHILD shall cooperate in the transition to
25 the centralized receipt and disbursement of support and fees. An
26 office of the friend of the ~~court~~ CHILD shall continue to
27 receive and disburse support and fees through the transition,

1 based on the schedule developed as required by section ~~6~~ 7 of
2 the office of child support act, 1971 PA 174, MCL ~~400.236~~
3 400.237, and modifications to that schedule as the department
4 considers necessary.

5 Enacting section 1. This amendatory act does not take
6 effect unless Senate Bill No. ____ or House Bill No. 6317
7 (request no. 07684'02) of the 91st Legislature is enacted into
8 law.