SUPPORT AND PARENTING TIME ENFORCEMENT ACT

Act 295 of 1982

AN ACT to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

The People of the State of Michigan enact:

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552.601 Short title.

Sec. 1.

This act shall be known and may be cited as the "support and parenting time enforcement act".

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

552.602 Definitions.

Sec. 2.

As used in this act:

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

(i) A demand deposit account.

(ii) A draft account.

(iii) A checking account.

(iv) A negotiable order of withdrawal account.

(v) A share account.

(vi) A savings account.

(vii) A time savings account.

(viii) A mutual fund account.

(ix) A securities brokerage account.

(x) A money market account.

(xi) A retail investment account.

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

(i) A trust.

(ii) An annuity.

(iii) A qualified individual retirement account.

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

(v) A pension or retirement plan.

(vi) An insurance policy.

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

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

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

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

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

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

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

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

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

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

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

(vii) The uniform interstate family support act, 2015 PA 255, MCL 552.2101 to 552.2905.

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

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

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

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

(i) A state or national bank.

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

(iii) A state or federally chartered savings bank.

(iv) A state or federally chartered credit union.

(v) An insurance company.

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

(A) A mutual fund account.

(B) A securities brokerage account.

(C) A money market account.

(D) A retail investment account.

(vii) An entity regulated by the Securities and Exchange Commission that collects funds from the public.

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

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

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

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

(n) "Health care coverage" means a fee for service, health maintenance organization, preferred provider organization, or other type of private health care coverage or public health care coverage.

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

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

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

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

(p) "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.

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

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

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

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

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

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

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

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

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

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

(aa) "Private health care coverage" means health care coverage obtained through an employer or purchased by an individual from an insurer.

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(bb) "Public health care coverage" means health care coverage that is established or maintained by a local, state, or federal government such as Medicaid established under title XIX of the social security act, 42 USC 1396 to 1396w-5 or the state children's health insurance program established under title XXI of the social security act, 42 USC 1397aa to 1397mm.

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) A surcharge under section 3a.

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

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

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

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

(i) Unsubsidized employment.

(ii) Subsidized private sector employment.

(iii) Subsidized public sector employment.

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

(v) On-the-job training.

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(vi) Referral to and participation in the PATH: partnership. accountability. training. hope. work partnership program or successor program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(vii) A community service program.

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

(ix) Job skills training directly related to employment.

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

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

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

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 240, Imd. Eff. Oct. 10, 1990 ;-- Am. 1995, Act 141, Eff. Jan. 1, 1996 ;-- Am. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996 ;-- Am. 1996, Act 235, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2002, Act 568, Eff. Dec. 1, 2002 ;-- Am. 2002, Act 570, Eff. June 1, 2003 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 208, Eff. June 30, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 373, Eff. Mar. 17, 2015 ;-- Am. 2015, Act 256, Eff. Jan. 1, 2016 ;-- Am. 2019, Act 26, Imd. Eff. June 20, 2019

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

Sec. 3.

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

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

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

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

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

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

(a) Substantially the following statement: "Except as otherwise provided in section 3 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603, a support order that

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

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

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

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

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

(b) The party's residential address.

(c) The party's telephone number.

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

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

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

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

(9) Except as provided in sections 11 and 25a, service of notices or other papers under this act and under the friend of the court act shall be made by first-class mail, postage prepaid. If mail is returned as undeliverable from that address or the friend of the court or the department determines through use of an automated federal database that mail is not deliverable to that address, the friend of the court may change the address according to guidelines established by the state court administrative office or the supreme court.

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

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to the friend of the court or until the friend of the court has changed the address according to subsection (9).

(11) A support order shall not accrue interest.

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

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

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

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

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

Sec. 3a.

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

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

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

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

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

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

(4) A surcharge added under this section shall be collected and enforced by any means authorized under this act, the friend of the court act, or another appropriate federal or state law

for the enforcement and collection of child support and paid through the state disbursement unit.

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

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

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

552.603b Retroactive correction of support amount.

Sec. 3b.

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

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

552.603d Repayment plan.

Sec. 3d.

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

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

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

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

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

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

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

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

Sec. 4.

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

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

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

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

(i) A written and specific finding by the court why immediate income withholding would not be in the child's best interests.

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

(iii) For a friend of the court case, an agreement by the payer that he or she shall keep the office of the friend of the court informed of both of the following:

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

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

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

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

(ii) An alternative payment arrangement.

(iii) For a friend of the court case, that the payer shall keep the office of the friend of the court informed of both of the following:

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

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

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

(5) An order of income withholding that does not take effect immediately as provided in this section shall take effect when the requirement of section 7 is met.

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

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

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History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990 ;-- Am. 1992, Act 291, Eff. Jan. 1, 1993 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002

552.605 Child support order; deviation from formula; agreement.

Sec. 5.

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

(2) Except as otherwise provided in this section, the court shall order child support in an amount determined by application of the child support formula developed by the state friend of the court bureau as required in section 19 of the friend of the court act, MCL 552.519. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

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

(b) How the child support order deviates from the child support formula.

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

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

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

History: Add. 2001, Act 106, Eff. Sept. 30, 2001
Compiler's Notes: Former MCL 552.605, which pertained to support orders entered before effective date of act and to withholding of income, was repealed by Act 210 of 1985, Eff. Mar. 1, 1986.

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552.605a Information to be provided to office of the friend of the court; health care coverage; use of guidelines; bond.

Sec. 5a.

(1) For a friend of the court case, a child support order entered or modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

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

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

(2) If a child support order is entered, the court shall require that 1 or both parents obtain or maintain health care coverage that is accessible to the child and is available to the parent at a reasonable cost, for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children. The court shall utilize guidelines as provided for in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519, to determine health care coverage that is accessible to the child and available at a reasonable cost. The court shall not require both

parents to provide health care coverage under this subsection unless the parents already provide coverage or both parents agree to provide coverage. This subsection does not prevent the court from exercising its discretion to order health care coverage based on the child's needs and the parents' resources.

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

History: Add. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2019, Act 26, Imd. Eff. June 20, 2019

552.605b Child support after 18 years of age.

Sec. 5b.

(1) A court that orders child support may order support for a child after the child reaches 18 years of age as provided in this section.

(2) The court may order child support for the time a child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the recipient of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. A complaint or motion requesting support as provided in this section may be filed at any time before the child reaches 19 years and 6 months of age.

(3) A support order entered under this section shall include a provision that the support terminates on the last day of a specified month, regardless of the actual graduation date.

(4) A provision contained in a judgment or an order entered before October 10, 1990 that provides for the support of a child after the child reaches 18 years of age, without an agreement of the parties as described in subsection (5), is valid and enforceable to the extent the provision provides support for the child for the time the child is regularly attending high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the recipient of support or at an institution, but in no case after the child reaches 19 years and 6 months of age. This subsection does not require payment of support for a child after the child reaches 18 years of age for any period between November 8, 1989 and October 10, 1990, or reimbursement of support paid between November 8, 1989 and October 10, 1990, in those judicial circuits that did not enforce support for a child after the child reached 18 years of age during the period between November 8, 1989 and October 10, 1990.

(5) A provision contained in a judgment or an order entered under this act before, on, or after September 30, 2001 that provides for the support of a child after the child reaches 18 years of age is valid and enforceable if 1 or more of the following apply:

(a) The provision is contained in the judgment or order by agreement of the parties as stated in the judgment or order.

(b) The provision is contained in the judgment or order by agreement of the parties as evidenced by the approval of the substance of the judgment or order by the parties or their attorneys.

(c) The provision is contained in the judgment or order by written agreement signed by the parties.

(d) The provision is contained in the judgment or order by oral agreement of the parties as stated on the record by the parties or their attorneys.

History: Add. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

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552.605c Support order; monthly amounts; conversion; proration; applicability of excess payment against arrearage; refund.

Sec. 5c.

(1) All support orders shall be stated in monthly amounts payable on the first of each month in advance. A support obligation not paid by the last day of the month in which it accrues is past due. If a support order does not state the amount of support as a monthly amount, the support amount stated in the order shall be converted to a monthly amount using the formula established by the state court administrative office.

(2) If payments under a support order are being made in the amount required, through income withholding, pursuant to an installment payment order, or otherwise, and there are no preexisting arrearages, the friend of the court shall not consider the payer as having an arrearage if a periodic temporary arrearage is created by the conversion of the monthly support order to an income withholding order or other payment schedule or results from a divergence between the cycle of payments under the income withholding or payment schedule and the cycle of charges.

(3) If a support order takes effect on other than the first day of a month, the monthly amount is prorated based on the daily amount for that month. A monthly support order amount shall not be prorated for the last month in which the order is in effect.

(4) If the title IV-D agency receives a support payment that, at the time of its receipt, exceeds a payer's support amount payable plus an amount payable under an arrearage payment schedule, the title IV-D agency shall apply the excess against the payer's total arrearage accrued under all support orders under which the payer is obligated. If a balance remains after application against the total arrearage, the title IV-D agency shall do 1 of the following:

(a) If the payer designates the balance as additional support, immediately disburse that amount to the recipient of support.

(b) If, at the time the payment is received, the payer is obligated under a support order for a future support payment and the balance is less than or equal to the monthly support order amount, retain the balance and disburse it to the recipient of support immediately when the amount is payable as support.

(c) If, at the time the payment is received, the payer is not obligated for a future support payment, or the payer is obligated under a support order for a future support payment but the balance is greater than the monthly support order amount, return the balance to the payer.

(5) After 1 year after the date the amendatory act that added this subsection is enacted into law, if a payer has paid money that has not been disbursed to the payee and the payer is entitled to a refund of all or a portion of the money because support has been abated in whole or in part, the refund shall be applied first to any support past due in the case and then to any past due support the payer owes in another case. Any balance after the application of the money to support arrearages shall be refunded to the payer.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.605d Support order; provisions; motion for modification; assignment, redirection, or abatement of support payment; notice.

Sec. 5d.

(1) On and after June 1, 2003, each support order the court enters or modifies must include substantially the following provisions:

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(a) If a child for whom support is payable under the order is under the state's jurisdiction and is placed in foster care, that support payable under the order is assigned to the department.

(b) If a child for whom support is payable under the order is under court jurisdiction and is placed in county-funded foster care, that support payable under the order is assigned to the department.

(c) For a friend of the court case, substantially the following statements:

(i) "The office of the friend of the court may consider the person who is providing the actual care, support, and maintenance of a child for whom support is ordered as the recipient of support for the child and may redirect support paid for that child to that recipient of support, subject to the procedures prescribed in section 5d of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605d.".

(ii) "If the payer resides full-time with a child for whom support is payable under this order, support for that child abates in accordance with policies established by the state friend of the court bureau and subject to the procedures prescribed in section 5d of the support and parenting time enforcement act, 1982 PA 295, MCL 552.605d.".

(2) On and after 1 year after the effective date of the 2020 amendatory act that amended this section, each support order the court enters or modifies must include substantially the following statements: If the payer will be incarcerated for 180 consecutive days or more and will not have the ability to pay support, the monthly amount of support payable under the order must be abated, by operation of law, subject to section 17f of the friend of the court act, MCL 552.517f.

(3) In a friend of the court case, a support order that was entered before June 1, 2003 is considered to include, by operation of law, the provisions stated in subsection (1).

(4) A support order entered before 1 year after the effective date of the 2020 amendatory act that amended this section is considered to include, by operation of law, the provisions stated in subsection (2).

(5) A party to a domestic relations matter for which there is not an open friend of the court case may file a motion with the circuit court when a payer will be incarcerated for 180 consecutive days or more with no ability to pay, to request that the provisions of section 17f(1) of the friend of the court act, MCL 552.517f, apply. When the payer is released from incarceration, a party may file a motion with the circuit court to request that the provisions of section 17f(9) of the friend of the court act, MCL 552.517f, apply and that the order be modified.

(6) If a child for whom support is payable under a support order is under the state's jurisdiction and is placed in foster care, support payable under the order is assigned to the department. If the child is placed in county-funded foster care, the support payable under the order is assigned to the department. An assignment of support as required by this subsection has priority over a redirection of support authorized by this section.

(7) Subject to subsection (8), for a friend of the court case, the office of the friend of the court may consider the person who is providing the actual care, support, and maintenance of a child for whom support is ordered as the recipient of support for the child and may redirect support paid for that child to that recipient of support. Subject to subsection (8), the office of the friend of the court must abate support under a support order that is payable as support for a child who resides full-time with the payer, in accordance with policies established by the state friend of the court bureau.

(8) A party to a support order may object to redirection or abatement of support under this section. Support shall not be redirected or abated under this section until 21 days after the office of the friend of the court notifies each party of the proposed action and each party's right

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to object. If a party objects within 21 days after the notification, support shall not be redirected or abated under this section. After an objection, the office of the friend of the court must review the support order under section 17 of the friend of the court act, MCL 552.517, or must notify each party that the party may file a motion to modify support.

(9) The state friend of the court bureau may implement policies to assist offices of the friend of the court in determining when an office of the friend of the court should give notice of a proposed redirection or abatement of support under this section.

History: Add. 2002, Act 570, Eff. June 1, 2003 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 380, Eff. Mar. 17, 2015 ;-- Am. 2020, Act 348, Eff. Mar. 24, 2021

552.605e Payment plan for arrearages.

Sec. 5e.

(1) A payer who has an arrearage under a support order may file a motion with the circuit court for a payment plan to pay arrearages and to discharge or abate arrearages. Except as provided in subsection (7)(d), if the payer files a motion for a payment plan, the court shall approve the plan after notice and a hearing if it finds by a preponderance of the evidence that the plan is in the best interest of the parties and children and that either of the following applies:

(a) The arrearage is owed to an individual payee and both of the following:

(i) The payee has consented to entry of the order under circumstances that satisfy the court that the payee is not acting under fear, coercion, or duress.

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

(b) The arrearage is owed to this state or a political subdivision of this state, and the payer establishes the following:

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

(ii) The payer has no present ability, and will not have an ability in the foreseeable future, to pay the arrearage absent a payment plan.

(iii) The payment plan will pay a reasonable portion of the arrearage over a reasonable period of time in accordance with the payer's current ability to pay.

(iv) The office of child support or its designee has been served with a copy of the motion at least 56 days before the hearing.

(2) When the payer has completed a plan approved under subsection (1), the payer shall provide notice to interested parties and obtain a hearing before the court. If, after notice and hearing, the court finds that the payer has completed the payment plan, the court shall enter an order discharging the remaining arrearage, if any. If the court finds that the payer has substantially completed the payment plan, the court may enter an order granting relief appropriate to the circumstances of the case.

(3) A payment plan may provide for discharge of any portion of an arrearage that meets the requirements under subsection (2), even if other portions of the arrearage do not meet those requirements.

(4) A payment plan under subsection (1) shall provide that arrearages subject to the payment plan may be reinstated upon motion and hearing for good cause shown at any time during the pendency of the payment plan. Good cause includes, but is not limited to, the payee becoming

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a recipient of public assistance, or the payer receiving property sufficient to pay a substantial portion of the amount discharged, including, but not limited to, lottery proceeds, other winnings, a settlement under an insurance policy or a judgment in a civil action, or an inheritance.

(5) A court shall require conditions in a payment plan approved under subsection (1) in addition to the payment of support that the court determines are in the best interests of a child, including, but not limited to, any of the following:

(a) A payer's participation in a parenting program.

(b) Drug and alcohol counseling.

(c) Anger management classes or participation in a batterer intervention program that meets the standards recommended by the governor's task force on batterer intervention standards.

(d) Participation in a work program.

(e) Counseling.

(f) Continuing compliance with a current support order.

(6) This section does not modify the right of a party to receive other child support credits to which the payer is entitled nor prevent the court from correcting a support order under other applicable law or court rule.

(7) In making its findings under subsection (1), the court shall consider any written comments submitted before the hearing by the office of child support or its designee. When written comments have not been submitted, the court may do any of the following:

(a) Adjourn the hearing to seek written comments before making its decision.

(b) Appoint an examiner who shall review the payer's assets and the plan and make a recommendation concerning the plan or propose an alternative plan to the court. The examiner shall be paid by the payer for services provided under terms and conditions the court establishes separately from any payments made through the friend of the court or state disbursement unit.

(c) Appoint a receiver who shall review the payer's assets and the plan and make a recommendation concerning the plan or propose an alternative plan to the court. A receiver appointed under this subdivision has the powers of a receiver under all applicable laws and may, at the court's discretion, use the payer's assets to complete the plan or otherwise monitor the payer's progress in completing the plan. The receiver shall be paid by the payer for services provided under terms and conditions the court establishes separately from any payments made through the friend of the court or state disbursement unit.

(d) Approve the plan as presented, but only if the payer satisfies the requirements of subsection (1) by clear and convincing evidence.

(e) Deny the plan as presented if the court finds that the payer has not satisfied the requirements of subsection (1).

(8) If the court approves a plan under subsection (1)(b), that approval shall be considered the state's consent to a compromise of the arrearage.

(9) An arrearage subject to a plan under subsection (1) shall continue to be enforced under this act, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240, and the friend of the court act, if federal or state law requires the enforcement action. If federal or state law does not require the enforcement action, an arrearage subject to a plan under subsection (1) may continue to be enforced as allowed under this act, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240, and the friend of the court act, except that when the payer is complying with the plan, a referee, judge, or person conducting an administrative review or hearing as allowed under the acts shall not allow enforcement to continue when the statute

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permits the exercise of discretion in using the enforcement and the payer is complying with the plan.

(10) A person who knowingly provides false information on a motion filed under subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than $1,000.00, or both.

History: Add. 2004, Act 211, Eff. Feb. 28, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.606 Support order entered under interstate income withholding act.

Sec. 6.

If a support order is entered under section 6 of the interstate income withholding act, sections 7 to 23 shall apply in the same manner as if the support order had been entered originally by the court in this state, except as otherwise provided in the interstate income withholding act.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986

552.607 Notice of arrearage to payer; contents; sending copy of notice to recipient; request for hearing; time of hearing; de novo hearing; consolidation of hearings; completion of proceedings; review by friend of the court office.

Sec. 7.

(1) For a friend of the court case, if income withholding is not immediately effective and the arrearage under a support order reaches the arrearage amount that requires the initiation of 1 or more support enforcement measures as provided in section 11 of the friend of the court act, MCL 552.511, or, if the amount of income withholding is administratively adjusted for arrears under section 17e of the friend of the court act, MCL 552.517e, the office of the friend of the court immediately shall send notice of the arrearage to the payer by ordinary mail to his or her last known address. The notice to the payer shall contain the following information:

(a) The amount of the arrearage.

(b) One or both of the following:

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

(ii) That the payer's income withholding is being administratively adjusted and the amount of the adjustment.

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

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

(e) That the payer may request a hearing under subsection (3) in writing within 21 days after the date of the notice to contest the withholding, but only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, and if the notice includes an administrative adjustment of arrears, that the administrative adjustment will cause an unjust or inappropriate result.

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

(g) The place where a request for hearing under subsection (3) shall be filed.

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

(2) A payer to whom notice is sent under subsection (1), within 21 days after the date on which the notice was sent, may request a hearing by filing a request for hearing as provided in the notice and serving a copy on the other party. A hearing concerning implementation of income withholding that was not previously effective may be requested only on the grounds that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer.

(3) If a payer requests a hearing under subsection (2), the notice and request shall be filed with the court clerk as a motion contesting the proposed action and a referee or circuit judge shall hold a hearing within 14 days after the date of the request. If at the hearing the payer establishes that the withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the payer, or that periodic implementation of an administrative adjustment of the amount of the periodic payment of arrears to be withheld will cause an unjust or inappropriate result, the income withholding shall be modified or rescinded according to the guidelines established under section 19 of the friend of the court act, MCL 552.519.

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

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

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

(7) The friend of the court office may review the objection administratively before a hearing is held before a referee or judge. If the friend of the court office reviews the objection administratively, either party may object and a hearing shall be held before a referee or judge.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.607a Documentary evidence of income withheld.

Sec. 7a.

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

History: Add. 1996, Act 239, Eff. Jan. 1, 1997

552.608 Limitation on amount of income withheld.

Sec. 8.

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The total amount of income withheld under this act under all orders to withhold income for current support, past due support, fees, and health care coverage premiums effective against a payer shall not exceed 50% of the payer's disposable earnings as that term is defined in 15 USC 1672.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 2009, Act 193, Eff. Mar. 28, 2010

552.609 Order of income withholding; service; notice.

Sec. 9.

(1) A notice of income withholding entered under this act shall be served on sources of income as provided in section 11. A labor organization that assigns a member to work shall forward a copy of an income withholding notice served on the labor organization to the actual employer.

(2) A notice served under this section shall do all of the following:

(a) Direct sources of income to withhold from income due the payer an amount sufficient to meet the payments ordered for support, service fees, fines, costs, and sanctions and to defray arrearages in payments and service fees due at the time the order of income withholding takes effect.

(b) Direct that the amount withheld for support, fees, health care coverage premiums, fines, costs, and sanctions as ordered under the friend of the court act or this act shall not exceed, before 90 days after the effective date of the amendatory act that added subsection (3), the amount allowed under section 303(b) of title III of the consumer credit protection act, 15 USC 1673, or, on or after 90 days after the effective date of the amendatory act that added subsection (3), 50% of the payer's disposable earnings as that term is defined in 15 USC 1672.

(c) Contain a statement of the requirements of sections 11, 11a, 12, 13, 14, and 23.

(d) Direct that income withheld under the notice be paid to the office of the friend of the court or to the state disbursement unit, as appropriate, within 3 days after the date of the withholding.

(3) A person that serves a notice of income withholding under this section shall send separate notices for income withholding for support, fees, fines, costs, and sanctions ordered to be paid under title IV-D and support, fees, fines, costs, and sanctions not ordered to be paid under title IV-D.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.610 Payer to give friend of court name and address of employer.

Sec. 10.

For a friend of the court case, the payer shall give to the office of the friend of the court at the time the order of income withholding is issued the name and address of his or her employer. The payer shall immediately give to the office of the friend of the court notice of the name and address of any subsequent employer.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002

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552.611 Order of income withholding; duration; priority.

Sec. 11.

An order of income withholding entered under this act is binding upon a source of income 7 days after service upon that source of income of a notice of the order of income withholding by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The order of income withholding remains in effect until further order of the court. An order of income withholding has priority over all other legal process under state law against the same income.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 367, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998

552.611a More than 1 order of income withholding against payer or parent; compliance with source of income; liability; identification of withholding; combining amounts in single payment; identifying portion of single payment attributable to each payer.

Sec. 11a.

(1) If there is more than 1 order to withhold income for support, fees, or health care coverage premiums against a payer or parent under this act, the source of income shall comply with all of the notices to withhold income to the extent that the total amount withheld from the payer's or parent's income does not exceed 50% of the payer's disposable income as that term is defined in 15 USC 1672. The source of income shall comply with the notices as follows:

(a) If all orders to withhold income are from this state and the total amount designated in the notices to withhold income for current and past due support exceeds 50% of the payer's disposable earnings, the source of income shall withhold an amount equal to 50% of the payer's disposable earnings.

(b) If 1 or more of the orders to withhold income are from another state, the source of income shall give priority to amounts designated in each notice as current support, as follows:

(i) If the total of the amounts designated in the notices as current support exceeds 50% of the payer's disposable earnings, then the source of income shall allocate to each order an amount for current support equal to the amount designated in the notice as current support, divided by the total of the amounts designated in the notices as current support, multiplied by the amount of income available for income withholding.

(ii) If the total of the amounts designated in the notices as current support does not exceed 50% of the payer's disposable earnings, then the source of income shall pay the amounts designated as current support, and in addition shall proportionately allocate to each order an amount for past due support not to exceed the amount designated in the notice as past due support. This subdivision does not require the maximum withholding to satisfy past due child or spousal support.

(c) If the total amounts allocated to current and past due support do not exceed 50% of the payer's disposable earnings, then the source of income shall allocate the remaining income to the parent's portion of health care coverage premiums attributable to coverage of the children specified in the order if remaining income is sufficient to cover the cost of the premium. This subdivision does not require a source of income to pay the parent's portion of health care coverage premiums.

(2) A source of income is liable for an amount that the source knowingly and intentionally fails to withhold from the payer's income following service on the source of income of a notice of income withholding, except to the extent that the amount is limited by subsection (1).

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(3) A source of income shall identify each withholding by payer, payer's social security number, case numbers, amount withheld, and the date on which support was withheld from the payer's income. If the source of income is an employer, it shall also provide its federal employer identification number. A source of income may meet the requirements of this subsection through the use of an automated reporting system established by the SDU.

(4) A source of income may combine amounts withheld from payers' incomes in a single payment and separately identify by payer, social security number, and case number the portion of the single payment that is attributable to each individual payer.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990 ;-- Am. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2009, Act 193, Eff. Mar. 28, 2010

552.612 Compliance with order as discharge of liability to payer.

Sec. 12.

Compliance by the source of income with a notice of income withholding operates as a discharge of the source's liability to the payer as to that portion of the payer's income affected.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998

552.613 Failure to comply with order; contempt; finding; initiation of proceedings; jurisdiction.

Sec. 13.

The court may find a source of income in contempt, require the source of income to pay an amount according to section 11a(2) if the terms of that section have been satisfied, and fine the source of income if the source of income is served with a notice of income withholding and fails to comply with the notice or to pay withheld amounts to the friend of the court after the order becomes binding under section 11. The IV-D agency is responsible for initiating contempt proceedings under this section. Contempt proceedings under this section may be initiated in any county with jurisdiction over the source of income.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005

552.614 Termination or interruption of payer's income; notice; service on new employer or other source of income.

Sec. 14.

(1) A source of income that has been served with a notice of income withholding or with an order or notice of an order for dependent health care coverage shall notify the appropriate office of the friend of the court if the parent's income from that source or dependent health care coverage is terminated.

(2) If the source of income is an employer, the source of income shall promptly notify the appropriate office of the friend of the court when the payer's employment is terminated or interrupted for a period of 14 or more consecutive days, and shall provide the payer's last known address and the name and address of the payer's new employer or other source of income, if known. The office of the friend of the court shall immediately serve the payer's new employer or other source of income with a notice of income withholding and, if the payer's

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source of income is an employer, with a notice of the order for dependent health care coverage.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001

552.615 Notice of change in circumstances.

Sec. 15.

The payer and any recipient of support shall immediately give to the office of the friend of the court notice of any change in circumstances which would affect an order of income withholding or the distribution of money received under that order.

History: 1982, Act 295, Eff. July 1, 1983

552.615a Military service adjustment; procedures.

Sec. 15a.

(1) If a payer is called to emergency military service, that payer may request a military service adjustment on his or her support obligation by providing a written request to the office of the friend of the court along with information showing all military and civilian pay. A military service adjustment shall be made by multiplying the payer's child support by a fraction, the numerator of which is the payer's income during emergency military service and the denominator of which is the payer's income upon which the support was ordered.

(2) Except as otherwise provided in this subsection, a payer is not eligible for a military service adjustment before the date the friend of the court receives the request for the military service adjustment. If the payer requests a military service adjustment on or before 56 days from the date the payer is called to emergency military service, the friend of the court shall make the military service adjustment effective beginning on the date of the commencement of emergency military service.

(3) If the friend of the court receives a request for a military service adjustment under subsection (1), the friend of the court shall calculate the adjustment as provided under this section and shall notify all parties of the amount of the adjustment, that they may object to the adjustment within 21 days, and of the place and manner for filing objections.

(4) If a party objects to a military service adjustment under this section, the military service adjustment shall continue until a party's objection is resolved under subsection (5) or until 35 days after the payer's emergency military service ends, whichever is sooner.

(5) If a party objects to a military service adjustment under this section, the friend of the court shall set a hearing to be held before a judge or referee to determine whether the military service adjustment should be modified or set aside. The hearing shall be held as soon as possible, and the court may permit the payer to appear at the hearing by any means authorized by supreme court rules. If the court cannot hold the hearing during the payer's emergency military service, the court shall do 1 of the following:

(a) Hold the hearing no later than 35 days after the payer's emergency military service ends.

(b) Conduct a support review upon a payer's return from emergency military service. If a support review is conducted, the notice of adjustment shall be treated as a petition for modification of support for determining an effective date for the modification.

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(c) Schedule a meeting between the parties to be held upon the payer's return from emergency military service to attempt to resolve the dispute over whether the adjustment should be set aside or modified.

(6) As used in this section, "emergency military service" means that the payer is a member of the armed forces reserves or national guard, called into active military duty for a period of more than 30 days.

History: Add. 2006, Act 485, Imd. Eff. Dec. 29, 2006

552.617 Notice of support modification; changing amount assigned or withheld.

Sec. 17.

For a friend of the court case, if the court orders a modification in support and an order of income withholding has been entered under this act, the office of the friend of the court shall give to a source of income to which notice of income withholding was sent under section 11 a notice of the modification by ordinary mail or by electronic means as agreed by the source of income and the office of the friend of the court. The amount assigned or withheld shall be changed to conform with the court ordered modification 7 days after receipt of the notice of modification.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1996, Act 367, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002

552.619 Modifying support order to exclude support for child of whom payer awarded sole custody; suspension or termination of order of income withholding; circumstances prohibiting written agreement; effectiveness of order of income withholding; refund of money improperly withheld.

Sec. 19.

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

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

(a) The location of the child and custodial parent cannot be determined for a period of 60 days or more, and the friend of the court case is being closed.

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

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

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

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

(ii) An alternative payment arrangement.

(iii) For a friend of the court case, the payer shall keep the office of the friend of the court informed of both of the following:

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

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

(3) The parties shall not enter into a written agreement under subsection (2)(d) if either of the following circumstances exists:

(a) There is a support arrearage.

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

(4) If a written agreement is entered into under subsection (2)(d), the order of income withholding shall take effect when an arrearage in support payments as agreed to under the written agreement reaches the arrearage amount that would require the initiation of 1 or more support enforcement measures if the case were a friend of the court case, as provided in section 11 of the friend of the court act, MCL 552.511.

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

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

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990 ;-- Am. 1992, Act 291, Eff. Jan. 1, 1993 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

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552.621 Repealed. 1990, Act 296, Imd. Eff. Dec. 14, 1990.

Compiler's Notes: The repealed section pertained to payments by employer to friend of court.

552.623 Using order of income withholding as basis for refusing to employ, discharging, disciplining, or penalizing payer prohibited; violation as misdemeanor; penalty; restitution; use of occupational, driver's, or recreational or sporting license as basis; exception; fee.

Sec. 23.

(1) A source of income shall not use a notice of income withholding as a basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer. A source of income who refuses to employ, discharges, disciplines, or penalizes a payer in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $500.00, and shall be required to make full restitution to the aggrieved payer, including reinstatement and back pay.

(2) A source of income shall not use the suspension, as provided for in this act, of an occupational license, driver's license, or recreational or sporting license as the basis for refusing to employ, discharging, taking disciplinary action against, or imposing a penalty against a payer unless the suspended license is legally required for the payer's performance of the job. This act does not prevent a source of income from refusing to employ or discharging an individual whose occupational license, driver's license, or recreational or sporting license is suspended if that license is a necessary predicate to engage in that occupation, vocation, or profession.

(3) A source of income may charge and collect from a payer a fee in response to a notice of income withholding as follows:

(a) If a source of income submits income withholding payments by electronic means, the source of income may charge the payer a fee of $1.00 each time the source of income withholds payment from the payer, but not to exceed $2.00 per month.

(b) If a source of income submits income withholding payments by other than electronic means, the source of income may charge the payer a fee of $2.00 each time the source of income withholds payment from the payer, but not to exceed $4.00 per month.

(4) The fee authorized in subsection (3) shall be collected separately and apart from the income withheld for child support.

(5) Charging or collecting a fee under subsection (3) is not a violation of subsection (1).

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 235, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2012, Act 357, Eff. Mar. 28, 2013

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552.624 Offset proceedings against delinquent payer's tax refunds.

Sec. 24.

For a friend of the court case, if the case has not been designated for offset proceedings by the office of child support and a support arrearage has accrued that meets the requirements established by state or federal law, regulation, or rule, as applicable, the office of the friend of the court may request the office of child support to initiate offset proceedings against the delinquent payer's state tax refunds and federal income tax refunds as provided in section 3a of the office of child support act, 1971 PA 174, MCL 400.233a.

History: Add. 1985, Act 210, Imd. Eff. Jan. 8, 1986 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.624a Proceedings to set aside transfer of title or ownership of property without fair consideration.

Sec. 24a.

For a friend of the court case, if a support arrearage has accrued and there is reason to believe the payer transferred title or ownership of real or personal property without fair consideration, the title IV-D agency shall initiate proceedings to have the transfer set aside as provided in the uniform voidable transactions act, 1998 PA 434, MCL 566.31 to 566.45, or obtain a settlement in the form of full payment of the arrearage or in periodic repayments as is possible in the best interest of the recipient of support.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2016, Act 555, Eff. Apr. 10, 2017

552.624b Notification to child support lien network and additional clearinghouses of payer with support arrearage.

Sec. 24b.

The title IV-D agency shall notify the child support lien network, and may notify 1 or more additional national child support information clearinghouses, of each payer who has a support arrearage in an amount that exceeds 2 times the monthly amount of periodic support payments payable under the payer's support order.

History: Add. 2004, Act 483, Eff. Oct. 1, 2005

552.625 Enforcement of support orders; providing bond, security, or other guarantee.

Sec. 25.

In addition to providing remedies or imposing penalties otherwise available under this act or other law for the enforcement of support orders, the court, upon petition by the office of the friend of the court or recipient of support and after notice to the payer and an opportunity for a hearing, may require a payer to provide sufficient bond, security, or other guarantee to secure the payment of support that is past due, or due in the future, or both. Upon default in the payment of an amount secured by the bond, the court, after notice to the payer and sureties, if any, and an opportunity for a hearing, may render judgment against the payer and sureties for the amount of unpaid support. Upon default in the payment of the amount awarded in the judgment, the court may order execution of the judgment; appoint a receiver of the real and personal property of the payer and order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998

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552.625a Lien; creation; effect; full faith and credit to liens created in other states; priority; notice; exceptions to creation of lien; effect of lien on itemized amount in redemption order; definitions.

Sec. 25a.

(1) The amount of past due support that accrues under a judgment as provided in section 3 or under the law of another state constitutes a lien in favor of the recipient of support against the real and personal property of a payer, including, but not limited to, money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment. The lien is effective at the time that the support is due and unpaid and continues until the amount of past due support is paid in full or the lien is terminated by the title IV-D agency.

(2) Liens that arise in other states shall be accorded full faith and credit when the requirements of section 25b or 25c are met.

(3) A lien created under subsection (1) is subordinate to a prior perfected lien. All liens that arise under subsection (1) and described in subsection (2) have equal priority.

(4) A lien shall not be perfected or levied under this act unless the title IV-D agency has provided a notice to the payer that liens exist by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount that exceeds the periodic support payments payable under the payer's support order for the time specified in this act. Notice has been provided if it is in the payer's support order or if it was mailed to the payer at any time.

(5) The title IV-D agency or another person required to provide notice under this section or sections 25b to 25i shall provide notice by paper, unless the person to be notified agrees to notice by other means. The title IV-D agency or other person providing notice under this section or sections 25b to 25i shall complete and preserve proof of service of the notice in a form that substantially conforms to the requirements for proof of service under the Michigan court rules.

(6) A lien under subsection (1) does not arise against any of the following:

(a) A financial asset pledged to a financial institution as collateral.

(b) A financial asset to which a financial institution has a prior right of setoff or other lien.

(c) Property or an allowance described in part 4 of article II of the estates and protected individuals code, 1998 PA 386, MCL 700.2401 to 700.2404.

(d) Fifty percent of the amount of compensation due to a payer under a worker's compensation order, settlement, redemption order, or voluntary payment.

(e) That portion of money to be paid as a distribution from a decedent's estate; as the result of a claim for negligence, personal injury, or death; under an arbitration award; under a settlement of or judgment issued in a civil action; or as compensation under a worker's compensation order, settlement, redemption order, or voluntary payment that is owed for any of the following:

(i) Attorney fees.

(ii) Court costs and other litigation costs, including, but not limited to, medical examination costs, expenses for reports, deposition fees, court reporter fees, and record copy fees.

(iii) The medicaid program under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, unless medicaid is subordinated to child support under federal law.

(iv) Medical services or a reimbursement for a payment made for medical services either to or by an insurer, health maintenance organization, or nonprofit health care corporation. For the purposes of compensation under a worker's compensation order, settlement, redemption order, or voluntary payment, as used in this subparagraph, "medical services" means services as described and regulated under sections 315 and 319 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.315 and 418.319, and the rules promulgated under those sections.

(v) An amount to reimburse an insurance company for the expense incurred by the insurance company in responding to a lien and levy under sections 25b to 25i. A reimbursement amount under this subparagraph shall not exceed the actual expense or $50.00, whichever is less, for each lien and levy or for each payment under a lien and levy.

(vi) Other costs related to the arbitration, civil action, or worker's compensation order, settlement, redemption order, or voluntary payment.

(vii) For reimbursements to which an employer or carrier is entitled under section 827 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.827.

(viii) For vocational rehabilitation costs, reimbursements, or credits incidental to long- or short-term disability programs or to pension or welfare benefit funds.

(ix) For a medicare set aside account for future medical care or for future medicaid, unless medicare or medicaid is subordinated to child support under federal law.

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(f) Money to be paid under an insurance policy for the repair or replacement of real or tangible personal property.

(g) Money to be paid for allowable expenses that are payable as benefits under section 3107(1)(a) or (c) of the insurance code of 1956, 1956 PA 218, MCL 500.3107.

(7) The title IV-D agency does not have the authority to alter an amount itemized in a redemption order. A lien that arises under this act and a levy of that lien only affect that portion, as prescribed in this section, of the payment due the payer under a redemption order. A carrier shall not use the enforcement of a lien and levy under this act as the basis for freezing or otherwise refusing to pay out an amount itemized in a redemption order that is not affected by the lien and levy under this act.

(8) As used in this section and sections 25b to 25i:

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

(i) "Carrier" as that term is defined in section 601 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.601.

(ii) A fund created under section 501 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.501.

(iii) The property and casualty guaranty association required to be maintained by section 7911 of the insurance code of 1956, 1956 PA 218, MCL 500.7911.

(b) "Insurer" means that term as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.

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History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625b Remedy as cumulative; lien; perfection; notice; review procedures; enforcement; termination; disclosure of information.

Sec. 25b.

(1) A remedy provided by this section is cumulative and does not affect the availability of another remedy under this act or other law.

(2) Except for a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect a lien created under section 25a upon the real or personal property of the payer when an arrearage has accrued in an amount that exceeds 2 times the monthly amount of periodic support payments payable under the payer's support order.

(3) If the arrearage under subsection (2) is reached and the title IV-D agency has determined that the delinquent payer holds real or personal property, other than a financial asset, money to be paid, or compensation to which section 25c applies, the title IV-D agency may perfect the lien. The title IV-D agency shall perfect a lien on property to which this section applies in the same manner in which another lien on property of the same type is perfected.

(4) The title IV-D agency shall notify the payer when the title IV-D agency has perfected a lien against real or personal property of the payer. The notice shall be sent by ordinary mail to the payer's last known address, and a copy of the notice shall be sent by ordinary mail to the recipient of support. A notice under this subsection shall include all of the following:

(a) The amount of the arrearage.

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

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

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

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

(5) Within 21 days after the date on which the notice described in subsection (4) is mailed to a payer, the payer may request a review on the lien and the proposed action. If the payer requests a review under this subsection, the title IV-D agency shall conduct the review within 14 days after the date of the request.

(6) If, at the review, the payer establishes that the lien is not proper because of a mistake of fact, the title IV-D agency shall terminate or modify the lien and, within 7 days, notify the applicable entity that the lien is terminated against all or a portion of the property.

(7) If the payer fails to request a review, to appear for a review, or to establish a mistake of fact, the title IV-D agency may collect the arrearage by levy upon any property belonging to the payer as provided in this section. The title IV-D agency shall notify the payer at the review or by written notice of its intent to levy.

(8) To enforce a lien on real property or personal property, the title IV-D agency may sell the real property in the manner provided by law for the judicial foreclosure of mortgage liens; apply to the circuit court for an order to execute the judgment, to appoint a receiver of the real and personal property subject to the lien, and to order the property and its income to be applied to the amount of the judgment; or take any other appropriate action to enforce the judgment. The title IV-D agency shall mail a copy of orders under this subsection to the payer and recipient of support at his or her last known address.

(9) A payer may request that the title IV-D agency terminate a lien against the real and personal property of the payer on the basis that the payer is no longer in arrears. If the payer is no longer in arrears, the title IV-D agency shall terminate the lien in accordance with law.

(10) An entity is not liable under any federal or state law to any person for any disclosure of information to the title IV-D agency under this section or for any other action taken in good faith to comply with the requirements of this section.

History: Add. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006

Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

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552.625c Remedy as cumulative; arrearage under payer's support order; payer's financial assets held by financial institution; notice of lien and levy; form; notice of withdrawal; release of assets.

Sec. 25c.

(1) A remedy provided by this section is cumulative and does not affect the availability of another remedy under this act or other law.

(2) If an arrearage has accrued in an amount that exceeds 2 times the monthly amount of periodic support payments payable under a payer's support order, the title IV-D agency may levy against any of the following items subject to a lien under section 25a to which the payer is entitled:

(a) Financial assets held by a financial institution.

(b) Money to be paid by an insurer as the result of a claim for negligence, personal injury, or death, under an arbitration award, or under a settlement of or judgment issued in a civil action.

(c) Compensation under a worker's compensation order, settlement, redemption order, or voluntary payment.

(3) To levy against a payer's financial assets, money to be paid, or compensation, the title IV-D agency shall serve the financial institution holding the financial assets, the insurer, or the carrier with a notice of the lien and levy, directing the financial institution, insurer, or carrier to freeze those financial assets or that money or compensation. The office of child support, in consultation with the state court administrative office, shall create the form that is required for the notice to a financial institution, insurer, or carrier under this subsection. The form shall include, or provide for inclusion of, at least all of the following:

(a) The levy amount.

(b) Information that enables the financial institution, insurer, or carrier to link the payer with his or her financial assets, money to be paid, or compensation and to notify the payer.

(c) Information on how to contact the title IV-D agency.

(d) Statements setting forth the rights and responsibilities of the financial institution, insurer, or carrier and payer.

(4) A title IV-D agency may withdraw a levy under this section at any time before the circuit court considers or hears the matter in an action filed under section 25f. The title IV-D agency shall give notice of the withdrawal to the payer and financial institution, insurer, or carrier. Upon receiving notice of a withdrawal of a levy, the financial institution, insurer, or carrier shall release the payer's financial assets, money to be paid, or compensation by the close of business on 1 of the following days:

(a) If the notice is received before noon, the first business day after the business day on which the notice is received.

(b) If the notice is received at noon or later, the second business day after the business day on which the notice is received.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006

Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

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552.625d Obligation or liability of financial institution, insurer, or carrier; limitations.

Sec. 25d.

(1) A financial institution, insurer, or carrier incurs no obligation or liability to a depositor, account holder, or other person arising from the furnishing of information under sections 25c to 25i or from the failure to disclose to a depositor, account holder, or other person that the person's name as a person with an interest in the financial assets, money to be paid, or compensation was included in the information provided.

(2) A financial institution, insurer, or carrier incurs no obligation or liability to the title IV-D agency or another person for an error or omission made in good faith compliance with sections 25c to 25i.

(3) A financial institution, insurer, or carrier incurs no obligation or liability for blocking, freezing, placing a hold upon, forwarding, or otherwise dealing with a person's financial assets, money to be paid, or compensation in response to a lien or levy imposed or information provided under sections 25c to 25i.

(4) A financial institution, insurer, or carrier is not obligated to block, freeze, place a hold upon, forward, or otherwise deal with a person's financial assets, money to be paid, or compensation until served with the notice of levy in accordance with section 25c. A financial institution, insurer, or carrier that forwards financial assets, money to be paid, or compensation to the title IV-D agency in response to a levy under section 25c is discharged from any obligation or liability to the depositor, account holder, or other person with an interest in the financial assets, money to be paid, or compensation forwarded to the title IV-D agency.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006
Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625e Freeze of payer's financial assets; execution; notice.

Sec. 25e.

(1) When a financial institution, insurer, or carrier receives a notice of levy under section 25c on a payer's financial assets held by the financial institution; money to be paid by an insurer as the result of a claim for negligence, personal injury, or death, under an arbitration award, or under a settlement of or judgment issued in a civil action; or compensation under a worker's compensation order, settlement, redemption order, or voluntary payment, the financial institution, insurer, or carrier shall freeze those financial assets, money to be paid, or compensation. If the payer's financial assets, money to be paid, or compensation exceeds the levy amount, the financial institution, insurer, or carrier shall freeze those financial assets, or that money to be paid or compensation, up to the levy amount. A financial institution, insurer, or carrier shall execute the freeze of a payer's financial assets, money to be paid, or compensation under this section by the close of business on 1 of the following days:

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(a) If the notice is received before noon, the first business day after the business day on which the notice is received.

(b) If the notice is received at noon or later, the second business day after the business day on which the notice is received.

(2) After complying with subsection (1), a financial institution, insurer, or carrier shall give notice of that compliance to the title IV-D agency and the payer. In addition, a financial institution shall notify each other person with an interest in the financial assets as shown in the financial institution's records. A financial institution's, insurer's, or carrier's notice to a payer under this subsection shall include a copy of the title IV-D agency notice to the financial institution, insurer, or carrier.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006
Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

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552.625f Levy on financial assets; challenge; procedures.

Sec. 25f.

(1) A payer whose financial assets are, or money to be paid or compensation is, levied on under section 25c or another person with an interest in the financial assets may challenge the levy by submitting a written challenge with the title IV-D agency at the location specified in the title IV-D agency notice. A payer, or other person with an interest in the financial assets, must submit a written challenge under this section within 21 days after the financial institution, insurer, or carrier sends the payer a copy of the title IV-D agency notice as required by section 25e. A challenge to a levy under section 25c is governed by this act and is not subject to chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A payer, or other person with an interest in the financial assets, who submits a challenge under this subsection may withdraw the challenge at any time by giving notice of the withdrawal to the title IV-D agency.

(2) If the title IV-D agency receives a written challenge from a payer, or other person with an interest in the financial assets, within the time limit required by subsection (1), the title IV-D agency shall notify the financial institution, insurer, or carrier about the challenge and, within 7 days, shall review the case with the challenger. The title IV-D agency shall consider only a mistake in the payer's identity or in the amount of the payer's past due support, or another mistake of fact, as cause to release or modify the levy. If the title IV-D agency determines that a mistake of fact occurred, the title IV-D agency shall do 1 of the following:

(a) If the mistake is the payer's identity or that the payer does not owe past due support in an amount equal to or greater than 2 times the payer's monthly support amount under a support order, notify the financial institution, insurer, or carrier and the payer that the levy is released.

(b) If the payer does owe past due support in an amount equal to or greater than 2 times the payer's monthly support amount under a support order, but the amount in the notice to levy is more than the payer owes, notify the payer of the corrected amount.

(c) If the mistake concerns a fact other than those described in subdivisions (a) and (b), take action appropriate to the mistake.

(3) If the title IV-D agency finds no mistake of fact, the title IV-D agency shall notify the payer or other person with an interest of that finding.

(4) If the payer, or other person with an interest in the financial assets, disagrees with the title IV-D agency review determination under this section, the payer or other person with an interest may challenge the levy under section 25c by filing an action in the circuit court that issued a support order that is an underlying basis for the levy. A payer, or other person with an interest in the financial assets, must file an action under this subsection within 21 days after the title IV-D agency sends notice of its review determination and shall give the title IV-D agency notice of the action.

(5) If an action is not filed in the circuit court within the time limit required by subsection (4), the title IV-D agency shall notify the financial institution, insurer, or carrier, directing the financial institution, insurer, or carrier to act in accordance with the title IV-D agency review determination under this section. If an action is filed in the circuit court within the time limit prescribed in subsection (4), the title IV-D agency shall notify the financial institution, insurer, or carrier, directing the financial institution, insurer, or carrier to act in accordance with the court decision.

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History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006

Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625g Forwarding money by financial institution, insurer, or carrier.

Sec. 25g.

(1) A financial institution, insurer, or carrier that receives a notice of levy under section 25c shall forward money in the amount of past due support as stated in the notice, or in the corrected amount if notified of a corrected amount, to the state disbursement unit, along with information necessary to identify the payer as required by the notice.

(2) A financial institution, insurer, or carrier shall forward money as required by subsection (1) no sooner than the next day and no later than the seventh day after 1 of the following takes place:

(a) The financial institution, insurer, or carrier notifies the payer and the title IV-D agency that the payer's financial assets are, or money to be paid or compensation is, frozen as required by section 25e and has not received, within 28 days after the day on which the financial institution, insurer, or carrier sent the notices, a notice from the title IV-D agency that the payer, or another person with an interest in the payer's financial assets, has submitted a challenge to the levy under section 25f.

(b) The financial institution, insurer, or carrier receives, within the time limit prescribed in subdivision (a), a notice from the title IV-D agency that the payer, or another person with an interest in the payer's financial assets, submitted a challenge to the levy and receives the subsequent title IV-D agency notice required by section 25f, directing the financial institution,

insurer, or carrier to act in accordance with either the title IV-D agency review determination or the circuit court decision.

(3) If, in order to forward sufficient money to the SDU, the financial institution must convert 1 or more financial assets to cash, the financial institution shall execute the conversion, assessing a resulting fee or other cost or penalty against the payer. If the payer's financial assets are insufficient to pay the past due support amount plus resulting fees and other costs or penalties, the financial institution may deduct the fees, costs, and penalties before forwarding the balance of the money.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006
Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

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552.625h Circuit court review.

Sec. 25h.

(1) If an action is filed in circuit court within the time limit prescribed in section 25f, the circuit court shall review the matter de novo. The action is governed by this section and the Michigan court rules. The circuit court review is not limited to mistakes of fact.

(2) All of the following apply in an action governed by this section:

(a) The circuit court shall only address the issues of the propriety of the levy and whether the levy amount is correct.

(b) The circuit court shall not admit evidence or consider an issue that is related to custody, parenting time, or the amount of support under a support order unless that evidence is related to the levy against a payer's financial assets, money to be paid, or compensation.

(c) The circuit court shall not modify a support order. A court finding regarding a monthly or past due support amount does not modify the underlying support order.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006
Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

552.625i Return of forwarded money to payer; reimbursement of fee, cost, or penalty; interest; allocations.

Sec. 25i.

(1) If, after a financial institution forwards money to the state disbursement unit, all of the forwarded money is returned to the payer due to a mistake of fact or court order, the title IV-D agency shall reimburse the payer for a fee, cost, or penalty that the financial institution assessed against the payer under section 25g. The title IV-D agency shall also compensate the payer for the amount of interest that the financial assets would have earned had they not been converted and forwarded to the SDU, to the extent that the interest can be determined with a reasonable degree of certainty.

(2) If the total amount of past due support the payer owes under all support orders subject to levy under section 25c is more than the amount of money a financial institution, insurer, or carrier forwards the SDU under section 25g, the SDU shall allocate the money among those support orders by multiplying the total amount of money forwarded by the percentages arrived at by dividing the past due support amount under each of those support orders by the total of the past due support amounts under all of those support orders.

History: Add. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 484, Eff. Jan. 1, 2006
Compiler's Notes: Enacting section 2 of Act 484 of 2004 provides:"Enacting section 2. Before January 31, 2006, the title IV-D agency and the worker's compensation agency shall report to the standing committees of the senate and house of representatives with primary responsibility for legislation concerning child support enforcement on the status of, efficacy of, and problems that have arisen in the implementation of the provisions of the support and parenting time enforcement act that were amended or added by this amendatory act and in the implementation of the related interagency agreement. In addition, the worker's compensation agency shall report to those same standing committees the effect that implementation has had on efficiency in the management of worker's compensation case settlements and redemptions."

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552.626 Notice of income withholding; failure of parent to obtain or maintain health care coverage for child; duties of friend of the court.

Sec. 26.

(1) For a friend of the court case, if a parent is ordered to pay support or obtain or maintain health care coverage through an employer, or both, the office will, when appropriate and within 2 business days after a new hire report is entered into the state directory of new hires, as created under section 453A of title IV-D, 42 USC 653a, or a payer's or parent's employer is otherwise identified, provide the new employer with a notice of income withholding or a notice of the order for dependent health care coverage, or both, on behalf of the parent who is subject to income withholding or a parent or payer who is required to provide dependent health care coverage.

(2) If the order for dependent health care coverage does not specify whether the health care coverage must be private health care coverage or public health care coverage, the office shall, when appropriate, provide an employer with the notice specified in subsection (1) unless 1 of the following applies:

(a) The parent or payer who is required to obtain health care coverage provides proof that health care coverage available through the employer is not accessible to the child or not available at a reasonable cost. Health care coverage is presumed to be accessible to the child and available at a reasonable cost if it meets the guidelines provided in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519.

(b) The parent or payer who is required to provide health care coverage has obtained and maintained health care coverage that is accessible to the child and available to the parent at a reasonable cost.

(3) If an order for dependent health care coverage was entered before September 30, 2001, the office shall, at the time notice of the order is sent to the employer under subsection (1), provide the payer or parent with instructions on how to request a review or hearing to contest the availability of dependent health care coverage at a reasonable cost.

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

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

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

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 21 days after mailing of the notice:

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

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

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

(iii) If the order for dependent health care coverage does not specify whether that coverage must be private health care coverage or public health care coverage, that the parent can obtain or maintain private health care coverage or public health care coverage. To the extent possible, the notice must provide contact information available to the public for local, state, or federal agencies that administer public health care coverage.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2019, Act 26, Imd. Eff. June 20, 2019

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552.626a Eligibility of parent for health care coverage through employer; duties of employer.

Sec. 26a.

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

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

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

(c) The employee applies for coverage for the child or, if the employee fails to apply, the friend of the court or child's other parent through the friend of the court applies for coverage

for the child. Application by the friend of the court shall be in the form of the order for dependent health care coverage or a notice of the order for dependent health care coverage.

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

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

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

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

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

History: Add. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001

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552.626b Order or notice for dependent health care coverage; requirements.

Sec. 26b.

(1) An order or notice for dependent health care coverage entered under this act shall include the information required in a qualified medical child support order as specified in 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to the employee retirement income security act of 1974, Public Law 93-406, and shall comply with standards of the national medical support notice as required to meet federal law and regulations.

(2) An order or notice of an order for dependent health care coverage served on an employer shall direct the employer to withhold from the employee's income the employee's share, if any, of premiums for dependent health care coverage and pay that amount to the insurer or plan administrator. The order or notice shall also direct that the amount withheld for support, fees, and health care premiums shall not exceed 50% of the employee's disposable earnings as that term is defined in 15 USC 1672.

(3) An order or notice of an order for dependent health care coverage under this section may be combined with or accompany an order or notice of income withholding under section 9.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2009, Act 193, Eff. Mar. 28, 2010

552.626c Order for health care coverage; modification notice.

Sec. 26c.

If the court modifies an order for health care coverage that may affect the provision of dependent health care coverage, the office of the friend of the court shall send a notice of the modification to the employer, insurer, or plan administrator.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996

552.626d Notice to department of social services identifying health care coverage.

Sec. 26d.

The office of the friend of the court shall notify the state department of social services if the office identifies health care coverage that has been obtained or is being maintained by a parent for a child who is a recipient of public assistance or medical assistance. The notice shall include available information on the name and address of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; the effective date of the coverage; the name and birth date of the individual for whose benefit the coverage is maintained; and the name and social security number of the policyholder.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996

552.627 Other enforcement action.

Sec. 27.

(1) Under the Michigan court rules, the circuit court may take other enforcement action under applicable laws, including, but not limited to, the following:

(a) 1846 RS 84, MCL 552.1 to 552.45.

(b) 1913 PA 379, MCL 552.151 to 552.156.

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

(d) Section 1701 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1701.

(e) 1968 PA 293, MCL 722.1 to 722.6.

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

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

(2) Even if another act of this state provides that this act applies to support orders issued under the other act, if that other act contains a specific provision regarding the contents or enforcement of the support order that conflicts with this act, the other act controls in regard to that provision.

(3) Nothing in this section authorizes the IV-D agency to pursue enforcement action under applicable laws except as otherwise specifically authorized by statute or court rule.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005

552.628 Order to suspend payer's occupational, recreational, sporting, or driver's license; notice to payer.

Sec. 28.

(1) For a friend of the court case, a payer's occupational license or recreational or sporting license, or any combination of the licenses may be suspended if both of the following circumstances are true:

(a) An arrearage has accrued in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.

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

(2) For a friend of the court case, a payer's driver license may be suspended if both of the circumstances in subsection (1) are true and both of the following additional circumstances are true:

(a) The court has conducted an ability to pay assessment and determined that the payer has an ability to pay the support but is willfully not making his or her support payments.

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(b) The office of the friend of the court determines that no other sanction would be effective in assuring regular payments on the support obligation and regular payments on the arrearage.

(3) Before seeking the suspension of a license described in subsection (1) or (2), the office of the friend of the court shall send the payer a notice that includes all of the following information:

(a) The amount of the arrearage.

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

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

(d) That, if a hearing is requested, the payer may do either of the following at the hearing:

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

(ii) Ask the court to order a schedule for the payment of the arrearage.

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

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History: Add. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 565, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2020, Act 379, Eff. Oct. 1, 2021

552.629 Suspension hearing; consolidation with modification hearing; order to pay arrearage in installments; suspension order; failure of payer to comply with order.

Sec. 29.

(1) Within 21 days after the date on which a notice described in section 28 is mailed to a payer, the payer may request a hearing on the proposed suspension. If the payer requests a hearing within that time, a suspension order shall not be entered and a suspension notice shall not be sent pending the outcome of the hearing.

(2) If a payer files a petition for modification of the support order and the petition is pending at the date scheduled for a hearing under this section, the court shall consolidate the hearing under this section and a hearing on the petition for modification unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on the petition for modification shall be held before the hearing scheduled under this section.

(3) If, after a hearing under this section, the court determines that the payer has accrued an arrearage on his or her support order and that the payer has, or could by the exercise of due diligence have, the capacity to pay all or some portion of the amount due, the court shall order the payment of the arrearage, as reasonable, in 1 or more scheduled installments of a sum certain.

(4) After 21 days after the date on which a notice described in section 28 is sent, the friend of the court shall notify the secretary of state if the payer has failed to request or attend a hearing on the proposed suspension or pay the arrearage in full. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

(5) The court may order the suspension of the payer's occupational license or recreational or sporting license, or any combination of the licenses included in the notice under section 28, under either of the following circumstances:

(a) The payer fails to pay the arrearage and fails to either request a hearing as provided in subsection (1) or appear for a hearing scheduled after such a request.

(b) The court determines after a hearing that the payer has failed to comply with an arrearage payment schedule ordered under this section.

(6) If a court determines that a payer has failed to comply with an arrearage payment schedule ordered under this section, the court may direct the friend of the court to notify the secretary of state of the failure. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

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552.630 Suspension of occupational, driver's, or recreational or sporting license by licensing agency; sending copy of order; schedule for payment of arrearage.

Sec. 30.

(1) If the court orders a suspension of an occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, under section 29, 33, 35, or 45, the order shall indicate that the licensing agency shall suspend the license within 7 business days after receipt of the suspension order, or sooner if required by the act that authorizes the licensing agency to suspend the license. The office of the friend of the court shall send a copy of the suspension order to the licensing agency.

(2) After a suspension order is entered or after a suspension under section 29, a payer may agree to and the court may order a reasonable schedule for the payment of the arrearage. If the court orders a schedule for payment of the arrearage, the court or the friend of the court, as applicable, shall do the following:

(a) The court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, or section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. If a suspension order has been sent, within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(b) The friend of the court, on verification by the clerk of the court that the driver's license clearance fee required by section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, has been paid, shall provide a certificate to the payer stating that the payer is in compliance with the support order.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.631 Failure or refusal to obey and perform support order; civil contempt proceeding; failure to appear; bench warrant; cash performance bond; custody; payment and disposition of costs; order rendering vehicle inoperable.

Sec. 31.

(1) If a person is ordered to pay support under a support order and fails or refuses to obey and perform the order, and if an order of income withholding is inapplicable or unsuccessful, a recipient of support or the office of the friend of the court may commence a civil contempt proceeding as provided by supreme court rule. If the payer fails to appear at the hearing, the court shall do 1 or more of the following as the court considers appropriate given the information available at the hearing:

(a) Find the payer in contempt for failure to appear.

(b) Find the payer in contempt under section 33.

(c) Issue a bench warrant for the payer's arrest requiring that the payer be brought before the court without unnecessary delay for further proceedings in connection with the contempt proceedings.

(d) Adjourn the contempt proceeding.

(e) Dismiss the contempt proceeding if the court determines that the payer is not in contempt.

(2) If the court stays a commitment order under section 37, the payer fails to satisfy the conditions of the order, and that fact is brought to the court's attention by the friend of the court, the court may issue a bench warrant for the payer's arrest requiring the payer to be brought before the court without unnecessary delay for further proceedings in connection with the payer's contempt.

(3) In a bench warrant issued under this section, the court shall decree that the payer is subject to arrest if apprehended or detained anywhere in this state and shall require that, upon arrest, unless the payer deposits a cash performance bond in the manner required by section 32, the payer shall remain in custody until the time of the hearing. The court shall specify in the bench warrant the cash performance bond amount. The court shall set the cash performance bond at not less than $500.00 or 25% of the arrearage, whichever is greater. At its own discretion, the court may set the cash performance bond at an amount up to 100% of the arrearage and add to the amount of the required deposit the amount of the costs the court may require under subsection (4). If a payer is arrested on a felony warrant issued for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, unless the payer deposits a cash performance bond in the manner required by section 32, the court shall require that, upon arrest, the payer remain in custody until the time of the preliminary examination. Upon notification that a payer who has an outstanding bench warrant under this section has been arrested or arraigned on a felony warrant for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, the court may order that the bench warrant be recalled.

(4) If the court issues a bench warrant under this section, except for good cause shown on the record, the court shall order the payer to pay the costs related to the hearing, the issuance of the warrant, the arrest, and any later hearings. Those costs and costs ordered for failure to appear under section 32 or 44 shall be transmitted to the county treasurer for distribution as required in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(5) If the court issues a bench warrant under this section, the court may enter an order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, by booting or another similar method, subject to release on deposit of an appropriate bond.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1983, Act 108, Imd. Eff. July 1, 1983 ;-- Am. 1996, Act 301, Eff. Jan. 1, 1997 ;-- Am. 2000, Act 442, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2004, Act 569, Imd. Eff. Jan. 3, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

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552.632 Payer arrested under bench warrant; cash performance bond; hearing; form of bond receipt; failure to appear; transmission and deposit of bond; setting aside contempt finding; voluntary appearance by payer; receipt.

Sec. 32.

(1) If a bench warrant was issued and the payer is arrested in the county that issued the warrant or another county in this state, the payer shall remain in custody until there is a hearing or the payer posts an adequate cash performance bond. If the payer cannot post the cash performance bond in the amount stated in the bench warrant, the payer is entitled to a hearing within 48 hours, excluding weekends and holidays. The issues to be considered at a hearing required under this subsection are limited to the payer's answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt. If the hearing is not held as provided in this subsection, the court shall review, based on criteria prescribed in the Michigan court rules, the amount of the cash performance bond to determine an amount that will ensure the payer's appearance and shall set a date for a hearing to be held under subsection (4) within the time limit prescribed in the Michigan court rules.

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

"Date _____

Received from _____ (referred to in this receipt as "the payer") to assure the performance of the payer's support obligation. The payer shall appear for hearing at a date noticed to the payer by the court at the following address:

_____

(address furnished by the payer for receipt of notice)

The hearing is for the payer to answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt.

If the payer fails to appear at the time and place indicated in the court's notice, fails to submit to the jurisdiction of the court, and fails to abide by an order of the court, the cash performance bond shall be transmitted to the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. If the payer appears at the time and place indicated above and the court determines that the payer owes an arrearage under the support order that is the basis of the contempt proceeding or owes costs to the court, the cash performance bond deposited shall be transmitted to the office of the friend of the court or to the state disbursement unit for payment of the arrearage to the recipient of support and of costs to the court. By depositing the cash performance bond with the officer and accepting this receipt, the recipient of this receipt waives a claim to the money under the cash performance bond following its transmittal to the friend of the court or to the SDU.

_____

Officer:_____Dept.: _____".

(3) The officer receiving a cash performance bond shall in turn deposit the bond received under this section with the clerk of the court that issued the bench warrant. If the payer deposits a cash performance bond under this section, the date for a hearing to be held under subsection (4) shall be set within the time limit prescribed in the Michigan court rules.

(4) At a hearing held after a payer deposits a cash performance bond, the issues to be considered are limited to the payer's answer to the contempt proceeding and, if the payer was found in contempt, to further proceedings related to the payer's contempt. On the basis of the

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hearing, the court by order shall determine how much of the cash performance bond deposited under this section is to be transmitted to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. The balance, if any, shall be returned to the person who posted the cash performance bond on the payer's behalf.

(5) If the payer fails to appear as required, the court shall order the cash performance bond forfeited and transmit the bond to the friend of the court or to the SDU for payment to 1 or more recipients of support and to the county treasurer for distribution as provided in section 31. In addition, the court may again issue a bench warrant for the further appearance of the payer as provided in section 31.

(6) The court may set aside a finding of contempt under section 31 if the court finds, based on the hearing under this section, that the payer is in compliance with the court's order or for other good cause shown.

(7) Notwithstanding any other provision of this section, a payer for whom a bench warrant has been issued may voluntarily appear at the office of the friend of the court to answer the bench warrant. The payer shall do either of the following:

(a) Post the bond set by the court in the bench warrant.

(b) Be taken promptly before the court for further proceedings.

(8) If a bond is posted under subsection (7)(a), the friend of the court or the clerk of the court shall give a receipt to the payer that substantially conforms to the requirements of subsection (2). The receipt shall direct the payer to appear before the court at a specific time and date. The friend of the court or the clerk of the court shall notify a local law enforcement agency to remove the bench warrant from the law enforcement information network as provided by the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

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History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1983, Act 108, Imd. Eff. July 1, 1983 ;-- Am. 1996, Act 301, Eff. Jan. 1, 1997 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2000, Act 442, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

552.633 Finding payer in contempt; presumption; proof of currently available resources.

Sec. 33.

(1) The court may find a payer in contempt if the court finds that the payer is in arrears and 1 or more of the following apply:

(a) The court is satisfied that the payer has the capacity to pay out of currently available resources all or some portion of the amount due under the support order.

(b) The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.

(c) The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the friend of the court.

(2) Upon finding a payer in contempt of court under this section, the court may immediately enter an order that does 1 or more of the following:

(a) Commits the payer to the county jail or an alternative to jail.

(b) Commits the payer to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to satisfy the terms and conditions imposed under section 37 if the payer's release is necessary for the payer to comply with those terms and conditions.

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

(d) Apply any other enforcement remedy authorized under this act or the friend of the court act for the nonpayment of support if the payer's arrearage qualifies and the evidence supports applying that remedy.

(e) Orders the payer to participate in a work activity. This subdivision does not alter the court's authority to include provisions in an order issued under this section concerning a payer's employment or his or her seeking of employment as that authority exists on August 10, 1998.

(f) If available within the court's jurisdiction, orders the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(g) Except as provided by federal law and regulations, orders the parent to pay a fine of not more than $100.00. A fine ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(h) Places the payer under the supervision of the office for a term fixed by the court with reasonable conditions, including, but not limited to, 1 or more of the following:

(i) Participating in a parenting program.

(ii) Participating in drug or alcohol counseling.

(iii) Participating in a work program.

(iv) Seeking employment.

(v) Participating in other counseling.

(vi) Continuing compliance with a current support or parenting time order.

(vii) Entering into and compliance with an arrearage payment plan.

(3) In the absence of proof to the contrary introduced by the payer, the court shall presume that the payer has currently available resources equal to 1 month of payments under the support order. The court shall not find that the payer has currently available resources of more than 1 month of payments without proof of those resources by the office of the friend of the court or the recipient of support.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 336, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

552.635 Repealed. 2014, Act 378, Eff. March 17, 2015.

Compiler's Notes: The repealed section pertained to court finding of payer in contempt.

552.635a Alternative contempt track docket.

Sec. 35a.

(1) A payer who meets the criteria in subsection (2) may, with the consent of the court, agree to have his or her case placed on an alternative contempt track docket.

(2) The alternative contempt track is available for a payer who is determined by the court to have difficulty making support payments due to any of the following:

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(a) A documented medical condition.
(b) A documented psychological disorder.
(c) Substance use disorder.
(d) Illiteracy.
(e) Homelessness.
(f) A temporary curable condition that the payer has difficulty controlling without assistance.
(g) Unemployment lasting longer than 27 weeks.
(3) The alternative contempt track shall provide for all of the following:
(a) A payer who is in the alternative contempt track is subject to probation for a period of up to 1 year.
(b) The court shall approve a plan to address the conditions in subsection (2).
(c) The court may direct the sheriff to take into custody a payer who fails to comply with the plan described in subdivision (b) under the conditions and for the time that the court directs to bring the payer into compliance with the plan described under subdivision (b). A payer shall not be ordered to remain in the sheriff's custody longer than 45 days for any single plan violation.
(d) If a payer willfully fails to comply with the terms of the plan described in subdivision (b), the court may punish that payer by ordering his or her commitment to jail for a period not to exceed 10 days.
(e) The payer is required to appear for review hearings as scheduled by the court and is subject to arrest according to section 31.
(f) The plan described in subdivision (b) may provide notice of modification to the payer and recipient of support. The court may enter a temporary support order or stay the current order based on the person's ability during the period a payer is under an alternative contempt track plan. Subject to section 3(2), the court shall enter a final support order upon completion or termination of the plan described in subdivision (b). Either party may object to a proposed final support order resulting from a plan described in subdivision (b). If an objection is made, the court must hold a separate hearing on the matter of entry of a final support order.
(g) The court may discharge arrears owed to the state with the state's approval and may also discharge arrears owed to a payee with the payee's consent upon successful completion of the alternative contempt track.
(4) Each court that uses an alternative contempt track must submit a plan for the alternative contempt track and obtain approval of the plan by the state court administrative office under the supervision of the supreme court.

History: Add. 2014, Act 373, Eff. Mar. 17, 2015

552.636 Friend of the court enforcement action; assessment of reasonable expenses.

Sec. 36.

In addition to any remedy or sanction provided in section 31 or 33, the court may assess the payer the actual reasonable expense of the friend of the court in bringing any enforcement action for noncompliance with a spousal support order that is not eligible for funding under title IV-D.

History: Add. 2014, Act 378, Eff. Mar. 17, 2015

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552.637 Order of commitment.

Sec. 37.

(1) An order of commitment under section 33 shall be entered only if other remedies appear unlikely to correct the payer's failure or refusal to pay support.

(2) An order of commitment under section 33(1)(a) shall state the amount to be paid by the payer in order to be released from the order of commitment, which amount may not be greater than the payer's currently available resources as found by the court.

(3) An order of commitment under section 33(1)(b) or (c) shall state the conditions that constitute diligence in order to be released from the order of commitment, which conditions must be within the payer's ability to perform.

(4) A commitment shall continue until the payer performs the conditions set forth in the order of commitment but shall not exceed 45 days for the first adjudication of contempt or 90 days for a subsequent adjudication of contempt.

(5) The court may further direct that a portion or all of the earnings of the payer in the facility or institution shall be paid to and applied for support until the payer complies with the order of the court, until the payer is released according to this section from an order of commitment, or until the further order of the court. (6) Notwithstanding the length of commitment imposed under this section, the court may release a payer who is unemployed if committed to a county jail under this section and who finds employment if either of the following applies:

(a) The payer is self-employed, completes 2 consecutive weeks at his or her employment, and makes a support payment as required by the court.

(b) The payer is employed and completes 2 consecutive weeks at his or her employment and an order of income withholding is effective.

(7) If the court enters a commitment order under subsection 33(1)(b) or (c), and the court finds that the payer by performing the conditions set forth in the order of commitment will have the ability to pay specific amounts, the court may establish a specific amount for the payer to pay and do any of the following:

(a) Stay the order of commitment conditioned upon the payer's making the specified payments.

(b) Stay the order of commitment and order that upon default of the payer in making a specified payment, the payer shall be brought before the court for further proceedings in connection with the contempt proceedings that may include committing the payer for the number of days that the payer would have been committed had the court not stayed the order.

(c) Give credit toward the payer's potential maximum commitment for each specified payment made in compliance with the order of commitment.

(8) If the court enters a commitment order under subsection 33(1)(b) or (c), the court may do any of the following:

(a) Stay the order of commitment conditioned upon the payer's complying with the conditions set forth in the order of commitment.

(b) Stay the order of commitment and order that upon default of the payer to satisfy a condition of the order, the payer shall be brought before the court for further proceedings in connection with the contempt proceedings that may include committing the payer for the number of days the payer would have been committed had the order not been stayed.

(c) Give credit toward the payer's potential maximum commitment for complying with conditions in the order.

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(d) Incarcerate the payer with the privilege of leaving jail to comply with conditions in the order of commitment.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015
Constitutionality: An indigent defendant may not be incarcerated following a contempt proceeding for failure to pay child support where the assistance of counsel has been denied. Mead v Batchlor, 435 Mich 480; 460 NW2d 493 (1990).
Compiler's Notes: In subsection (7), the reference to "subsection 33(1)(b) or (c)" evidently should read "section 33(1)(b) or (c)."In subsection (8), the reference to "subsection 33(1)(b) or (c)" evidently should read "section 33(1)(b) or (c)."

552.639 Committing payer to county jail or alternative to jail; violating conditions of court; failure to return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 39.

(1) If a payer is committed to jail or an alternative to jail under section 33(1)(b) or 35(2)(a) and violates the conditions prescribed by the court, the court shall commit the payer to the county jail without the privilege provided under section 33(1)(b) or 35(2)(a) for the balance of the period of the commitment imposed by the court.

(2) If a payer is committed to jail or an alternative to jail under section 33(1)(b) or 35(2)(a) and fails to return to the place of confinement within the time prescribed, the payer shall be considered to have escaped from custody and shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.641 Complaint alleging custody or parenting time order violation; duties of friend of court; declining to respond to violation; circumstances; compliance with MCL 552.519.

Sec. 41.

(1) For a friend of the court case, a friend of the court shall do 1 or more of the following in response to an alleged custody or parenting time order violation stated in a complaint submitted under section 11b of the friend of the court act, MCL 552.511b:

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

(b) Commence civil contempt proceedings under section 44.

(c) File a motion with the court under section 17d of the friend of the court act, MCL 552.517d, for a modification of existing parenting time provisions to ensure parenting time, unless contrary to the best interests of the child.

(d) Schedule mediation subject to section 13 of the friend of the court act, MCL 552.513.

(e) Schedule a joint meeting subject to section 42a.

(2) Notwithstanding the requirement of subsection (1), the office of the friend of the court may decline to respond to an alleged custody or parenting time order violation under any of the following circumstances:

(a) The party submitting the complaint has previously submitted 2 or more complaints alleging custody or parenting time order violations that were found to be unwarranted, costs were assessed against the party because a complaint was found to be unwarranted, and the party has not paid those costs.

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(b) The alleged custody or parenting time order violation occurred more than 56 days before the complaint is submitted.

(c) The custody or parenting time order does not include an enforceable provision that is relevant to the custody or parenting time order violation alleged in the complaint.

(3) This section shall be implemented in compliance with the guidelines developed as required in section 19 of the friend of the court act, MCL 552.519.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 25, Eff. June 1, 1996 ;-- Am. 2002, Act 568, Eff. Dec. 1, 2002

552.642 Makeup parenting time policy; establishment; approval; provisions of policy; notice; response; procedures.

Sec. 42.

(1) Each circuit shall establish a makeup parenting time policy under which a parent who has been wrongfully denied parenting time is able to make up the parenting time at a later date. The policy does not apply until it is approved by the chief circuit judge. A makeup parenting time policy established under this section shall provide all of the following:

(a) That makeup parenting time shall be at least the same type and duration of parenting time as the parenting time that was denied, including, but not limited to, weekend parenting time for weekend parenting time, holiday parenting time for holiday parenting time, weekday parenting time for weekday parenting time, and summer parenting time for summer parenting time.

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

(c) That the wrongfully denied parent shall choose the time of the makeup parenting time.

(d) That the wrongfully denied parent shall notify both the office of the friend of the court and the other parent in writing not less than 1 week before making use of makeup weekend or weekday parenting time or not less than 28 days before making use of makeup holiday or summer parenting time.

(2) If wrongfully denied parenting time is alleged and the friend of the court determines that action should be taken, the office of the friend of the court shall send each party a notice containing the following statement in boldfaced type of not less than 12 points:

"FAILURE TO RESPOND IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING TIME WAS WRONGFULLY DENIED AND THAT THE MAKEUP PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE APPLIED.".

(3) If a party to the parenting time order does not respond in writing to the office of the friend of the court, within 21 days after the office sends the notice required under subsection (2), to contest the application of the makeup parenting time policy, the office of the friend of the court shall notify each party that the makeup parenting time policy applies. If a party makes a timely response to contest the application of the makeup parenting time policy, the office of the friend of the court shall utilize a procedure authorized under section 41 other than the application of the makeup parenting time policy.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 25, Eff. June 1, 1996 ;-- Am. 2002, Act 568, Eff. Dec. 1, 2002

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552.642a Joint meeting.

Sec. 42a.

(1) A joint meeting scheduled by the office of the friend of the court under section 41 of this act or section 17 of the friend of the court act, MCL 552.517, and procedures following a joint meeting are governed by this section.

(2) A joint meeting may take place in person or by means of telecommunications equipment.

(3) Only an individual who completes the training program described in section 19(3)(b) of the friend of the court act, MCL 552.519, shall conduct a joint meeting. At the beginning of a joint meeting, the individual conducting the joint meeting shall do the following:

(a) Advise the parties that the purpose of the meeting is for the parties to reach an accommodation.

(b) Advise the parties that the individual may recommend an order that the court may issue to resolve the dispute.

(4) At the conclusion of a joint meeting, the individual conducting the joint meeting shall do 1 of the following:

(a) If the parties reach an accommodation, record the accommodation in writing and provide a copy to each party.

(b) Submit an order to the court stating the individual's recommendation for resolving the dispute.

(5) If the individual conducting a joint meeting submits a recommended order to the court under subsection (4), the individual shall send a notice to each party who participated in the joint meeting that includes all of the following:

(a) A copy of the recommended order.

(b) Notice that the court may issue the recommended order resolving the dispute unless a party objects to the order within 21 days after the notice is sent.

(c) The place where and time when a written objection can be submitted.

(d) Notice that a party may waive the 21-day objection period by returning a signed copy of the recommendation.

(6) If a party files a written objection within the 21-day limit, the office shall set a court hearing, before a judge or referee, to resolve the dispute. If a party fails to file a written objection within the 21-day limit, the office shall submit the proposed order to the court for entry if the court approves it.

(7) If a hearing under subsection (6) is held before a referee, either party is entitled to a de novo hearing before a judge as provided in section 7 of the friend of the court act, MCL 552.507.

History: Add. 2002, Act 568, Eff. Dec. 1, 2002 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005

552.644 Civil contempt proceeding to resolve dispute concerning parenting time; commencement by office of friend of court; notice; allegations; finding of violation; powers of court; "good cause" defined; duration of commitment; release; bench warrant; sanction for bad faith; judgment; payment of costs; order rendering vehicle inoperable.

Sec. 44.

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(1) If the office of the friend of the court determines that a procedure for resolving a parenting time dispute authorized under section 41 other than a civil contempt proceeding is unsuccessful in resolving the parenting time dispute, the office of the friend of the court shall commence a civil contempt proceeding to resolve the dispute as provided by the supreme court rule. The contempt proceeding notice shall include, either in the notice or by reference to another document attached to the notice, a statement of the allegations upon which the dispute is based and at least all of the following:

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

(b) The right of the parent to a hearing on a proposed modification of parenting time if requested within 21 days after the date of the notice, as provided in section 45.

(2) If the court finds that either parent has violated a parenting time order without good cause, the court shall find that parent in contempt and may do 1 or more of the following:

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

(b) After notice to both parties and a hearing, if requested by a party, on a proposed modification of parenting time, modify the parenting time order to meet the best interests of the child.

(c) Order that makeup parenting time be provided for the wrongfully denied parent to take the place of wrongfully denied parenting time.

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

(e) Commit the parent to the county jail or an alternative to jail.

(f) Commit the parent to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines necessary, and under the supervision the court considers necessary, for the purpose of allowing the parent to go to and return from his or her place of employment.

(g) If the parent holds an occupational license, driver's license, or recreational or sporting license, condition the suspension of the license, or any combination of the licenses, upon noncompliance with an order for makeup and ongoing parenting time.

(h) If available within the court's jurisdiction, order the parent to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(i) Place the parent under the supervision of the office for a term fixed by the court with reasonable conditions, including 1 or more of the following:

(i) Participating in a parenting program.

(ii) Participating in drug or alcohol counseling.

(iii) Participating in a work program.

(iv) Seeking employment.

(v) Participating in other counseling.

(vi) Continuing compliance with a current support or parenting time order.

(vii) Entering into and compliance with an arrearage payment plan.

(viii) Facilitating makeup parenting time.

(3) The court shall state on the record the reason the court is not ordering a sanction listed in subsection (2). For the purpose of subsection (2), "good cause" includes, but is not limited to, consideration of the safety of a child or party who is governed by the parenting time order.

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

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(5) If a parent fails to appear in response to a contempt proceeding, the court may issue a bench warrant requiring that the parent be brought before the court without unnecessary delay to show cause why the parent should not be held in contempt. Except for good cause shown on the record, the court shall further order the parent to pay the costs of the hearing, the issuance of the warrant, the arrest, and any later hearings, which costs shall be transmitted to the county treasurer for distribution as provided in section 31. If the hearing cannot be held immediately after the parent's arrest, the parent may be released if a bond in the amount of the fines, costs, and sanctions imposed under this section and any additional amount the court determines is necessary to secure the parent's appearance is deposited with the court.

(6) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay a sanction of not more than $250.00 for the first time the party is found to have acted in bad faith, not more than $500.00 for the second time, and not more than $1,000.00 for the third or a subsequent time. A sanction ordered under this subsection shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530, and shall be used to fund services that are not title IV-D services.

(7) A fine ordered under subsection (2), costs ordered under subsection (5), or a sanction ordered under subsection (6) is a judgment at the time the order is entered.

(8) If the court finds that a party to a parenting time dispute has acted in bad faith, the court shall order the party to pay the other party's costs.

(9) If the court issues a bench warrant under this section, the court may enter an order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, by booting or another similar method, subject to release on deposit of an appropriate bond.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1985, Act 210, Eff. Mar. 1, 1986 ;-- Am. 1996, Act 25, Eff. June 1, 1996 ;-- Am. 1996, Act 235, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 301, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 568, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

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552.645 Finding of contempt for noncompliance with makeup and ongoing parenting time schedule; suspension of license; agreement; hearing on modification of parenting time.

Sec. 45.

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

(2) After entry of a suspension order under subsection (1), a parent may agree to a makeup parenting time schedule. The court may order a makeup parenting time schedule if the parent demonstrates a good faith effort to comply with the parenting time order. If the court orders a makeup parenting time schedule, the court or the friend of the court, as applicable, shall do the following:

(a) The court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434, or section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. Within 7 business days after entry of the order rescinding the

suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(b) The friend of the court, on verification by the clerk of the court that the driver's license clearance fee required by section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, has been paid, shall provide a certificate to the payer stating that the payer is in compliance with the support order.

(3) Within 21 days after the date of the notice under section 44, a parent who is notified of a contempt hearing under section 44 may request a hearing on a proposed modification of parenting time. The court shall hold the requested hearing unless the parenting time dispute is resolved by other means. The court shall combine the hearing prescribed by this subsection with the hearing on the order to show cause unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on a proposed modification of parenting time shall be held before the contempt hearing.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 568, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

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552.646 Custodial parent committed to jail or alternative to jail under MCL 552.644(2)(f); violation of conditions of court; commitment to county jail without privilege; failure to return to place of confinement as escape from custody; misdemeanor; penalty.

Sec. 46.

(1) If a custodial parent is committed to jail or an alternative to jail under section 44(2)(f) and violates the conditions ordered by the court, the court shall commit the person to the county jail without the privilege provided under section 44(2)(f) for the balance of the period of commitment imposed by the court.

(2) If a custodial parent is committed to jail or an alternative to jail under section 44(2)(f) and fails to return to the place of confinement within the time prescribed, the custodial parent shall be considered to have escaped from custody and is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.648 Centralized receipt and disbursement of support and fees.

Sec. 48.

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

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009

552.649 Conditional effective date.

Sec. 49.

This act shall not take effect unless the following bills of the 81st Legislature are enacted into law:

(a) House Bill No. 4870.

(b) House Bill No. 4873.
(c) House Bill No. 5257.

History: 1982, Act 295, Eff. July 1, 1983
Compiler's Notes: The following House Bills referred to in this section, were enacted into law as follows:House Bill No. 4870 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 294, Eff. July 1, 1983.House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

552.650 Effective date.

Sec. 50.

Except as provided in section 49, this act shall take effect July 1, 1983.

History: 1982, Act 295, Eff. July 1, 1983

CAUTION! This document is from an archive and may contain outdated information.