COLLECTION OF ALIMONY OR SUPPORT AND MAINTENANCE

Act 379 of 1913

AN ACT to facilitate the collection of alimony and support and maintenance for minor children or for children who are 18 years of age or older ordered to be paid in suits for divorce or separate maintenance.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- Am. 1962, Act 176, Eff. Mar. 24, 1963 ;-- Am. 1990, Act 242, Imd. Eff. Oct. 10, 1990

The People of the State of Michigan enact:

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552.151 Alimony or support and maintenance order in suit for divorce or separate maintenance; petition; punishment for neglect or violation.

Sec. 1.

In a suit for divorce or separate maintenance, if an order or decree for payment of temporary or permanent alimony, or of support and maintenance for minor children or for children who are 18 years of age or older, has been made, and if the party, plaintiff, or defendant, has appeared in person or by attorney or has been personally served with process within the jurisdiction of the court making the order or decree, then the court may punish by fine or imprisonment, or both, any neglect or violation of the order upon petition of the party whose rights may have been impaired, impeded, or prejudiced by neglect or violation.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- CL 1915, 11443 ;-- CL 1929, 12773 ;-- CL 1948, 552.151 ;-- Am. 1962, Act 176, Eff. Mar. 24, 1963 ;-- Am. 1990, Act 242, Imd. Eff. Oct. 10, 1990

552.152 Payments in default; motion; attachment; “state disbursement unit” or “SDU” defined.

Sec. 2.

(1) When a decree or order described in section 1 orders payments to be made to the clerk of the court, the friend of the court, or the state disbursement unit and a payment is in default, the party prejudiced may make a motion before the court showing by records in the clerk's or friend of the court's office, or otherwise, that the default has occurred, and the court may issue an attachment to arrest the party in default and bring the party immediately before the court to answer for the default.

(2) As used in this act, "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.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- CL 1915, 11444 ;-- Am. 1923, Act 232, Eff. Aug. 30, 1923 ;-- CL 1929, 12774 ;-- CL 1948, 552.152 ;-- Am. 1962, Act 176, Eff. Mar. 28, 1963 ;-- Am. 1999, Act 153, Imd. Eff. Nov. 3, 1999

552.153 Order for payment; demand or notice not necessity.

Sec. 3.

No demand or notice of making the order for such payment shall be necessary in the cases enumerated in section 1.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- CL 1915, 11445 ;-- CL 1929, 12775 ;-- CL 1948, 552.153 ;-- Am. 1962, Act 176, Eff. Mar. 28, 1963

552.154 Attachment; arrest, custody of party.

Sec. 4.

The attachment shall be executed by the sheriff of the county, or by any officer authorized to make such arrest, who shall arrest the party named therein and keep him in actual custody and bring him forthwith before the court issuing the attachment, and shall keep and detain him until the court shall make some further order.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- CL 1915, 11446 ;-- CL 1929, 12776 ;-- CL 1948, 552.154 ;-- Am. 1962, Act 176, Eff. Mar. 28, 1963

552.155 Attachment; discharge by execution of bond, court order.

Sec. 5.

The party arrested on the attachment shall be discharged therefrom upon executing and delivering to the clerk of the court issuing such attachment a bond, with 2 sufficient sureties in a penal sum to be fixed by the court, conditioned for immediate and faithful performance of the terms of the order for such payment, or the party may be discharged from arrest by such other order as the court may enter after a full hearing thereon.

History: 1913, Act 379, Eff. Aug. 14, 1913 ;-- CL 1915, 11447 ;-- CL 1929, 12777 ;-- CL 1948, 552.155 ;-- Am. 1962, Act 176, Eff. Mar. 28, 1963

552.156 Transition to centralized receipt and disbursement of support and fees.

Sec. 6.

The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 153, Imd. Eff. Nov. 3, 1999

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