

HOUSE BILL No. 5937

June 29, 1990, Introduced by Reps. Gubow and DeMars and referred to the Committee on Judiciary.

A bill to amend section 4 of Act No. 295 of the Public Acts of 1982, entitled as amended

"Support and visitation enforcement act,"

as amended by Act No. 210 of the Public Acts of 1985, being section 552.604 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 295 of the Public Acts of
2 1982, as amended by Act No. 210 of the Public Acts of 1985, being
3 section 552.604 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

8 (2) Each support order entered by the circuit court on or
9 before July 1, 1983 shall be considered to provide for an order

1 of income withholding by operation of law, and income withholding
2 shall be implemented under the same circumstances and enforced in
3 the same manner as in the case of orders of income withholding
4 provided for pursuant to ~~subsection (1)~~ THIS SECTION. The
5 office of the friend of the court shall send notice of the provi-
6 sions of this subsection by ordinary mail to each payer under a
7 support order entered by the circuit court on or before July 1,
8 1983 to whom this subsection applies.

9 (3) AN ORDER OF INCOME WITHHOLDING IN A SUPPORT ORDER
10 ENTERED OR MODIFIED AFTER OCTOBER 1, 1989, SHALL TAKE EFFECT
11 IMMEDIATELY, EXCEPT:

12 (A) IF THE COURT FINDS THAT THERE IS GOOD CAUSE FOR THE
13 ORDER OF INCOME WITHHOLDING NOT TO TAKE EFFECT IMMEDIATELY, IT
14 SHALL TAKE EFFECT WHEN THE REQUIREMENT OF SECTION 7 IS MET.

15 (B) IF A WRITTEN AGREEMENT IS REACHED BETWEEN THE PARTIES
16 PURSUANT TO SECTION 11(2) OF THE FRIEND OF THE COURT ACT, ACT
17 NO. 294 OF THE PUBLIC ACTS OF 1982, BEING SECTION 552.511 OF THE
18 MICHIGAN COMPILED LAWS, THE ORDER OF INCOME WITHHOLDING SHALL
19 TAKE EFFECT IN ACCORDANCE WITH THAT AGREEMENT.

20 (C) IF THE SUPPORT ORDER IS AN EX PARTE INTERIM SUPPORT
21 ORDER THAT HAS NOT BEEN SERVED ON THE OPPOSITE PARTY, THE ORDER
22 OF INCOME WITHHOLDING SHALL NOT TAKE EFFECT.

23 (D) IF THE SUPPORT ORDER IS AN EX PARTE INTERIM SUPPORT
24 ORDER THAT HAS BEEN SERVED ON THE OPPOSITE PARTY, THE ORDER OF
25 INCOME WITHHOLDING SHALL TAKE EFFECT WHEN THE REQUIREMENT OF
26 SECTION 7 IS MET.

1 (4) ~~(3)~~ An order of income withholding IN A SUPPORT ORDER
2 ENTERED ON OR BEFORE OCTOBER 1, 1989, AND NOT MODIFIED AFTER
3 OCTOBER 1, 1989, shall take effect when the requirement of sec-
4 tion 7 is met unless the court, for cause or at the request of
5 the payer, orders the withholding of income to take effect
6 immediately.