

HOUSE BILL No. 5869

June 1, 1992, Introduced by Reps. Gire, Olshove, Scott, Bartnik, Harder, DeBeaussaert and Byrum and referred to the Committee on Social Services and Youth.

A bill to amend sections 7 and 10 of Act No. 295 of the Public Acts of 1982, entitled as amended "Support and visitation enforcement act," section 7 as amended by Act No. 210 of the Public Acts of 1985, being sections 552.607 and 552.610 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 10 of Act No. 295 of the Public
2 Acts of 1982, section 7 as amended by Act No. 210 of the Public
3 Acts of 1985, being sections 552.607 and 552.610 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 7. (1) If the fixed amount of arrearage determined
6 under section 11(1) of the friend of the court act, being
7 section 552.511 of the Michigan Compiled Laws, is reached, the
8 office of the friend of the court immediately shall send notice

1 of the arrearage to the payer by ordinary mail to his or her last
2 known address. The notice to the payer shall contain the follow-
3 ing information:

4 (a) The amount of the arrearage.

5 (b) That the payer's income will be subject to an order of
6 income withholding and the amount to be withheld.

7 (c) That the order of income withholding will be applied to
8 current and subsequent employers and periods of employment.

9 (d) That the order of income withholding will take effect 14
10 days after the date on which the notice was sent, unless the
11 payer responds by requesting a hearing.

12 (e) That at the hearing the payer may contest the withhold-
13 ing, but only on the grounds that the withholding is not proper
14 because of a mistake of fact concerning the amount of current or
15 overdue support or the identity of the payer.

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

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

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

24 (3) A payer to whom notice is sent under subsection (1),
25 within 14 days after the date on which the notice was sent, may
26 request a hearing on the issue of whether the order of income

1 withholding should take effect, in which case the order of income
2 withholding shall be delayed pending the outcome of the hearing.

3 (4) A referee or circuit judge shall hold a hearing
4 requested under this section within 14 days after the date of the
5 request. If at the hearing the payer establishes that the with-
6 holding is not proper because of a mistake of fact concerning the
7 amount of current or overdue support or the identity of the
8 payer, the referee or circuit judge may direct that the order of
9 income withholding be delayed until such time as the referee or
10 judge determines. If the referee or judge finds against the
11 payer, the order of income withholding shall take effect immedi-
12 ately and a copy of the order of income withholding and the
13 notice described in section 9 shall be mailed to the payer and
14 the payer's sources of income as provided in section 11.

15 (5) If the hearing provided under subsection (4) is held
16 before a referee, either party may request a de novo hearing as
17 provided in section 7(5) of the friend of the court act, being
18 section 552.507 of the Michigan Compiled Laws.

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

24 (7) IF THE AMOUNT OF ARREARAGE HAS REACHED 6 MONTHS OR MORE,
25 THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND NOTICE OF THE
26 ARREARAGE TO THE SECRETARY OF STATE.

1 (8) ~~(7)~~ All proceedings under this section shall be
2 completed within 45 days after the date that notice was sent
3 under subsection (1), unless otherwise permitted by the court
4 upon a showing of good cause.

5 Sec. 10. (1) The payer shall give to the office of the
6 friend of the court at the time the order of income withholding
7 is issued the name and address of his or her employer. The payer
8 shall immediately give to the office of the friend of the court
9 notice of the name and address of any subsequent employer.

10 (2) THE PAYER SHALL GIVE TO THE OFFICE OF THE FRIEND OF THE
11 COURT AT THE TIME AN ORDER OF INCOME WITHHOLDING OR SUPPORT ORDER
12 IS ISSUED INFORMATION REGARDING THE HOLDING OF ANY VEHICLE REGIS-
13 TRATION ISSUED BY THE SECRETARY OF STATE. THE PAYER SHALL IMME-
14 DIATELY GIVE THE OFFICE OF THE FRIEND OF THE COURT NOTICE OF ANY
15 CHANGE IN OWNERSHIP OF ANY VEHICLE REGISTERED WITH THE SECRETARY
16 OF STATE.

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. _____ or House Bill No. 5870 (request
19 no. 06084'92 a) of the 86th Legislature is enacted into law.