



# HOUSE BILL No. 4276

February 17, 1993, Introduced by Reps. Bullard, McBryde, Galloway, Pitoniak, Dolan, Dobb, Jaye and Vorva and referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 295 of the Public Acts of 1982, entitled as amended

"Support and visitation enforcement act,"

as amended by Act No. 198 of the Public Acts of 1987, being section 552.603 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 295 of the Public Acts of  
2 1982, as amended by Act No. 198 of the Public Acts of 1987, being  
3 section 552.603 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 3. (1) A support order issued by a court of this state  
6 shall be enforced pursuant to ~~the requirements of~~ this  
7 section.

8 (2) Except as otherwise provided in this section, a support  
9 order that is part of a judgment or is an order in a domestic

1 relations matter as ~~that term is~~ defined in section 31 of the  
2 friend of the court act, Act No. 294 of the Public Acts of 1982,  
3 being section 552.531 of the Michigan Compiled Laws, is a judg-  
4 ment on and after the date each support payment is due, with the  
5 full force, effect, and attributes of a judgment of this state,  
6 and is not, on and after the date it is due, subject to retroac-  
7 tive modification. ~~-(3)-~~ Retroactive modification of a support  
8 payment due under a support order is permissible with respect to  
9 any period during which there is pending a petition for modifica-  
10 tion, but only from the date that notice of the petition was  
11 given to the payer or recipient of support.

12 ~~-(4) This section shall apply to support payments due prior~~  
13 ~~to July 6, 1987, except that a payer or payee shall have 60 days~~  
14 ~~after the friend of the court mails or publishes the notice pro-~~  
15 ~~vided for in subsection (5) to file a petition for retroactive~~  
16 ~~modification of his or her support order. If a payer or payee~~  
17 ~~files a petition after the 60 day period, the court shall permit~~  
18 ~~a hearing on the petition only if the petitioner shows that he or~~  
19 ~~she did not receive the notice provided for in subsection (5) and~~  
20 ~~that exigent circumstances prevented him or her from filing.~~

21 ~~(5) Before October 6, 1987, the office of the friend of the~~  
22 ~~court in each judicial district shall do both of the following:~~

23 ~~(a) Send notice by ordinary mail to each payer and payee at~~  
24 ~~his or her last known address informing the payer or payee of the~~  
25 ~~changes in the law made by subsections (1) to (4), and informing~~  
26 ~~the payer or payee that he or she has 60 days from the date the~~

1 ~~notice was mailed to petition the court for modification of~~  
2 ~~support payments due prior to July 6, 1987.~~

3 ~~(b) Publish notice in at least 1 newspaper having general~~  
4 ~~circulation in the judicial circuit or county informing payers~~  
5 ~~and payees of the changes in the law made by subsections (1) to~~  
6 ~~(4), and informing them that they have 60 days from the date the~~  
7 ~~notice was published to petition the court for modification of~~  
8 ~~support payments due prior to July 6, 1987.~~

9 (3) INTEREST SHALL BE ADDED TO EACH UNPAID SUPPORT PAYMENT  
10 EACH DAY AFTER THE DATE THE PAYMENT IS DUE AND SHALL BE CALCU-  
11 LATED AT THE RATE AND IN THE MANNER PROVIDED FOR INTEREST ON A  
12 MONEY JUDGMENT RECOVERED IN A CIVIL ACTION NOT RENDERED ON A  
13 WRITTEN INSTRUMENT UNDER SECTION 6013 OF THE REVISED JUDICATURE  
14 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING  
15 SECTION 600.6013 OF THE MICHIGAN COMPILED LAWS.

16 (4) ~~(6)~~ This section ~~shall~~ DOES not apply to an ex parte  
17 interim support order or a temporary support order entered pursu-  
18 ant to supreme court rule.

19 (5) ~~(7)~~ The office of the friend of the court shall make  
20 available to a payer or payee the forms and instructions  
21 described in section 17a of the friend of the court act, Act  
22 No. 294 of the Public Acts of 1982, being section 552.517a of the  
23 Michigan Compiled Laws.

24 (6) ~~(8) Nothing in this~~ THIS section ~~shall be construed~~  
25 ~~to~~ DOES NOT prohibit a court approved agreement between the par-  
26 ties to retroactively modify a support order. ~~(9) Nothing in~~

1 ~~this~~ THIS section ~~shall be construed to~~ DOES NOT limit other  
2 enforcement remedies available under this act or any other act.

3 (7) ~~(+0)~~ Every support order that is part of a judgment  
4 issued by a court of this state ~~—~~ or THAT is an order in a  
5 domestic relations matter as ~~that term is~~ defined in section 31  
6 of the friend of the court act, Act No. 294 of the Public Acts of  
7 1982, shall ~~contain~~ INCLUDE SUBSTANTIALLY the following  
8 statement: "Except as otherwise provided in section 3 of the  
9 support and visitation enforcement act, ~~Act No. 295 of the~~  
10 ~~Public Acts of 1982, being section 552.603 of the Michigan~~  
11 ~~Compiled Laws~~ MICH. COMP. LAWS §552.603 (1979), a support order  
12 that is part of a judgment or THAT is an order in a domestic  
13 relations matter as ~~that term is~~ defined in section 31 of the  
14 friend of the court act, ~~Act No. 294 of the Public Acts of 1982,~~  
15 ~~being section 552.531 of the Michigan Compiled Laws~~  
16 MICH. COMP. LAWS §552.531 (1979), is a judgment on and after the  
17 date each support payment is due, with the full force, effect,  
18 and attributes of a judgment of this state, and is not, on and  
19 after the date it is due, subject to retroactive modification.  
20 INTEREST WILL BE ADDED TO EACH SUPPORT PAYMENT THAT IS NOT PAID  
21 ON ITS DUE DATE."