



SENATE BILL No. 172

January 26, 1993, Introduced by Senator BOUCHARD and referred to the Committee on Family Law, Criminal Law, and Corrections.

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

12 (4) ~~(7)~~ The office of the friend of the court shall make
13 available to a payer or payee the forms and instructions
14 described in section 17a of the friend of the court act, Act
15 No. 294 of the Public Acts of 1982, being section 552.517a of the
16 Michigan Compiled Laws.

17 (5) ~~(8) Nothing in this~~ THIS section ~~shall be construed~~
18 ~~to~~ DOES NOT prohibit a court approved agreement between the par-
19 ties to retroactively modify a support order. ~~(9) Nothing in~~
20 ~~this~~ THIS section ~~shall be construed to~~ DOES NOT limit other
21 enforcement remedies available under this act or any other act.

22 (6) ~~(10)~~ Every support order that is part of a judgment
23 issued by a court of this state ~~,~~ or THAT is an order in a
24 domestic relations matter as ~~that term is~~ defined in section 31
25 of the friend of the court act, Act No. 294 of the Public Acts of
26 1982, shall ~~contain~~ INCLUDE BOTH OF THE FOLLOWING:

1 (A) SUBSTANTIALLY the following statement: "Except as
2 otherwise provided in section 3 of the support and visitation
3 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~
4 ~~section 552.603 of the Michigan Compiled Laws~~ MICH. COMP. LAWS
5 <SS> 552.603 (1979), a support order that is part of a judgment or
6 THAT is an order in a domestic relations matter as ~~that term is~~
7 defined in section 31 of the friend of the court act, ~~Act~~
8 ~~No. 294 of the Public Acts of 1982, being section 552.531 of the~~
9 ~~Michigan Compiled Laws~~ MICH. COMP. LAWS <SS> 552.531 (1979), is a
10 judgment on and after the date each support payment is due, with
11 the full force, effect, and attributes of a judgment of this
12 state, and is not, on and after the date it is due, subject to
13 retroactive modification."

14 (B) A REQUIREMENT THAT, WITHIN 20 DAYS AFTER A CHANGE OF
15 ADDRESS, A PAYER REPORT THE NEW ADDRESS TO THE FRIEND OF THE
16 COURT.