

Act No. 11
Public Acts of 1996
Approved by the Governor
February 7, 1996
Filed with the Secretary of State
February 7, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Van Regenmorter, Geake, Hart, Dingell, Hoffman, Gougeon, Shugars, Stille, Schuette, McManus, Byrum, Peters and Emmons

ENROLLED SENATE BILL No. 615

AN ACT to amend sections 3, 6, 7, and 9 of Act No. 216 of the Public Acts of 1985, entitled "An act to facilitate the interstate enforcement of support obligations through income withholding; to prescribe certain powers and duties of the circuit court and of certain agencies and persons; and to provide for remedies and penalties," being sections 552.673, 552.676, 552.677, and 552.679 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 3, 6, 7, and 9 of Act No. 216 of the Public Acts of 1985, being sections 552.673, 552.676, 552.677, and 552.679 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 3. As used in this act:

(a) "Agency" means the court or entity in any other jurisdiction with functions similar to those assigned in this act to the office of the friend of the court and the office of child support relative to the issuance and enforcement of support orders.

(b) "Child" means any child, whether above or below the age of majority, with respect to whom a support order exists.

(c) "Court" means the circuit court of this state and, when the context requires, the court or entity of another jurisdiction with functions similar to those assigned in this act to the circuit court of this state relative to the issuance and enforcement of support orders.

(d) "Income" means income as defined in section 2 of the support and parenting time enforcement act, being section 552.602 of the Michigan Compiled Laws.

(e) "Income derived in this jurisdiction" means any income, the source of income of which is subject to the jurisdiction of this state for the purpose of imposing and enforcing income withholding under the support and parenting time enforcement act.

(f) "Jurisdiction" means any state or political subdivision, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

(g) "Obligee" means any person or entity that is entitled to receive support under a support order, and includes an entity of another jurisdiction to which a person has assigned his or her right to support.

(h) "Obligor" means any person required to make payments under the terms of a support order for a child, spouse, or former spouse.

(i) "Office of child support" means the entity created in section 2 of the office of child support act, Act No. 174 of the Public Acts of 1971, being section 400.232 of the Michigan Compiled Laws.

(j) "Office of the friend of the court" means the entity created in section 3 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.503 of the Michigan Compiled Laws.

(k) "Order of income withholding" means order of income withholding as defined in section 2 of the support and parenting time enforcement act, or the equivalent document issued in another jurisdiction.

(l) "Source of income" means source of income as defined in section 2 of the support and parenting time enforcement act.

(m) "Support and parenting time enforcement act" means Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

(n) "Support order" means any order or judgment for the support, or for the payment of arrearages on the support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, separate maintenance, paternity, guardianship, or equivalent proceeding, or otherwise.

Sec. 6. (1) Upon receiving a support order of another jurisdiction with the documentation specified in subsection (2) from an agency, an obligee, an obligor, or an attorney for either, the office of child support shall forward the documentation to the office of the friend of the court in the county in which withholding is being sought and the office of the friend of the court shall file the documents with the clerk of the court in that county. The clerk of the court shall accept the documents filed and the acceptance constitutes entry of the support order only for the purposes of this act.

(2) The following documentation is required for the entry of a support order of another jurisdiction:

(a) A certified copy of the support order with all modifications.

(b) A certified copy of an order of income withholding still in effect, if any.

(c) A copy of the portion of the income withholding statute of the jurisdiction that issued the support order that states the amount of arrearages necessary to mandate income withholding under the law of that jurisdiction.

(d) A sworn statement of the obligee or certified statement of the agency of the amount of arrearages, including the approximate dates the arrearages accrued, and the assignment of support rights, if any.

(e) A statement of all of the following:

(i) The name, address, and social security number of the obligor, if known.

(ii) The name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought.

(iii) The name and address of the agency or person to whom support payments collected by income withholding shall be transmitted.

(iv) The amount of income withholding requested.

(f) A statement of eligibility for services under part D of title IV of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 669, signed by the obligee.

(g) A copy of proof of service or other evidence that the court or agency that issued the support order had personal jurisdiction over the obligor.

(h) Notification of any known support orders involving the same parties and the same children.

(3) If the documentation received by the office of child support under subsection (1) does not conform to the requirements of subsection (2), the office of child support shall remedy any defect that it can without the assistance of the requesting agency or party. If the office of child support is unable to make such corrections, the office of child support shall immediately notify the requesting agency or party of the necessary additions or corrections. In neither case shall the documentation be returned. If the substantive requirements of subsection (2) are met, the office of child support and the clerk of the court shall accept the documentation required by subsection (2), even if the documentation is not in the usual form required by this state.

(4) Except as otherwise provided in sections 7 to 13, a support order entered under subsection (1) is enforceable by income withholding against income derived in this state in the same manner and with the same effect as provided in sections 7 to 23 of the support and parenting time enforcement act, being sections 552.607 to 552.623 of the Michigan Compiled Laws, for support orders entered in this state. Entry of the order does not confer jurisdiction on the courts of this state for any purpose other than income withholding.

Sec. 7. (1) On the date a support order is entered under section 6, the office of the friend of the court shall send to the obligor, in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.507 of the Michigan Compiled Laws, a notice of the proposed income withholding. The notice shall contain the same information required in that section and shall also advise the obligor that the income withholding was requested on the basis of a support order of another jurisdiction.

(2) If the obligor requests a hearing to contest the proposed income withholding, the office of the friend of the court shall immediately notify the agency or person that sent the documentation under subsection (1) of the date, time, and place of the hearing and of the obligee's right to attend the hearing.

Sec. 9. If the obligor does not request a hearing in the time provided, or if a hearing is held and it is determined that the obligee has or is entitled to income withholding under the law of the jurisdiction that issued the support order, income withholding shall be ordered and shall take effect in the manner provided in section 7 of the support and parenting time enforcement act, being section 552.607 of the Michigan Compiled Laws. The office of the friend of the court shall notify the agency or party that sent the documentation under section 6 of the date upon which withholding will begin.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 624 of the 88th Legislature is enacted into law.

Section 3. This amendatory act shall take effect June 1, 1996.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.