



# HOUSE BILL No. 4072

January 11, 1995, Introduced by Rep. Gire and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 2, 31, and 41 of Act No. 295 of the Public Acts of 1982, entitled as amended "Support and visitation enforcement act," section 2 as amended by Act No. 240 of the Public Acts of 1990, section 31 as amended by Act No. 108 of the Public Acts of 1983, and section 41 as amended by Act No. 210 of the Public Acts of 1985, being sections 552.602, 552.631, and 552.641 of the Michigan Compiled Laws; and to add sections 24a, 26, 26a, 26b, 26c, 47, 47a, 47b, and 47c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 31, and 41 of Act No. 295 of the  
2 Public Acts of 1982, section 2 as amended by Act No. 240 of the  
3 Public Acts of 1990, section 31 as amended by Act No. 108 of the  
4 Public Acts of 1983, and section 41 as amended by Act No. 210 of  
5 the Public Acts of 1985, being sections 552.602, 552.631, and

1 552.641 of the Michigan Compiled Laws, are amended and sections  
2 24a, 26, 26a, 26b, 26c, 47, 47a, 47b, and 47c are added to read  
3 as follows:

4 Sec. 2. As used in this act:

5 (a) "Employer" means ~~any~~ AN individual, sole proprietor-  
6 ship, partnership, association, or private or public corporation,  
7 the United States or ~~any~~ A federal agency, this state or ~~any~~  
8 A political subdivision of this state, any other state or a  
9 political subdivision of another state, or any other legal entity  
10 ~~which~~ THAT hires and pays an individual for his or her  
11 services.

12 (b) "Friend of the court act" means Act No. 294 of the  
13 Public Acts of 1982, being sections 552.501 to 552.535 of the  
14 Michigan Compiled Laws.

15 (c) "Income" means any of the following:

16 (i) Commissions, earnings, salaries, wages, and other income  
17 due or to be due in the future from his or her employer and suc-  
18 cessor employers.

19 (ii) ~~Any~~ A payment due or to be due in the future from a  
20 profit-sharing plan, A pension plan, AN insurance contract, AN  
21 annuity, social security, unemployment compensation, supplemental  
22 unemployment benefits, ~~and~~ OR worker's compensation.

23 (iii) ~~Any~~ AN amount of money ~~which~~ THAT is due to the  
24 payer under a support order as a debt of any other individual,  
25 partnership, association, or private or public corporation, the  
26 United States or ~~any~~ A federal agency, this state or ~~any~~ A  
27 political subdivision of this state, any other state or a

1 political subdivision of another state, or any other legal entity  
2 ~~which~~ THAT is indebted to the payer.

3 (D) "OCCUPATIONAL LICENSE" MEANS A CERTIFICATE, REGISTRA-  
4 TION, OR LICENSE ISSUED BY AN OCCUPATIONAL REGULATORY AGENCY THAT  
5 IS A NECESSARY PREDICATE TO AN INDIVIDUAL PRACTICING AN OCCUPA-  
6 TION, PROFESSION, OR VOCATION OR THAT ALLOWS THE INDIVIDUAL TO  
7 USE A SPECIFIC TITLE IN THE PRACTICE OF THE OCCUPATION, PROFES-  
8 SION, OR VOCATION.

9 (E) "OCCUPATIONAL REGULATORY AGENCY" MEANS A STATE DEPART-  
10 MENT, BUREAU, OR AGENCY THAT HAS REGULATORY AUTHORITY OVER AN  
11 INDIVIDUAL ISSUED AN OCCUPATIONAL LICENSE.

12 (F) ~~(d)~~ "Office of child support" means the office of  
13 child support established in section 2 of THE OFFICE OF CHILD  
14 SUPPORT ACT, Act No. 174 of the Public Acts of 1971, being sec-  
15 tion 400.232 of the Michigan Compiled Laws.

16 (G) ~~(e)~~ "Office of the friend of the court" means ~~the~~ AN  
17 agency created ~~in~~ BY section 3 of the friend of the court act,  
18 being section 552.503 of the Michigan Compiled Laws.

19 (H) ~~(f)~~ "Order of income withholding" means an order  
20 entered by the circuit court providing for the withholding of a  
21 payer's income to enforce a support order pursuant to this act.

22 (I) ~~(g)~~ "Payer" means ~~a person~~ AN INDIVIDUAL who is  
23 ordered by the circuit court to pay support.

24 (J) ~~(h)~~ "Political subdivision" means a county, city, vil-  
25 lage, township, educational institution, school district, or spe-  
26 cial district or authority of the state or of a local unit of  
27 government.

1       (K) ~~(i)~~ "Recipient of support" means the following:

2       (i) The spouse, if the support order orders support for the  
3 spouse.

4       (ii) The custodial parent or guardian, if the support order  
5 orders support for a minor child or a child who is 18 years of  
6 age or older.

7       (iii) The state department of social services, if support  
8 has been assigned to the department.

9       (l) ~~(j)~~ "Referee" means a person who is designated as a  
10 referee pursuant to the friend of the court act.

11       (M) ~~(k)~~ "Source of income" means an employer or successor  
12 employer or any other individual or entity that owes or will owe  
13 income to the payer.

14       (N) ~~(l)~~ "Support" means either of the following:

15       (i) The payment of money for a child or a spouse ordered by  
16 the circuit court, whether the order is embodied in an interim,  
17 temporary, permanent, or modified order or judgment. Support may  
18 include payment of the expenses of medical, dental, and other  
19 health care, child care expenses, and educational expenses.

20       (ii) The payment of money ordered by the circuit court under  
21 the paternity act, Act No. 205 of the Public Acts of 1956, being  
22 sections 722.711 to 722.730 of the Michigan Compiled Laws, for  
23 the necessary expenses incurred by or for the mother in connec-  
24 tion with her confinement or of other expenses in connection with  
25 the pregnancy of the mother.

1 (O) ~~(m)~~ "Support order" means any order entered by the  
2 circuit court for the payment of support, whether or not a sum  
3 certain.

4 SEC. 24A. WHEN A SUPPORT OBLIGATION IS ESTABLISHED, THE  
5 PAYER, OR WHEN VISITATION IS ESTABLISHED, THE CUSTODIAL PARENT,  
6 SHALL INFORM THE OFFICE OF THE FRIEND OF THE COURT REGARDING HIS  
7 OR HER HOLDING OF AN OCCUPATIONAL LICENSE. A PAYER AND THE CUS-  
8 TODIAL PARENT SHALL IMMEDIATELY NOTIFY THE OFFICE OF THE FRIEND  
9 OF THE COURT OF A CHANGE IN HIS OR HER STATUS AS AN INDIVIDUAL  
10 WHOSE OCCUPATION IS LICENSED.

11 SEC. 26. (1) THE OFFICE OF THE FRIEND OF THE COURT MAY SEND  
12 TO A PAYER A NOTICE OF INTENT TO REQUEST AN ORDER FOR SUSPENSION  
13 OF THE PAYER'S OCCUPATIONAL LICENSE IF ALL OF THE FOLLOWING CIR-  
14 CUMSTANCES ARE TRUE:

15 (A) THE PAYER HAS BEEN ORDERED TO PAY SUPPORT AND HAS FAILED  
16 OR REFUSED TO COMPLY WITH THE SUPPORT ORDER, WHICH FAILURE OR  
17 REFUSAL HAS RESULTED IN AN ARREARAGE EQUAL TO OR GREATER THAN THE  
18 AMOUNT OF SUPPORT ORDERED FOR 3 MONTHS.

19 (B) AN ORDER OF INCOME WITHHOLDING IS NOT AVAILABLE OR HAS  
20 NOT BEEN SUCCESSFUL IN ASSURING REGULAR PAYMENTS FOR CURRENT SUP-  
21 PORT AND REGULAR PAYMENTS ON THE ARREARAGE, IF APPLICABLE.

22 (C) THE OFFICE OF THE FRIEND OF THE COURT HAS DETERMINED  
23 THAT THE PAYER IS THE HOLDER OF AN OCCUPATIONAL LICENSE.

24 (D) THE OFFICE OF THE FRIEND OF THE COURT HAS FOLLOWED THE  
25 PROCEDURE FOR REPORTING THE PAYER TO A CONSUMER REPORTING AGENCY  
26 AS PROVIDED IN SECTION 12 OF THE FRIEND OF THE COURT ACT, BEING  
27 SECTION 552.512 OF THE MICHIGAN COMPILED LAWS, AND THAT PROCEDURE

1 HAS NOT BEEN SUCCESSFUL IN ASSURING REGULAR PAYMENTS FOR CURRENT  
2 SUPPORT AND REGULAR PAYMENTS ON THE ARREARAGE, IF APPLICABLE.

3 (2) THE NOTICE DESCRIBED IN SUBSECTION (1) SHALL CONTAIN THE  
4 FOLLOWING INFORMATION:

5 (A) THE AMOUNT OF THE ARREARAGE.

6 (B) THAT THE PAYER'S OCCUPATIONAL LICENSE MAY BE SUBJECT TO  
7 AN ORDER OF SUSPENSION.

8 (C) THAT THE SUSPENSION ORDER WILL BE ENTERED AND SENT TO  
9 THE OCCUPATIONAL REGULATORY AGENCY ISSUING THE PAYER'S OCCUPA-  
10 TIONAL LICENSE UNLESS THE PAYER RESPONDS BY REQUESTING A HEARING  
11 WITHIN 28 DAYS AFTER THE DATE OF MAILING THE NOTICE, BY PAYING  
12 THE ARREARAGE WITHIN 28 DAYS AFTER THE DATE OF MAILING THE  
13 NOTICE, OR BY REACHING AGREEMENT WITH THE FRIEND OF THE COURT ON  
14 A REASONABLE ARREARAGE PAYMENT SCHEDULE.

15 (D) THAT AT THE HEARING, THE PAYER MAY SUGGEST TO THE COURT  
16 A SCHEDULE FOR THE PAYMENT OF THE ARREARAGE.

17 (E) THAT IF THE HEARING IS HELD BEFORE A REFEREE, THE PAYER  
18 HAS A RIGHT TO A DE NOVO HEARING BEFORE A CIRCUIT JUDGE.

19 (F) THAT IF THE PAYER BELIEVES THAT THE AMOUNT OF SUPPORT  
20 SHOULD BE MODIFIED DUE TO A CHANGE IN CIRCUMSTANCES OR AN ERROR  
21 IN THE CALCULATION OF THE ALLEGED ARREARAGE, THE PAYER MAY FILE A  
22 PETITION WITH THE COURT FOR MODIFICATION OF THE SUPPORT ORDER.

23 SEC. 26A. (1) WITHIN 28 DAYS AFTER THE DATE ON WHICH THE  
24 NOTICE DESCRIBED IN SECTION 26 IS MAILED TO THE PAYER, A PAYER TO  
25 WHOM NOTICE IS MAILED MAY REQUEST A HEARING REGARDING HIS OR HER  
26 SUPPORT ARREARAGE, IN WHICH CASE THE ENTRY OF THE SUSPENSION  
27 ORDER SHALL BE DELAYED PENDING THE OUTCOME OF THE HEARING. IF A

1 HEARING ON THE ARREARAGE IS NECESSARY, THE COURT SHALL HOLD THE  
2 HEARING WITHIN 30 DAYS AFTER THE DATE OF THE PAYER'S REQUEST.

3 (2) IF THE HEARING HELD UNDER SUBSECTION (1) IS HELD BEFORE  
4 A REFEREE, EITHER PARTY MAY REQUEST A DE NOVO HEARING AS PROVIDED  
5 IN SECTION 7 OF THE FRIEND OF THE COURT ACT, BEING SECTION  
6 552.507 OF THE MICHIGAN COMPILED LAWS.

7 (3) IF A PAYER FILES A PETITION FOR MODIFICATION OF THE SUP-  
8 PORT ORDER, WHICH PETITION IS PENDING AT THE DATE SCHEDULED FOR A  
9 HEARING UNDER THIS SECTION, THE COURT MAY CONSOLIDATE THE HEARING  
10 UNDER THIS SECTION AND A HEARING ON THE PETITION FOR  
11 MODIFICATION.

12 (4) IF AT THE HEARING THE COURT DETERMINES THAT THE PAYER  
13 HAS AN ARREARAGE EQUAL TO OR GREATER THAN THE AMOUNT OF SUPPORT  
14 ORDERED FOR 3 MONTHS AND THAT THE PAYER HAS THE CAPACITY TO PAY  
15 OUT OF CURRENTLY AVAILABLE RESOURCES ALL OR A PORTION OF THE  
16 AMOUNT DUE, THE COURT SHALL ORDER THE REASONABLE PAYMENT OF THE  
17 ARREARAGE IN 1 OR MORE SCHEDULED INSTALLMENTS OF A SUM CERTAIN.

18 (5) THE COURT MAY ORDER A SUSPENSION OF THE PAYER'S OCCUPA-  
19 TIONAL LICENSE UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

20 (A) WITHIN 28 DAYS AFTER THE NOTICE UNDER SECTION 26 WAS  
21 MAILED, THE PAYER HAS FAILED TO REQUEST A HEARING AS PROVIDED IN  
22 SUBSECTION (1) OR HAS FAILED TO PAY THE ARREARAGE.

23 (B) THE PAYER HAS FAILED TO COMPLY WITH AN ARREARAGE PAYMENT  
24 SCHEDULE ORDERED UNDER THIS SECTION.

25 SEC. 26B. (1) IF THE COURT ORDERS A SUSPENSION OF AN OCCU-  
26 PATIONAL LICENSE UNDER SECTION 26A, THE ORDER SHALL INDICATE THAT  
27 THE OCCUPATIONAL REGULATORY AGENCY SHALL SUSPEND THE OCCUPATIONAL

1 LICENSE 28 DAYS AFTER THE AGENCY SENDS NOTICE TO THE PAYER OF  
2 RECEIPT OF THE SUSPENSION ORDER. UPON ENTRY OF THE ORDER, THE  
3 OFFICE OF THE FRIEND OF THE COURT SHALL SERVE ON THE PAYER A COPY  
4 OF THE ORDER AND, IF THE COURT ENTERED THE ORDER UNDER SECTION  
5 26A(5)(A), A NOTICE DELIVERED EITHER BY PERSONAL SERVICE OR BY  
6 REGISTERED MAIL, RETURN RECEIPT REQUESTED, WITH DELIVERY  
7 RESTRICTED TO THE PAYER. UPON RECEIPT OF PROOF OF SERVICE, THE  
8 OFFICE OF THE FRIEND OF THE COURT SHALL SEND A COPY OF THE SUS-  
9 PENSION ORDER TO THE OCCUPATIONAL REGULATORY AGENCY ISSUING THE  
10 OCCUPATIONAL LICENSE.

11 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL CONTAIN  
12 AT LEAST ALL OF THE FOLLOWING:

13 (A) THAT THE COURT HAS ENTERED THE SUSPENSION ORDER.

14 (B) THAT THE ORDER WILL BE SENT TO THE STATE AGENCY THAT  
15 ISSUED THE OCCUPATIONAL LICENSE THAT IS SUBJECT TO SUSPENSION AND  
16 THE PAYER'S LICENSE WILL BE SUSPENDED 28 DAYS AFTER THAT AGENCY  
17 SENDS A NOTICE TO THE PAYER UNLESS, WITHIN 28 DAYS AFTER THE  
18 OFFICE OF THE FRIEND OF THE COURT RECEIVES PROOF OF SERVICE OF  
19 THE ORDER AND NOTICE ON THE PAYER, THE PAYER REQUESTS A HEARING,  
20 PAYS THE ARREARAGE, OR REACHES AN AGREEMENT WITH THE OFFICE OF  
21 THE FRIEND OF THE COURT ON A REASONABLE ARREARAGE PAYMENT  
22 SCHEDULE.

23 (C) THAT IF THE PAYER BELIEVES THAT THE AMOUNT OF SUPPORT  
24 SHOULD BE MODIFIED DUE TO A CHANGE IN CIRCUMSTANCES OR AN ERROR  
25 IN THE CALCULATION OF THE ALLEGED ARREARAGE, THE PAYER MAY FILE A  
26 PETITION WITH THE COURT FOR MODIFICATION OF THE SUPPORT ORDER.



1 (3) WITHIN 28 DAYS AFTER THE OFFICE OF THE FRIEND OF THE  
2 COURT RECEIVES PROOF OF SERVICE, THE PAYER WHOSE OCCUPATIONAL  
3 LICENSE IS SUBJECT TO SUSPENSION MAY DO ANY OF THE FOLLOWING:

4 (A) REQUEST A HEARING. IF THE PAYER REQUESTS A HEARING  
5 UNDER THIS SUBDIVISION, THE COURT SHALL ISSUE A STAY OF THE ORDER  
6 OF SUSPENSION, AND THE FRIEND OF THE COURT SHALL NOTIFY THE OCCU-  
7 PATIONAL REGULATORY AGENCY OF THE STAY. A HEARING REQUESTED  
8 UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN THE SAME MANNER AS A  
9 HEARING UNDER SECTION 26A. IF THE COURT DETERMINES THAT THE SUS-  
10 PENSION ORDER SHOULD TAKE EFFECT, THE COURT SHALL REMOVE THE STAY  
11 AND THE OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE OCCU-  
12 PATIONAL REGULATORY AGENCY. THE ORDER SHALL NOT TAKE EFFECT  
13 UNTIL 28 DAYS AFTER THE AGENCY SENDS THE NOTICE REQUIRED UNDER  
14 THE REGULATED OCCUPATION SUPPORT ENFORCEMENT ACT.

15 (B) PAY THE ARREARAGE.

16 (C) REACH AN AGREEMENT WITH THE OFFICE OF THE FRIEND OF THE  
17 COURT ON A REASONABLE ARREARAGE PAYMENT SCHEDULE.

18 (4) AFTER ENTRY OF A SUSPENSION ORDER UNDER SECTION 26A, A  
19 PAYER MAY AGREE TO AND THE COURT MAY ORDER A REASONABLE SCHEDULE  
20 FOR THE PAYMENT OF THE ARREARAGE. IF THE PAYER PAYS THE ARREAR-  
21 AGE, THE COURT ORDERS A SCHEDULE FOR PAYMENT OF THE ARREARAGE, OR  
22 THE PAYER REACHES AGREEMENT WITH THE FRIEND OF THE COURT FOR PAY-  
23 MENT OF THE ARREARAGE, THE COURT SHALL ENTER AN ORDER RESCINDING  
24 THE SUSPENSION ORDER THAT IS EFFECTIVE IMMEDIATELY. WITHIN 2  
25 BUSINESS DAYS AFTER ENTRY OF THE ORDER RESCINDING THE SUSPENSION  
26 ORDER, THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND A COPY OF

1 THE ORDER RESCINDING THE SUSPENSION ORDER TO THE OCCUPATIONAL  
2 REGULATORY AGENCY ISSUING THE PAYER'S LICENSE.

3 SEC. 26C. A SOURCE OF INCOME SHALL NOT USE THE SUSPENSION,  
4 AS PROVIDED FOR IN THIS ACT, OF AN OCCUPATIONAL LICENSE AS THE  
5 BASIS FOR REFUSING TO EMPLOY, DISCHARGING, TAKING DISCIPLINARY  
6 ACTION AGAINST, OR IMPOSING A PENALTY AGAINST A PAYER UNLESS THE  
7 SUSPENDED LICENSE IS LEGALLY REQUIRED FOR THE PAYER'S PERFORMANCE  
8 OF THE JOB. THIS ACT DOES NOT PREVENT A SOURCE OF INCOME FROM  
9 REFUSING TO EMPLOY, DISCHARGING, TAKING DISCIPLINARY ACTION  
10 AGAINST, OR IMPOSING A PENALTY AGAINST A PAYER WHOSE OCCUPATIONAL  
11 LICENSE HAS BEEN SUSPENDED UNDER THE REGULATED OCCUPATION SUPPORT  
12 ENFORCEMENT ACT IF THAT LICENSE IS A NECESSARY PREDICATE TO  
13 ENGAGING IN THAT OCCUPATION, VOCATION, OR PROFESSION.

14 Sec. 31. (1) If ~~any person~~ AN INDIVIDUAL has been  
15 ordered to pay support under a support order and fails or refuses  
16 to obey and perform the order, and if an order of income with-  
17 holding is inapplicable or unsuccessful, a recipient of support  
18 or the office of the friend of the court may commence a civil  
19 contempt proceeding by filing in the circuit court a petition for  
20 an order to show cause why the delinquent payer should not be  
21 held in contempt. If the payer fails to appear in response to an  
22 order to show cause, the court may issue a bench warrant requir-  
23 ing that the payer be brought before the court without unneces-  
24 sary delay to answer and plead to that neglect or refusal.

25 (2) IF A CUSTODIAL PARENT FAILS TO APPEAR IN RESPONSE TO AN  
26 ORDER TO SHOW CAUSE ENTERED UNDER THIS ACT FOR VIOLATION OF A  
27 VISITATION ORDER, THE COURT MAY ISSUE A BENCH WARRANT REQUIRING

1 THAT THE CUSTODIAL PARENT BE BROUGHT BEFORE THE COURT WITHOUT  
2 UNNECESSARY DELAY TO ANSWER AND PLEAD TO THAT VIOLATION.

3 (3) UPON THE ISSUANCE OF A BENCH WARRANT UNDER THIS SECTION,  
4 THE OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE SECRETARY  
5 OF STATE OF THE ISSUANCE OF THE WARRANT SO THAT THE SECRETARY OF  
6 STATE TAKES ACTION AS PROVIDED IN SECTION 321A OF THE MICHIGAN  
7 VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SEC-  
8 TION 257.321A OF THE MICHIGAN COMPILED LAWS.

9 Sec. 41. (1) Except as provided in subsection (2), the  
10 friend of the court shall do 1 or more of the following in a dis-  
11 pute concerning visitation of a minor child:

12 (a) Apply a makeup visitation policy established under sec-  
13 tion 42.

14 (b) Commence civil contempt proceedings under section 44.

15 (C) COMMENCE PROCEEDINGS FOR SUSPENSION OF AN OCCUPATIONAL  
16 LICENSE UNDER SECTIONS 47 TO 47C.

17 (D) ~~(c)~~ Petition the court for a modification of existing  
18 visitation provisions to ensure visitation, unless contrary to  
19 the best interests of the child. A written report and recommen-  
20 dation shall accompany the petition.

21 (2) The friend of the court shall not invoke any option  
22 under subsection (1) if the parties resolve their dispute through  
23 an informal joint meeting or through domestic relations mediation  
24 as provided under section 11 or 13 of the friend of the court  
25 act, BEING SECTIONS 552.511 AND 552.513 OF THE MICHIGAN COMPILED  
26 LAWS.

1        SEC. 47. (1) A CUSTODIAL PARENT WHO WRONGFULLY DENIES  
2 VISITATION TO A NONCUSTODIAL PARENT IS SUBJECT TO HAVING HIS OR  
3 HER OCCUPATIONAL LICENSE SUSPENDED. THE OFFICE OF THE FRIEND OF  
4 THE COURT MAY SEND TO A CUSTODIAL PARENT A NOTICE OF INTENT TO  
5 REQUEST AN ORDER FOR SUSPENSION OF THE CUSTODIAL PARENT'S OCCUPA-  
6 TIONAL LICENSE IF ALL OF THE FOLLOWING CIRCUMSTANCES ARE TRUE:

7        (A) THE CUSTODIAL PARENT HAS BEEN ORDERED TO ALLOW VISITA-  
8 TION BY THE CHILD WITH THE NONCUSTODIAL PARENT AND HAS WRONGFULLY  
9 DENIED THAT VISITATION, WHICH DENIAL HAS DEPRIVED THE NONCUSTO-  
10 DIAL PARENT OF VISITATION WITH THE CHILD FOR A PERIOD OF TIME  
11 MEASURED IN HOURS THAT IS EQUAL TO OR GREATER THAN THE NUMBER OF  
12 HOURS OF VISITATION ORDERED FOR A 3-MONTH PERIOD.

13        (B) MAKEUP VISITATION HAS BEEN UNSUCCESSFUL IN ASSURING COM-  
14 PLIANCE WITH THE VISITATION ORDER.

15        (C) THE OFFICE OF THE FRIEND OF THE COURT HAS DETERMINED  
16 THAT THE CUSTODIAL PARENT IS THE HOLDER OF AN OCCUPATIONAL  
17 LICENSE.

18        (2) THE NOTICE DESCRIBED IN SUBSECTION (1) SHALL CONTAIN THE  
19 FOLLOWING INFORMATION:

20        (A) SPECIFIC TIMES AND DATES ON WHICH THE CUSTODIAL PARENT  
21 HAS WRONGFULLY DENIED VISITATION.

22        (B) THAT THE CUSTODIAL PARENT'S OCCUPATIONAL LICENSE MAY BE  
23 SUBJECT TO AN ORDER OF SUSPENSION.

24        (C) THAT THE SUSPENSION ORDER WILL BE ENTERED AND SENT TO  
25 THE OCCUPATIONAL REGULATORY AGENCY ISSUING THE CUSTODIAL PARENT'S  
26 OCCUPATIONAL LICENSE UNLESS THE CUSTODIAL PARENT RESPONDS BY  
27 REQUESTING A HEARING WITHIN 28 DAYS AFTER THE DATE OF MAILING THE

1 NOTICE OR BY REACHING AGREEMENT WITH THE FRIEND OF THE COURT ON A  
2 REASONABLE MAKEUP VISITATION SCHEDULE.

3 (D) THAT AT THE HEARING THE CUSTODIAL PARENT MAY SUGGEST TO  
4 THE COURT A MAKEUP VISITATION POLICY.

5 (E) THAT, IF THE HEARING IS HELD BEFORE A REFEREE, THE CUS-  
6 TODIAL PARENT HAS A RIGHT TO A DE NOVO HEARING BEFORE A CIRCUIT  
7 JUDGE.

8 (F) THAT, IF THE CUSTODIAL PARENT BELIEVES THAT THE VISITA-  
9 TION SCHEDULE SHOULD BE MODIFIED DUE TO A CHANGE IN CIRCUM-  
10 STANCES, THE CUSTODIAL PARENT MAY FILE A PETITION WITH THE COURT  
11 FOR MODIFICATION OF THE VISITATION ORDER.

12 SEC. 47A. (1) WITHIN 28 DAYS AFTER THE DATE ON WHICH THE  
13 NOTICE DESCRIBED IN SECTION 47 IS MAILED TO THE CUSTODIAL PARENT,  
14 A CUSTODIAL PARENT TO WHOM NOTICE IS MAILED MAY REQUEST A HEARING  
15 REGARDING HIS OR HER WRONGFUL DENIAL OF VISITATION, IN WHICH CASE  
16 THE ENTRY OF THE SUSPENSION ORDER SHALL BE DELAYED PENDING THE  
17 OUTCOME OF THE HEARING. IF A HEARING ON THE MATTER IS NECESSARY,  
18 THE COURT SHALL HOLD THE HEARING WITHIN 30 DAYS AFTER THE DATE OF  
19 THE CUSTODIAL PARENT'S REQUEST.

20 (2) IF THE HEARING HELD UNDER SUBSECTION (1) IS HELD BEFORE  
21 A REFEREE, EITHER PARTY MAY REQUEST A DE NOVO HEARING AS PROVIDED  
22 IN SECTION 7 OF THE FRIEND OF THE COURT ACT, BEING SECTION  
23 552.507 OF THE MICHIGAN COMPILED LAWS.

24 (3) IF A CUSTODIAL PARENT FILES A PETITION FOR MODIFICATION  
25 OF THE VISITATION ORDER, WHICH PETITION IS PENDING ON THE DATE A  
26 HEARING IS SCHEDULED UNDER THIS SECTION, THE COURT MAY

1 CONSOLIDATE THE HEARING UNDER THIS SECTION AND A HEARING ON THE  
2 PETITION FOR MODIFICATION OF VISITATION.

3 (4) IF THE COURT DETERMINES THAT THE CUSTODIAL PARENT WRONG-  
4 FULLY WITHHELD VISITATION FOR A PERIOD OF TIME MEASURED IN HOURS  
5 THAT IS EQUAL TO OR GREATER THAN THE NUMBER OF HOURS OF VISITA-  
6 TION ORDERED FOR A 3-MONTH PERIOD, THE COURT SHALL IMMEDIATELY  
7 ORDER REASONABLE MAKEUP VISITATION.

8 (5) THE COURT MAY ORDER A SUSPENSION OF THE CUSTODIAL  
9 PARENT'S OCCUPATIONAL LICENSE UNDER EITHER OF THE FOLLOWING  
10 CIRCUMSTANCES:

11 (A) WITHIN 28 DAYS AFTER THE NOTICE UNDER SECTION 47 WAS  
12 MAILED, THE CUSTODIAL PARENT HAS FAILED TO REQUEST A HEARING AS  
13 PROVIDED IN SUBSECTION (1) OR HAS FAILED TO COMPLY WITH THE VISI-  
14 TATION ORDER.

15 (B) THE CUSTODIAL PARENT HAS FAILED TO COMPLY WITH A MAKEUP  
16 VISITATION SCHEDULE.

17 SEC. 47B. (1) IF THE COURT ORDERS A SUSPENSION OF AN OCCU-  
18 PATIONAL LICENSE UNDER SECTION 47A, THE ORDER SHALL INDICATE THAT  
19 THE OCCUPATIONAL REGULATORY AGENCY SHALL SUSPEND THE OCCUPATIONAL  
20 LICENSE 28 DAYS AFTER THE AGENCY SENDS NOTICE TO THE CUSTODIAL  
21 PARENT OF RECEIPT OF THE SUSPENSION ORDER. UPON ENTRY OF THE  
22 ORDER, THE OFFICE OF THE FRIEND OF THE COURT SHALL SERVE ON THE  
23 CUSTODIAL PARENT A COPY OF THE ORDER AND, IF THE COURT ENTERED  
24 THE ORDER UNDER SECTION 47A(5)(A), A NOTICE DELIVERED EITHER BY  
25 PERSONAL SERVICE OR BY REGISTERED MAIL, RETURN RECEIPT REQUESTED,  
26 WITH DELIVERY RESTRICTED TO THE CUSTODIAL PARENT. UPON RECEIPT  
27 OF PROOF OF SERVICE, THE OFFICE OF THE FRIEND OF THE COURT SHALL

1 SEND A COPY OF THE SUSPENSION ORDER TO THE OCCUPATIONAL  
2 REGULATORY AGENCY ISSUING THE OCCUPATIONAL LICENSE.

3 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL CONTAIN  
4 AT LEAST ALL OF THE FOLLOWING:

5 (A) THAT THE COURT HAS ENTERED THE SUSPENSION ORDER.

6 (B) THAT THE ORDER WILL BE SENT TO THE STATE AGENCY THAT  
7 ISSUED THE OCCUPATIONAL LICENSE THAT IS SUBJECT TO SUSPENSION AND  
8 THE CUSTODIAL PARENT'S LICENSE WILL BE SUSPENDED 28 DAYS AFTER  
9 THAT AGENCY SENDS A NOTICE TO THE CUSTODIAL PARENT UNLESS, WITHIN  
10 28 DAYS AFTER THE OFFICE OF THE FRIEND OF THE COURT RECEIVES  
11 PROOF OF SERVICE OF THE ORDER AND NOTICE ON THE CUSTODIAL PARENT,  
12 THE CUSTODIAL PARENT REQUESTS A HEARING OR REACHES AN AGREEMENT  
13 WITH THE FRIEND OF THE COURT ON A REASONABLE MAKEUP VISITATION  
14 SCHEDULE.

15 (C) THAT IF THE CUSTODIAL PARENT BELIEVES THAT THE VISITA-  
16 TION SCHEDULE SHOULD BE MODIFIED DUE TO A CHANGE IN CIRCUM-  
17 STANCES, THE CUSTODIAL PARENT MAY FILE A PETITION WITH THE COURT  
18 FOR MODIFICATION OF THE VISITATION ORDER.

19 (3) WITHIN 28 DAYS AFTER THE OFFICE OF THE FRIEND OF THE  
20 COURT RECEIVES PROOF OF SERVICE, THE CUSTODIAL PARENT WHOSE OCCU-  
21 PATIONAL LICENSE IS SUBJECT TO SUSPENSION MAY DO ANY OF THE  
22 FOLLOWING:

23 (A) REQUEST A HEARING. IF THE CUSTODIAL PARENT REQUESTS A  
24 HEARING UNDER THIS SUBDIVISION, THE COURT SHALL ISSUE A STAY OF  
25 THE ORDER OF SUSPENSION AND THE FRIEND OF THE COURT SHALL NOTIFY  
26 THE OCCUPATIONAL REGULATORY AGENCY OF THE STAY. A HEARING  
27 REQUESTED UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN THE SAME

1 MANNER AS A HEARING UNDER SECTION 47A. IF THE COURT DETERMINES  
2 THAT THE SUSPENSION ORDER SHOULD TAKE EFFECT, THE COURT SHALL  
3 REMOVE THE STAY, AND THE OFFICE OF THE FRIEND OF THE COURT SHALL  
4 NOTIFY THE OCCUPATIONAL REGULATORY AGENCY. THE ORDER SHALL NOT  
5 TAKE EFFECT UNTIL 28 DAYS AFTER THE AGENCY SENDS THE NOTICE  
6 REQUIRED UNDER THE REGULATED OCCUPATION SUPPORT ENFORCEMENT ACT.

7 (B) COMPLY WITH THE VISITATION ORDER.

8 (C) REACH AN AGREEMENT WITH THE OFFICE OF THE FRIEND OF THE  
9 COURT ON A REASONABLE MAKEUP VISITATION POLICY.

10 (4) AFTER ENTRY OF A SUSPENSION ORDER UNDER SECTION 47A, A  
11 CUSTODIAL PARENT MAY AGREE TO AND THE COURT MAY ORDER A MAKEUP  
12 VISITATION SCHEDULE. IF THE CUSTODIAL PARENT COMPLIES WITH THE  
13 VISITATION ORDER, THE COURT ORDERS A SCHEDULE FOR MAKEUP VISITA-  
14 TION, OR THE CUSTODIAL PARENT REACHES AGREEMENT WITH THE FRIEND  
15 OF THE COURT FOR MAKEUP VISITATION, THE COURT SHALL ENTER AN  
16 ORDER RESCINDING THE SUSPENSION ORDER THAT IS EFFECTIVE  
17 IMMEDIATELY. WITHIN 2 BUSINESS DAYS AFTER ENTRY OF THE ORDER  
18 RESCINDING THE SUSPENSION ORDER, THE OFFICE OF THE FRIEND OF THE  
19 COURT SHALL SEND A COPY OF THE ORDER RESCINDING THE SUSPENSION  
20 ORDER TO THE OCCUPATIONAL REGULATORY AGENCY ISSUING THE CUSTODIAL  
21 PARENT'S LICENSE.

22 SEC. 47C. A SOURCE OF INCOME SHALL NOT USE THE SUSPENSION,  
23 AS PROVIDED FOR IN THIS ACT, OF AN OCCUPATIONAL LICENSE AS THE  
24 BASIS FOR REFUSING TO EMPLOY, DISCHARGING, TAKING DISCIPLINARY  
25 ACTION AGAINST, OR IMPOSING A PENALTY AGAINST A CUSTODIAL PARENT  
26 UNLESS THE SUSPENDED LICENSE IS LEGALLY REQUIRED FOR THE  
27 CUSTODIAL PARENT'S PERFORMANCE OF THE JOB. THIS ACT DOES NOT



1 PREVENT A SOURCE OF INCOME FROM REFUSING TO EMPLOY, DISCHARGING,  
2 TAKING DISCIPLINARY ACTION AGAINST, OR IMPOSING A PENALTY AGAINST  
3 A CUSTODIAL PARENT WHOSE OCCUPATIONAL LICENSE HAS BEEN SUSPENDED  
4 UNDER THE REGULATED OCCUPATION SUPPORT ENFORCEMENT ACT IF THAT  
5 LICENSE IS A NECESSARY PREDICATE TO ENGAGING IN THAT OCCUPATION,  
6 VOCATION, OR PROFESSION.

7 Section 2. This amendatory act shall not take effect unless  
8 all of the following bills of the 88th Legislature are enacted  
9 into law:

10 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4030 (request  
11 no. 00106'95).

12 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
13 no. 00107'95).

14 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
15 no. 00108'95 a).

16 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
17 no. 00109'95).

18 Section 3. This amendatory act shall take effect upon the  
19 expiration of 180 days after the date of its enactment.

20 Section 4. Before April 2, 1996, the department of social  
21 services, in cooperation with the state court administrators  
22 office, shall submit a report to the legislature evaluating the  
23 cost-benefit and effectiveness of suspending occupational  
24 licenses for the purpose of encouraging support payments. The  
25 report shall include at least all of the following in relation to  
26 the suspension of licenses for support enforcement:

1       (a) The number of payers sent notice of a possible license  
2 suspension.

3       (b) The number of licenses the court orders suspended.

4       (c) The number of licenses the licensing agencies actually  
5 suspend.

6       (d) The number of licenses reinstated.

7       (e) Whether support payments increase in cases in which  
8 notices are sent and in cases in which licenses are suspended.

9       (f) Recommendations for legislative action.