



SENATE BILL No. 615

June 15, 1995, Introduced by Senators VAN REGENMORTER, GEAKE, HART, DINGELL, HOFFMAN, GOUGEON, SHUGARS, STILLE, SCHUETTE, MC MANUS, BYRUM, PETERS and EMMONS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 3, 6, 7, and 9 of Act No. 216 of the Public Acts of 1985, entitled "Interstate income withholding act," being sections 552.673, 552.676, 552.677, and 552.679 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 Sec. 3. As used in this act:

6 (a) "Agency" means the court or entity in any other juris-
7 diction with functions similar to those assigned in this act to
8 the office of the friend of the court and the office of child

1 support relative to the issuance and enforcement of support
2 orders.

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

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

10 (d) "Income" means income as defined in section 2 of the
11 support and ~~visitation~~ PARENTING TIME enforcement act, being
12 section 552.602 of the Michigan Compiled Laws.

13 (e) "Income derived in this jurisdiction" means any income,
14 the source of income of which is subject to the jurisdiction of
15 this state for the purpose of imposing and enforcing income with-
16 holding under the support and ~~visitation~~ PARENTING TIME
17 enforcement act.

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

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

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

1 (i) "Office of child support" means the entity created in
2 section 2 of THE OFFICE OF CHILD SUPPORT ACT, Act No. 174 of the
3 Public Acts of 1971, being section 400.232 of the Michigan
4 Compiled Laws.

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

9 (k) "Order of income withholding" means order of income
10 withholding as defined in section 2 of the support and
11 ~~visitation~~ PARENTING TIME enforcement act, ~~being section~~
12 ~~552.602 of the Michigan Compiled Laws,~~ or the equivalent docu-
13 ment issued in another jurisdiction.

14 (l) "Source of income" means source of income as defined in
15 section 2 of the support and ~~visitation~~ PARENTING TIME enforce-
16 ment act. ~~, being section 552.602 of the Michigan Compiled~~
17 ~~Laws.~~

18 (m) "Support and ~~visitation~~ PARENTING TIME enforcement
19 act" means Act No. 295 of the Public Acts of 1982, being sections
20 552.601 to 552.650 of the Michigan Compiled Laws.

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

1 Sec. 6. (1) Upon receiving a support order of another
2 jurisdiction with the documentation specified in subsection (2)
3 from an agency, an obligee, an obligor, or an attorney for
4 either, the office of child support shall forward the documen-
5 tation to the office of the friend of the court in the county in
6 which withholding is being sought and the office of the friend of
7 the court shall file the documents with the clerk of the court in
8 that county. The clerk of the court shall accept the documents
9 filed and ~~such~~ THE acceptance ~~shall constitute~~ CONSTITUTES
10 entry of the support order only for the purposes of this act.

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

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

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

17 (c) A copy of the portion of the income withholding statute
18 of the jurisdiction ~~which~~ THAT issued the support order ~~which~~
19 THAT states the amount of arrearages necessary to mandate income
20 withholding under the law of that jurisdiction.

21 (d) A sworn statement of the obligee or certified statement
22 of the agency of the amount of arrearages, including the approxi-
23 mate dates the arrearages accrued, and the assignment of support
24 rights, if any.

25 (e) A statement of all of the following:

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

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

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

7 (iv) The amount of income withholding requested.

8 (f) A statement of eligibility for services under ~~Part~~
9 PART D of ~~Title~~ TITLE IV of the social security act, CHAPTER
10 531, 49 STAT. 620, 42 U.S.C. 651 to ~~667~~ 669, signed by the
11 obligee.

12 (g) A copy of proof of service or other evidence that the
13 court or agency that issued the support order had personal juris-
14 diction over the obligor.

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

17 (3) If the documentation received by the office of child
18 support under subsection (1) does not conform to the requirements
19 of subsection (2), the office of child support shall remedy any
20 defect ~~which~~ THAT it can without the assistance of the request-
21 ing agency or party. If the office of child support is unable to
22 make such corrections, the office of child support shall immedi-
23 ately notify the requesting agency or party of the necessary
24 additions or corrections. In neither case shall the documen-
25 tation be returned. If the substantive requirements of subsec-
26 tion (2) are met, the office of child support and the clerk of
27 the court shall accept the documentation required by subsection

1 (2), even if the documentation is not in the usual form required
2 by this state.

3 (4) Except as otherwise provided in sections 7 to 13, a sup-
4 port order entered under subsection (1) ~~shall be~~ IS enforceable
5 by income withholding against income derived in this state in the
6 same manner and with the same effect as provided in sections 7 to
7 23 of the support and ~~visitation~~ PARENTING TIME enforcement
8 act, being sections 552.607 to 552.623 of the Michigan Compiled
9 Laws, for support orders entered in this state. Entry of the
10 order ~~shall~~ DOES not confer jurisdiction on the courts of this
11 state for any purpose other than income withholding.

12 Sec. 7. (1) On the date a support order is entered
13 ~~pursuant to~~ UNDER section 6, the office of the friend of the
14 court shall send to the obligor, in the manner provided in sec-
15 tion 7 of the support and ~~visitation~~ PARENTING TIME enforcement
16 act, being section 552.507 of the Michigan Compiled Laws, a
17 notice of the proposed income withholding. The notice shall con-
18 tain the same information required in that section and shall also
19 advise the obligor that the income withholding was requested on
20 the basis of a support order of another jurisdiction.

21 (2) If the obligor requests a hearing to contest the pro-
22 posed income withholding, the office of the friend of the court
23 shall immediately notify the agency or person that sent the docu-
24 mentation under subsection (1) of the date, time, and place of
25 the hearing and of the obligee's right to attend the hearing.

26 Sec. 9. If the obligor does not request a hearing in the
27 time provided, or if a hearing is held and it is determined that

1 the obligee has or is entitled to income withholding under the
2 law of the jurisdiction that issued the support order, income
3 withholding shall be ordered and shall take effect in the manner
4 provided in section 7 of the support and ~~visitation~~ PARENTING
5 TIME enforcement act, being section 552.607 of the Michigan
6 Compiled Laws. The office of the friend of the court shall
7 notify the agency or party that sent the documentation under sec-
8 tion 6 of the date upon which withholding will begin.

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