



SENATE BILL No. 644

September 13, 1995, Introduced by Senator DINGELL
and referred to the Committee on Families, Mental
Health and Human Services.

A bill to amend section 4 of Act No. 295 of the Public Acts
of 1982, entitled as amended

"Support and visitation enforcement act,"

as amended by Act No. 291 of the Public Acts of 1992, being sec-
tion 552.604 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 295 of the Public Acts of
2 1982, as amended by Act No. 291 of the Public Acts of 1992, being
3 section 552.604 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4. (1) After July 1, 1983, each support order entered
6 or modified by the circuit court shall provide for an order of
7 income withholding.

8 (2) Each support order entered by the circuit court on or
9 before July 1, 1983 shall be considered to provide for an order

1 of income withholding by operation of law, and income withholding
2 shall be implemented under the same circumstances and enforced in
3 the same manner as in the case of orders of income withholding
4 provided for pursuant to subsection (1). The office of the
5 friend of the court shall send notice of the provisions of this
6 subsection by ordinary mail to each payer under a support order
7 entered by the circuit court on or before July 1, 1983 to whom
8 this subsection applies.

9 (3) An order of income withholding in a support order
10 including consideration of any abatements of support entered or
11 modified after December 31, 1990, shall take effect immediately
12 unless 1 of the following applies:

13 (a) The court finds, upon notice and hearing, that there is
14 good cause for the order of income withholding not to take effect
15 immediately. For purposes of this subdivision, a finding of good
16 cause shall be based on at least all of the following:

17 (i) A written and specific finding by the court why immedi-
18 ate income withholding would not be in the best interests of the
19 child.

20 (ii) Proof of timely payment of previously ordered support,
21 if applicable.

22 (iii) An agreement by the payer that he or she shall keep
23 the office of the friend of the court informed of both of the
24 following:

25 (A) The name and address of his or her current source of
26 income.

1 (B) Any health care coverage that is available to him or her
2 as a benefit of employment or that is maintained by him or her;
3 the name of the insurance company, NONPROFIT health care
4 ~~organization~~ CORPORATION, or health maintenance organization;
5 the policy, certificate, or contract number; and the names and
6 birth dates of the persons for whose benefit he or she maintains
7 health care coverage under the policy, certificate, or contract.

8 (b) The parties enter into a written agreement that is
9 reviewed and entered in the record by the court that provides for
10 all of the following:

11 (i) The order of income withholding shall not take effect
12 immediately.

13 (ii) An alternative payment arrangement.

14 (iii) The payer shall keep the office of the friend of the
15 court informed of both of the following:

16 (A) The name and address of his or her current source of
17 income.

18 (B) Any health care coverage that is available to him or her
19 as a benefit of employment or that is maintained by him or her;
20 the name of the insurance company, NONPROFIT health care
21 ~~organization~~ CORPORATION, or health maintenance organization;
22 the policy, certificate, or contract number; and names and birth
23 dates of the persons for whose benefit he or she maintains health
24 care coverage under the policy, certificate, or contract.

25 (4) Except as otherwise provided in subsection (3)(a) or
26 (b), an order of income withholding in an ex parte interim
27 support order shall take effect after the expiration of 14 days

1 after the order has been served on the opposite party unless the
2 opposite party files a written objection to the ex parte interim
3 support order during that 14-day period.

4 (5) An order of income withholding that does not take effect
5 immediately pursuant to this section shall take effect when the
6 requirement of section 7 is met.

7 (6) The court for cause or at the request of the payer may
8 order the withholding of income to take effect immediately. IF
9 THE COURT DETERMINES THAT A PAYOR UNDER A CHILD SUPPORT ORDER IS
10 ELIGIBLE TO RECEIVE UNEMPLOYMENT COMPENSATION, THE COURT SHALL
11 IMMEDIATELY ENTER AN ORDER OF INCOME WITHHOLDING RELATING TO THE
12 UNEMPLOYMENT COMPENSATION TO WHICH THE PAYOR IS ENTITLED IN
13 ACCORDANCE WITH SECTION 17E OF THE FRIEND OF THE COURT ACT, ACT
14 NO. 294 OF THE PUBLIC ACTS OF 1982, BEING SECTION 552.517E OF THE
15 MICHIGAN COMPILED LAWS. THE AMOUNT OF INCOME WITHHELD FROM UNEM-
16 PLOYMENT COMPENSATION SHALL BE CALCULATED IN ACCORDANCE WITH THE
17 CHILD SUPPORT FORMULA DEVELOPED UNDER SECTION 19 OF THE FRIEND OF
18 THE COURT ACT, ACT NO. 294 OF THE PUBLIC ACTS OF 1982, BEING SEC-
19 TION 552.519 OF THE MICHIGAN COMPILED LAWS.

20 (7) An order of income withholding in a support order
21 entered on or before December 31, 1990, shall take effect when
22 the requirement of section 7 is met.

23 Section 2. This amendatory act shall not take effect unless
24 Senate Bill No. 643
25 of the 88th Legislature is enacted into law.