

SENATE BILL NO. 793

November 6, 1997, Introduced by Senator GEAKE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1996 PA 310, entitled "Uniform interstate family support act," by amending sections 103, 104, 224, 231, 306, 308, 310, 312, 501, 621, 623, and 635 (MCL 552.1103, 552.1104, 552.1224, 552.1231, 552.1306, 552.1308, 552.1310, 552.1312, 552.1501, 552.1621, 552.1623, and 552.1635) and by adding sections 501a, 501b, 501c, 501d, 638, and 639.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. As used in this act:

2 (a) "Income" includes earnings or other periodic entitle-
3 ments to money from any source and any other property subject to
4 withholding for support under this state's law.

5 (b) "Income withholding order" means legal process directed
6 to an obligor's employer or other debtor to withhold support from
7 ~~of~~ the obligor's income.

1 (c) "Initiating state" means a state ~~in~~ FROM which a
2 proceeding ~~under a support enforcement act is filed for forward-~~
3 ~~ing to a responding state~~ IS FORWARDED OR IN WHICH A PROCEEDING
4 IS FILED FOR FORWARDING TO A RESPONDING STATE UNDER THIS ACT OR A
5 LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS ACT, THE UNIFORM
6 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, OR THE REVISED UNIFORM
7 RECIPROCAL ENFORCEMENT OF SUPPORT ACT, 1952 PA 8, MCL 780.151 TO
8 780.183.

9 (d) "Initiating tribunal" means the authorized tribunal in
10 an initiating state.

11 (e) "Issuing state" means the state in which a tribunal
12 issues a support order or renders a judgment determining
13 parentage.

14 (f) "Issuing tribunal" means the tribunal that issues a sup-
15 port order or renders a judgment determining parentage.

16 (g) "Law" includes decisional and statutory law, and rules
17 and regulations having the force of law.

18 (h) "L.E.I.N" means the law enforcement information network
19 administered under the L.E.I.N. policy council act of 1974, ~~Act~~
20 ~~No. 163 of the Public Acts of 1974, being sections 28.211 to~~
21 ~~28.216 of the Michigan Compiled Laws~~ 1974 PA 163, MCL 28.211 TO
22 28.216.

23 (i) "Obligee" means any of the following:

24 (i) An individual to whom a duty of support is or is alleged
25 to be owed or in whose favor a support order has been issued or a
26 judgment determining parentage has been rendered.

1 (ii) A state or political subdivision to which the rights
2 under a duty of support or support order have been assigned or
3 that has independent claims based on financial assistance pro-
4 vided to an individual obligee.

5 (iii) An individual seeking a judgment determining parentage
6 of the individual's child.

7 (j) "Obligor" means an individual about whom 1 of the fol-
8 lowing is true, or the estate of a decedent about whom 1 of the
9 following was true before the individual's death:

10 (i) The individual owes or is alleged to owe a duty of
11 support.

12 (ii) The individual is alleged, but has not been ad Judi-
13 cated, to be a child's parent.

14 (iii) The individual is liable under a support order.
15 Sec. 104. As used in this act:

16 (a) "Register" means to file a support order or judgment
17 determining parentage in the circuit court.

18 (b) "Registering tribunal" means a tribunal in which a sup-
19 port order is registered.

20 (c) "Responding state" means a state ~~to~~ IN which a pro-
21 ceeding is ~~forwarded under a support enforcement act~~ FILED OR
22 TO WHICH A PROCEEDING IS FORWARDED FOR FILING FROM AN INITIATING
23 STATE UNDER THIS ACT OR A LAW OR PROCEDURE SUBSTANTIALLY SIMILAR
24 TO THIS ACT, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
25 OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
26 1952 PA 8, MCL 780.151 TO 780.183.

1 (d) "Responding tribunal" means the authorized tribunal in a
2 responding state.

3 (e) "Spousal support order" means a support order for an
4 obligor's spouse or former spouse.

5 (f) "State" means a state of the United States, the District
6 of Columbia, ~~the Commonwealth of~~ Puerto Rico, THE UNITED STATES
7 VIRGIN ISLANDS, or any territory or insular possession subject to
8 the jurisdiction of the United States. State includes an Indian
9 tribe and a foreign jurisdiction that ~~establishes~~ HAS ENACTED A
10 LAW OR ESTABLISHED procedures for issuance and enforcement of
11 support orders that are substantially similar to the procedures
12 under this act, THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT
13 ACT, OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT
14 ACT, 1952 PA 8, MCL 780.151 TO 780.183.

15 (g) "Support enforcement act" means this act, the uniform
16 reciprocal enforcement of support act, the revised uniform recip-
17 rocal enforcement of support act, 1952 PA 8, MCL 780.151 TO
18 780.183, or another act substantially similar to 1 of those acts
19 that is in effect in this or another state. Support enforcement
20 act includes a former act substantially similar to an act
21 described in this subdivision under which an order was issued or
22 proceeding initiated, which order or proceeding remains
23 operative.

24 (h) "Support enforcement agency" means a public official or
25 agency authorized to seek any of the following:

26 (i) Enforcement of support orders or laws relating to the
27 duty of support.

1 (ii) Establishment or modification of child support.

2 (iii) Determination of parentage.

3 (iv) Location of obligors or their assets.

4 (i) "Support order" means a judgment, decree, or order,
5 whether temporary, final, or subject to modification, for the
6 benefit of a child, spouse, or former spouse that provides for
7 monetary support, health care, arrearages, or reimbursement and
8 may include related costs and fees, interest, income withholding,
9 attorney fees, and other relief.

10 (j) "Tribunal" means a court, administrative agency, or
11 quasi-judicial entity authorized to establish, enforce, or modify
12 support orders or determine parentage.

13 Sec. 224. (1) A tribunal of this state that issues a sup-
14 port order consistent with this state's law has continuing,
15 exclusive jurisdiction over a child support order in either of
16 the following circumstances:

17 (a) As long as this state remains the residence of the obli-
18 gor, the individual obligee, or the child for whose benefit the
19 support order is issued.

20 (b) Until ~~each individual party files~~ ALL PARTIES WHO ARE
21 INDIVIDUALS HAVE FILED written consent with this state's tribunal
22 for another state's tribunal to modify the order and assume con-
23 tinuing, exclusive jurisdiction.

24 (2) A tribunal of this state that issues a child support
25 order consistent with this state's law shall not exercise its
26 continuing jurisdiction to modify the order if the order has been

1 modified by another state's tribunal under a law substantially
2 similar to this act.

3 (3) If a child support order of this state is modified by
4 another state's tribunal under a law substantially similar to
5 this act, this state's tribunal loses its continuing, exclusive
6 jurisdiction with regard to prospective enforcement of the order
7 issued in this state and may only do 1 or more of the following:

8 (a) Enforce the order that was modified as to amounts accru-
9 ing before the modification.

10 (b) Enforce nonmodifiable aspects of that order.

11 (c) Provide other appropriate relief for violations of that
12 order that occurred before the modification's effective date.

13 (4) This state's tribunal shall recognize the continuing,
14 exclusive jurisdiction of a tribunal of another state that issues
15 a child support order under a law substantially similar to this
16 act.

17 (5) A temporary support order issued ex parte or pending
18 resolution of a jurisdictional conflict does not create continu-
19 ing, exclusive jurisdiction in the issuing tribunal.

20 (6) A tribunal of this state that issues a support order
21 consistent with this state's law has continuing, exclusive juris-
22 diction over a spousal support order throughout the existence of
23 the support obligation. This state's tribunal shall not modify a
24 spousal support order issued by a tribunal of another state
25 having continuing, exclusive jurisdiction over that order under
26 the law of that state.

1 Sec. 231. ~~(1) If a proceeding is brought under this act,~~
2 ~~and 1 or more child support orders have been issued in this or~~
3 ~~other states with regard to an obligor and a child, this state's~~
4 ~~tribunal shall apply the following rules in determining which~~
5 ~~order to recognize for purposes of continuing, exclusive~~
6 ~~jurisdiction:~~

7 ~~(a) If only 1 tribunal has issued a child support order,~~
8 ~~that tribunal's order shall be recognized.~~

9 ~~(b) If 2 or more tribunals have issued child support orders~~
10 ~~for the same obligor and child, and only 1 of the tribunals would~~
11 ~~have continuing, exclusive jurisdiction under this act, that~~
12 ~~tribunal's order shall be recognized.~~

13 ~~(c) If 2 or more tribunals have issued child support orders~~
14 ~~for the same obligor and child, and more than 1 of the tribunals~~
15 ~~would have continuing, exclusive jurisdiction under this act, an~~
16 ~~order issued by a tribunal in the child's current home state~~
17 ~~shall be recognized or, if an order has not been issued in the~~
18 ~~child's current home state, the order most recently issued shall~~
19 ~~be recognized.~~

20 ~~(d) If 2 or more tribunals have issued child support orders~~
21 ~~for the same obligor and child, and none of the tribunals would~~
22 ~~have continuing, exclusive jurisdiction under this act, this~~
23 ~~state's tribunal may issue a child support order, which shall be~~
24 ~~recognized.~~

25 ~~(2) The tribunal that issued the order recognized under~~
26 ~~subsection (1) is the tribunal that has continuing, exclusive~~
27 ~~jurisdiction.~~

1 (1) IF A PROCEEDING IS BROUGHT UNDER THIS ACT AND ONLY 1
2 TRIBUNAL HAS ISSUED A CHILD SUPPORT ORDER, THE ORDER OF THAT TRI-
3 BUNAL CONTROLS AND SHALL BE RECOGNIZED.

4 (2) IF A PROCEEDING IS BROUGHT UNDER THIS ACT AND 2 OR MORE
5 CHILD SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS OF THIS STATE
6 OR ANOTHER STATE FOR THE SAME OBLIGOR AND CHILD, A TRIBUNAL OF
7 THIS STATE SHALL APPLY THE FOLLOWING RULES IN DETERMINING WHICH
8 ORDER TO RECOGNIZE FOR PURPOSES OF CONTINUING, EXCLUSIVE
9 JURISDICTION:

10 (A) IF ONLY 1 OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLU-
11 SIVE JURISDICTION UNDER THIS ACT, THE ORDER OF THAT TRIBUNAL CON-
12 TROLS AND SHALL BE RECOGNIZED.

13 (B) IF MORE THAN 1 OF THE TRIBUNALS WOULD HAVE CONTINUING,
14 EXCLUSIVE JURISDICTION UNDER THIS ACT, AN ORDER ISSUED BY A TRI-
15 BUNAL IN THE CURRENT HOME STATE OF THE CHILD CONTROLS AND SHALL
16 BE RECOGNIZED, BUT IF AN ORDER HAS NOT BEEN ISSUED IN THE CURRENT
17 HOME STATE OF THE CHILD, THE ORDER MOST RECENTLY ISSUED CONTROLS
18 AND SHALL BE RECOGNIZED.

19 (C) IF NONE OF THE TRIBUNALS WOULD HAVE CONTINUING, EXCLU-
20 SIVE JURISDICTION UNDER THIS ACT, THE TRIBUNAL OF THIS STATE
21 HAVING JURISDICTION OVER THE PARTIES SHALL ISSUE A CHILD SUPPORT
22 ORDER, WHICH CONTROLS AND SHALL BE RECOGNIZED.

23 (3) IF 2 OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR
24 THE SAME OBLIGOR AND CHILD AND IF THE OBLIGOR OR THE INDIVIDUAL
25 OBLIGEE RESIDES IN THIS STATE, A PARTY MAY REQUEST A TRIBUNAL OF
26 THIS STATE TO DETERMINE WHICH ORDER CONTROLS AND IS RECOGNIZED
27 UNDER SUBSECTION (2). THE REQUEST SHALL BE ACCOMPANIED BY A

1 CERTIFIED COPY OF EVERY SUPPORT ORDER IN EFFECT. THE REQUESTING
2 PARTY SHALL GIVE NOTICE OF THE REQUEST TO EACH PARTY WHOSE RIGHTS
3 MAY BE AFFECTED BY THE DETERMINATION.

4 (4) THE TRIBUNAL THAT ISSUED THE CONTROLLING ORDER UNDER
5 SUBSECTION (1), (2), OR (3) IS THE TRIBUNAL THAT HAS CONTINUING,
6 EXCLUSIVE JURISDICTION UNDER THIS ACT.

7 (5) A TRIBUNAL OF THIS STATE THAT DETERMINES BY ORDER THE
8 IDENTITY OF THE CONTROLLING ORDER UNDER SUBSECTION (2)(A) OR (B)
9 OR THAT ISSUES A NEW CONTROLLING ORDER UNDER SUBSECTION (2)(C)
10 SHALL STATE IN THAT ORDER THE BASIS UPON WHICH THE TRIBUNAL MADE
11 ITS DETERMINATION.

12 (6) WITHIN 30 DAYS AFTER ISSUANCE OF AN ORDER DETERMINING
13 THE IDENTITY OF THE CONTROLLING ORDER, THE PARTY OBTAINING THE
14 ORDER SHALL FILE A CERTIFIED COPY OF IT WITH EACH TRIBUNAL THAT
15 ISSUED OR REGISTERED AN EARLIER ORDER OF CHILD SUPPORT. A PARTY
16 WHO OBTAINS THE ORDER AND FAILS TO FILE A CERTIFIED COPY IS
17 SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE
18 OF FAILURE TO FILE ARISES. THE FAILURE TO FILE DOES NOT AFFECT
19 THE VALIDITY OR ENFORCEABILITY OF THE CONTROLLING ORDER.

20 Sec. 306. (1) Upon filing of a petition authorized by this
21 act, an initiating tribunal of this state shall forward 3 copies
22 of the petition and its accompanying documents to each of the
23 following:

24 (a) The responding tribunal or appropriate support enforce-
25 ment agency in the responding state.

26 (b) If the responding tribunal's identity is unknown, the
27 responding state's information agency with a request that the

1 copies and documents be forwarded to the appropriate tribunal and
2 that receipt be acknowledged.

3 (2) IF A RESPONDING STATE HAS NOT ENACTED THE UNIFORM INTER-
4 STATE FAMILY SUPPORT ACT OR A LAW OR PROCEDURES SUBSTANTIALLY
5 SIMILAR TO THIS ACT, A TRIBUNAL OF THIS STATE MAY ISSUE A CERTIF-
6 ICATE OR OTHER DOCUMENT AND MAKE FINDINGS REQUIRED BY THE LAW OF
7 THE RESPONDING STATE. IF THE RESPONDING STATE IS A FOREIGN
8 JURISDICTION, THE TRIBUNAL MAY SPECIFY THE AMOUNT OF SUPPORT
9 SOUGHT AND PROVIDE OTHER DOCUMENTS NECESSARY TO SATISFY THE
10 REQUIREMENTS OF THE RESPONDING STATE.

11 Sec. 308. (1) When a responding tribunal of this state
12 receives a petition or comparable pleading from an initiating
13 tribunal or directly under section 301, the tribunal shall do all
14 of the following:

15 (a) Cause the petition or pleading to be filed.

16 (b) Notify the petitioner by first-class mail where and when
17 it was filed.

18 (c) Notify the prosecuting attorney or the office of the
19 friend of the court. If notified under this subdivision, the
20 prosecuting attorney or friend of the court shall conduct pro-
21 ceedings as appropriate under this act.

22 (2) A responding tribunal of this state, to the extent oth-
23 erwise authorized by law, may do 1 or more of the following:

24 (a) Issue or enforce a support order, modify a child support
25 order, or render a judgment to determine parentage.

26 (b) Order an obligor to comply with a support order,
27 specifying the amount and the manner of compliance.

- 1 (c) Order income withholding.
- 2 (d) Determine the amount of an arrearage and specify a
3 method of payment.
- 4 (e) Enforce an order by civil or criminal contempt, or
5 both.
- 6 (f) Set aside property for satisfaction of a support order.
- 7 (g) Place liens and order execution on an obligor's
8 property.
- 9 (h) Order an obligor to keep the tribunal informed of the
10 obligor's current residential address and telephone number,
11 employer, and employment address and telephone number.
- 12 (i) Issue a bench warrant for an obligor who fails after
13 proper notice to appear at a hearing ordered by the tribunal and
14 enter the bench warrant in the L.E.I.N.
- 15 (j) Order an obligor to seek appropriate employment by spec-
16 ified methods.
- 17 (k) Award reasonable attorney fees and other fees and
18 costs.
- 19 (l) Grant another available remedy.
- 20 (3) A responding tribunal of this state shall include in a
21 support order issued under this act or in the documents accompa-
22 nying the order the calculations on which the support order is
23 based.
- 24 (4) A responding tribunal of this state shall not condition
25 the payment of a support order issued under this act upon compli-
26 ance by a party with provisions for parenting time.

1 (5) If a responding tribunal of this state issues an order
2 under this act, the tribunal shall send a copy of the order ~~by~~
3 ~~first-class mail~~ to the petitioner and the respondent and to the
4 initiating tribunal, if any.

5 Sec. 310. If a petition or comparable pleading is received
6 by an inappropriate tribunal of this state, the tribunal shall
7 forward the pleading and accompanying documents to an appropriate
8 tribunal in this state or another state and notify the petitioner
9 ~~by first-class mail~~ where and when the pleading was sent.

10 Sec. 312. (1) Upon request, a support enforcement agency of
11 this state, or upon the support enforcement agency's request, the
12 prosecuting attorney or office of the friend of the court, shall
13 provide services to a petitioner in a proceeding under this act.
14 A support enforcement agency, prosecuting attorney, or office of
15 the friend of the court that is providing services to the peti-
16 tioner as appropriate shall do all of the following:

17 (a) Take all steps necessary to enable an appropriate tribu-
18 nal in this state or another state to obtain jurisdiction over
19 the respondent.

20 (b) Request an appropriate tribunal to set a hearing date,
21 time, and place.

22 (c) Make a reasonable effort to obtain all relevant informa-
23 tion, including information as to the parties' income and
24 property.

25 (d) Within 2 days, exclusive of Saturdays, Sundays, and
26 legal holidays, after receipt of a written notice from an

1 initiating, responding, or registering tribunal, send a copy of
2 the notice ~~by first-class mail~~ to the petitioner.

3 (e) Within 2 days, exclusive of Saturdays, Sundays, and
4 legal holidays, after receipt of a written communication from the
5 respondent or the respondent's attorney, send a copy of the com-
6 munication ~~by first-class mail~~ to the petitioner.

7 (f) Notify the petitioner if jurisdiction over the respon-
8 dent cannot be obtained.

9 (2) This act does not create or negate a relationship of
10 attorney and client or other fiduciary relationship between a
11 support enforcement agency or the attorney for the agency and the
12 individual being assisted by the agency.

13 Sec. 501. (1) An income withholding order issued in another
14 state may be sent ~~by first-class mail~~ to the obligor's employer
15 without first filing a petition or comparable pleading or regis-
16 tering the order with this state's tribunal. Upon receipt of
17 ~~the~~ AN INCOME WITHHOLDING order, the OBLIGOR'S employer shall
18 do all of the following:

19 (a) Treat an income withholding order issued in another
20 state that appears regular on its face as if the order had been
21 issued by this state's tribunal.

22 (b) Immediately provide a copy of the order to the obligor.

23 ~~(c) Distribute the money as directed in the withholding~~
24 ~~order.~~

25 ~~(2) An obligor may contest the validity or enforcement of an~~
26 ~~income withholding order issued in another state in the same~~
27 ~~manner as if the order had been issued by this state's tribunal.~~

~~1 Section 605 applies to the contest. The obligor shall give
2 notice of the contest to a support enforcement agency providing
3 services to the obligee and to the person or agency designated to
4 receive payments in the income withholding order or, if no person
5 or agency is designated, to the obligee.~~

6 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) AND SEC-
7 TION 501A, THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE THE FUNDS
8 DIRECTED IN THE WITHHOLDING ORDER BY COMPLYING WITH THE TERMS OF
9 THE ORDER THAT SPECIFY THE FOLLOWING:

10 (A) THE DURATION AND AMOUNT OF PERIODIC PAYMENTS OF CURRENT
11 CHILD SUPPORT, STATED AS A SUM CERTAIN.

12 (B) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS AND
13 THE ADDRESS WHERE THE PAYMENTS ARE TO BE FORWARDED.

14 (C) MEDICAL SUPPORT, WHETHER IN THE FORM OF PERIODIC CASH
15 PAYMENT, STATED AS A SUM CERTAIN, OR ORDERING THE OBLIGOR TO PRO-
16 VIDE HEALTH COVERAGE FOR THE CHILD UNDER COVERAGE AVAILABLE
17 THROUGH THE OBLIGOR'S EMPLOYMENT.

18 (D) THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS FOR A
19 SUPPORT ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL, AND THE
20 OBLIGEE'S ATTORNEY, STATED AS SUMS CERTAIN.

21 (E) THE AMOUNT OF PERIODIC PAYMENTS OF ARREARAGES AND INTER-
22 EST ON ARREARAGES, STATED AS SUMS CERTAIN.

23 (3) AN EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF
24 THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM
25 INCOME FOR ALL OF THE FOLLOWING:

26 (A) THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING
27 ORDER.

1 (B) THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE
2 OBLIGOR'S INCOME.

3 (C) THE TIME WITHIN WHICH THE EMPLOYER MUST IMPLEMENT THE
4 WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT PAYMENT.

5 SEC. 501A. IF AN OBLIGOR'S EMPLOYER RECEIVES MULTIPLE
6 INCOME WITHHOLDING ORDERS FOR THE SAME OBLIGOR, THE EMPLOYER SAT-
7 ISFIES THE TERMS OF THE MULTIPLE ORDERS IF THE EMPLOYER COMPLIES
8 WITH THE LAW OF THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF
9 EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR WITHHOLDING AND ALLO-
10 CATING INCOME WITHHELD FOR MULTIPLE CHILD SUPPORT OBLIGEES.

11 SEC. 501B. AN EMPLOYER WHO COMPLIES WITH AN INCOME WITH-
12 HOLDING ORDER ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS
13 ARTICLE IS NOT SUBJECT TO CIVIL LIABILITY TO AN INDIVIDUAL OR
14 AGENCY FOR THE EMPLOYER'S WITHHOLDING OF CHILD SUPPORT FROM THE
15 OBLIGOR'S INCOME.

16 SEC. 501C. AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH
17 AN INCOME WITHHOLDING ORDER ISSUED BY ANOTHER STATE AND RECEIVED
18 FOR ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT MAY BE
19 IMPOSED FOR NONCOMPLIANCE WITH AN ORDER ISSUED BY A TRIBUNAL OF
20 THIS STATE.

21 SEC. 501D. AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCE-
22 MENT OF AN INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND
23 RECEIVED DIRECTLY BY AN EMPLOYER IN THIS STATE IN THE SAME MANNER
24 AS IF THE ORDER HAD BEEN ISSUED BY THIS STATE'S TRIBUNAL.
25 SECTION 605 APPLIES TO THE CONTEST. THE OBLIGOR SHALL GIVE
26 NOTICE OF THE CONTEST TO A SUPPORT ENFORCEMENT AGENCY PROVIDING
27 SERVICES TO THE OBLIGEE, TO EACH EMPLOYER THAT HAS DIRECTLY

1 RECEIVED AN INCOME WITHHOLDING ORDER, AND TO THE PERSON OR AGENCY
2 DESIGNED TO RECEIVE PAYMENTS IN THE INCOME WITHHOLDING ORDER OR,
3 IF NO PERSON OR AGENCY IS DESIGNATED, TO THE OBLIGEE.

4 Sec. 621. (1) When a support order or income withholding
5 order issued in another state is registered, the registering tri-
6 bunal shall notify the nonregistering party. ~~Notice shall be by~~
7 ~~first-class, certified, or registered mail or by any means of~~
8 ~~personal service authorized by this state's law.~~ The notice
9 shall be accompanied by a copy of the registered order and the
10 documents and relevant information accompanying the order.

11 (2) The notice shall inform the nonregistering party of all
12 of the following:

13 (a) That a registered order is enforceable as of the regis-
14 tration date in the same manner as an order issued by this
15 state's tribunal.

16 (b) That a hearing to contest the validity or enforcement of
17 the registered order shall be requested within 20 days after the
18 date of mailing or personal service of the notice.

19 (c) That failure to contest the validity or enforcement of
20 the registered order in a timely manner will result in confirma-
21 tion and enforcement of the order and the alleged arrearages, and
22 precludes further contest of that order with respect to a matter
23 that could have been asserted.

24 (d) The amount of alleged arrearages.

25 (3) Upon registration of an income withholding order for
26 enforcement, the registering tribunal shall notify the obligor's
27 employer as provided in the support and parenting time

1 enforcement act, ~~Act No. 295 of the Public Acts of 1982, being~~
2 ~~sections 552.601 to 552.650 of the Michigan Compiled Laws 1982~~
3 PA 295, MCL 552.601 TO 552.650.

4 Sec. 623. (1) A nonregistering party seeking to contest the
5 validity or enforcement of a registered order in this state shall
6 request a hearing within 20 days after the date of mailing or
7 personal service of notice of the registration. The nonregister-
8 ing party may seek to vacate the registration, to assert a
9 defense to an allegation of noncompliance with the registered
10 order, or to contest a remedy being sought or the amount of an
11 alleged arrearage as provided in section 625.

12 (2) If the nonregistering party fails to contest the valid-
13 ity or enforcement of the registered order in a timely manner,
14 the order is confirmed by operation of law. If a nonregistered
15 party requests a hearing to contest the validity or enforcement
16 of the registered order, the registering tribunal shall schedule
17 the matter for hearing and give notice to the parties ~~by~~
18 ~~first-class mail~~ of the hearing date, time, and place.

19 Sec. 635. (1) After another state's child support order is
20 registered in this state, the responding tribunal of this state
21 may modify that order only if SECTION 231 DOES NOT APPLY AND,
22 after notice and hearing, the tribunal finds 1 of the following:

23 (a) All of the following requirements are met:

24 (i) The child, the individual obligee, and the obligor do
25 not reside in the issuing state.

26 (ii) A petitioner who is a nonresident of this state seeks
27 modification.

1 (iii) The respondent is subject to the personal jurisdiction
2 of this state's tribunal.

3 (b) ~~An individual party or the~~ THE child, OR A PARTY WHO
4 IS AN INDIVIDUAL, is subject to the ~~tribunal's~~ personal juris-
5 diction OF THE TRIBUNAL OF THIS STATE and all of the ~~individual~~
6 parties WHO ARE INDIVIDUALS have filed ~~a~~ written consent in the
7 issuing tribunal ~~providing that this state's tribunal may~~ FOR A
8 TRIBUNAL OF THIS STATE TO modify the support order and assume
9 continuing, exclusive jurisdiction over the order. HOWEVER, IF
10 THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT ENACTED
11 A LAW OR ESTABLISHED PROCEDURES SUBSTANTIALLY SIMILAR TO THE PRO-
12 CEDURES UNDER THIS ACT, THE CONSENT OTHERWISE REQUIRED OF AN
13 INDIVIDUAL RESIDING IN THIS STATE IS NOT REQUIRED FOR THE TRIBU-
14 NAL TO ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER.

15 (2) Modification of a registered child support order is
16 subject to the same requirements, procedures, and defenses that
17 apply to the modification of an order issued by this state's tri-
18 bunal, and the order may be enforced and satisfied in the same
19 manner. This state's tribunal shall not modify an aspect of a
20 child support order that cannot be modified under the issuing
21 state's law. IF 2 OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
22 ORDERS FOR THE SAME OBLIGOR AND CHILD, THE ORDER THAT CONTROLS
23 AND SHALL BE RECOGNIZED UNDER THIS ACT ESTABLISHES THE ASPECTS OF
24 THE SUPPORT ORDER THAT ARE NONMODIFIABLE.

25 (3) On issuance of an order modifying a child support order
26 issued in another state, this state's tribunal becomes the
27 tribunal of continuing, exclusive jurisdiction.

1 ~~(4) Within 30 days after issuance of a modified child~~
2 ~~support order, the party obtaining the modification shall file a~~
3 ~~certified copy of the order with the issuing tribunal that had~~
4 ~~continuing, exclusive jurisdiction over the earlier order, and in~~
5 ~~each tribunal in which the party knows that earlier order is~~
6 ~~registered.~~

7 SEC. 638. (1) IF ALL OF THE PARTIES WHO ARE INDIVIDUALS
8 RESIDE IN THIS STATE AND THE CHILD DOES NOT RESIDE IN THE ISSUING
9 STATE, A TRIBUNAL OF THIS STATE HAS JURISDICTION TO ENFORCE AND
10 TO MODIFY THE ISSUING STATE'S CHILD SUPPORT ORDER IN A PROCEEDING
11 TO REGISTER THAT ORDER.

12 (2) A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION UNDER
13 THIS SECTION SHALL APPLY THE PROVISIONS OF ARTICLES I AND II,
14 THIS ARTICLE, AND THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS
15 STATE TO THE PROCEEDINGS FOR ENFORCEMENT OR MODIFICATION.
16 ARTICLES III, IV, V, VII, AND VIII DO NOT APPLY.

17 SEC. 639. WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED CHILD
18 SUPPORT ORDER, THE PARTY OBTAINING THE MODIFICATIONS SHALL FILE A
19 CERTIFIED COPY OF THE ORDER WITH THE ISSUING TRIBUNAL THAT HAD
20 CONTINUING, EXCLUSIVE JURISDICTION OVER THE EARLIER ORDER AND IN
21 EACH TRIBUNAL IN WHICH THE PARTY KNOWS THE EARLIER ORDER IS
22 REGISTERED. A PARTY WHO OBTAINS THE ORDER AND FAILS TO FILE A
23 CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A TRIBUNAL
24 IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE FAILURE TO
25 FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE MODI-
26 FIED ORDER OF THE NEW TRIBUNAL HAVING CONTINUING, EXCLUSIVE
27 JURISDICTION.