

SENATE BILL NO. 803

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

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 13, 14, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.613, 552.614, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2 and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 26, 26a, and 26b as added by 1995 PA 236, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Driver's license" means license as that term is defined
3 in section 25 of the Michigan vehicle code, ~~Act No. 300 of the~~
4 ~~Public Acts of 1949, being section 257.25 of the Michigan~~
5 ~~Compiled Laws~~ 1949 PA 300, MCL 257.25.

6 (b) "Employer" means an individual, sole proprietorship,
7 partnership, association, or private or public corporation, the
8 United States or a federal agency, this state or a political sub-
9 division of this state, another state or a political subdivision
10 of another state, or another legal entity that hires and pays an
11 individual for his or her services.

12 (c) "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~~ 1982 PA 294, MCL 552.501 TO 552.535.

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

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

19 (ii) A payment due or to be due in the future to an individ-
20 ual from a profit-sharing plan, a pension plan, an insurance con-
21 tract, an annuity, social security, unemployment compensation,
22 supplemental unemployment benefits, or worker's compensation.

23 (iii) An amount of money that is due to an individual as a
24 debt of another individual, partnership, association, or private
25 or public corporation, the United States or a federal agency,
26 this state or a political subdivision of this state, another

1 state or a political subdivision of another state, or another
2 legal entity that is indebted to the individual.

3 (e) "Insurer" means an insurer, health maintenance organiza-
4 tion, health care corporation, or other group, plan, or entity
5 that provides health care coverage in accordance with any of the
6 following acts:

7 (i) The public health code, ~~Act No. 368 of the Public Acts~~
8 ~~of 1978, being sections 333.1101 to 333.25211 of the Michigan~~
9 ~~Compiled Laws~~ 1978 PA 368, MCL 333.1101 TO 333.25211.

10 (ii) The insurance code of 1956, ~~Act No. 218 of the Public~~
11 ~~Acts of 1956, being sections 500.100 to 500.8302 of the Michigan~~
12 ~~Compiled Laws~~ 1956 PA 218, MCL 500.100 TO 500.8302.

13 (iii) The nonprofit health care corporation reform act, ~~Act~~
14 ~~No. 350 of the Public Acts of 1980, being sections 550.1101 to~~
15 ~~550.1704 of the Michigan Compiled Laws~~ 1980 PA 350, MCL 550.1101
16 TO 550.1704.

17 (f) "Medical assistance" means medical assistance as estab-
18 lished under title XIX of the social security act, chapter 531,
19 49 Stat. 620, 42 U.S.C. 1396 to 1396v.

20 (g) "Occupational license" means a certificate, registra-
21 tion, or license issued by ~~an occupational regulatory agency~~ A
22 STATE DEPARTMENT, BUREAU, OR AGENCY THAT HAS REGULATORY AUTHORITY
23 OVER AN INDIVIDUAL that allows an individual to legally engage in
24 a regulated occupation or that allows the individual to use a
25 specific title in the practice of an occupation, profession, or
26 vocation.

1 ~~-(h)- "Occupational regulatory agency" means a state~~
2 ~~department, bureau, or agency that has regulatory authority over~~
3 ~~an individual issued an occupational license.~~

4 (H) ~~-(i)-~~ "Office of child support" means the office of
5 child support established in section 2 of the office of child
6 support act, ~~Act No. 174 of the Public Acts of 1971, being sec-~~
7 ~~tion 400.232 of the Michigan Compiled Laws~~ 1971 PA 174, MCL
8 400.232.

9 (I) ~~-(j)-~~ "Office of the friend of the court" means the
10 agency created in section 3 of the friend of the court act,
11 ~~being section 552.503 of the Michigan Compiled Laws~~ MCL
12 552.503.

13 (J) ~~-(k)-~~ "Order of income withholding" means an order
14 entered by the circuit court providing for the withholding of a
15 payer's income to enforce a support order under this act.

16 (K) ~~-(l)-~~ "Payer" means an individual who is ordered by the
17 circuit court to pay support.

18 (l) ~~-(m)-~~ "Plan administrator" means that term as used in
19 relation to a group health plan under section 609 of part 6 of
20 subtitle B of title I of the employee retirement income security
21 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
22 care coverage plan of the individual who is responsible for pro-
23 viding a child with health care coverage is subject to that act.

24 (M) ~~-(n)-~~ "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 (N) ~~(o)~~ "Recipient of support" means the following:

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

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 family independence agency, if support has been
8 assigned to that department.

9 (O) "RECREATIONAL LICENSE" MEANS A LICENSE ISSUED UNDER PART
10 811 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
11 1994 PA 451, MCL 324.81101 TO 324.81150.

12 (p) "Referee" means a person who is designated as a referee
13 under the friend of the court act.

14 (q) "Source of income" means an employer or successor
15 employer or another individual or entity that owes or will owe
16 income to the payer.

17 (R) "SPORTING LICENSE" MEANS A HUNTING, FISHING, OR FUR
18 HARVESTER'S LICENSE ISSUED UNDER THE NATURAL RESOURCES AND ENVI-
19 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.101 TO 324.90106,
20 BUT DOES NOT INCLUDE A COMMERCIAL FISHING LICENSE OR PERMIT
21 ISSUED UNDER PART 473 OF THE NATURAL RESOURCES AND ENVIRONMENTAL
22 PROTECTION ACT, 1994 PA 451, MCL 324.47301 TO 324.47362.

23 (S) ~~(r)~~ "Support" means all of the following:

24 (i) The payment of money for a child or a spouse ordered by
25 the circuit court, whether the order is embodied in an interim,
26 temporary, permanent, or modified order or judgment. Support may

1 include payment of the expenses of medical, dental, and other
2 health care, child care expenses, and educational expenses.

3 (ii) The payment of money ordered by the circuit court under
4 the paternity act, ~~Act No. 205 of the Public Acts of 1956, being~~
5 ~~sections 722.711 to 722.730 of the Michigan Compiled Laws~~ 1956
6 PA 205, MCL 722.711 TO 722.730, for the necessary expenses
7 incurred by or for the mother in connection with her confinement
8 or of other expenses in connection with the pregnancy of the
9 mother.

10 (iii) A surcharge accumulated under section 3a.

11 (T) ~~(S)~~ "Support order" means an order entered by the cir-
12 cuit court for the payment of support, whether or not a sum
13 certain.

14 Sec. 3. (1) A support order issued by a court of this state
15 shall be enforced as provided in this section.

16 (2) Except as otherwise provided in this section, a support
17 order that is part of a judgment or is an order in a domestic
18 relations matter as defined in section ~~31~~ 2 of the friend of
19 the court act, ~~being section 552.531 of the Michigan Compiled~~
20 ~~Laws~~ MCL 552.502, is a judgment on and after the date each sup-
21 port payment is due, with the full force, effect, and attributes
22 of a judgment of this state, and is not, on and after the date it
23 is due, subject to retroactive modification. Retroactive modifi-
24 cation of a support payment due under a support order is permis-
25 sible with respect to any period during which there is pending a
26 petition for modification, but only from the date that notice of
27 the petition was given to the payer or recipient of support.

1 (3) This section does not apply to an ex parte interim
 2 support order or a temporary support order entered under supreme
 3 court rule.

4 (4) The office of the friend of the court shall make avail-
 5 able to a payer or payee the forms and instructions described in
 6 section 17a of the friend of the court act, ~~being section~~
 7 ~~552.517a of the Michigan Compiled Laws~~ MCL 552.517A.

8 (5) This section does not prohibit a court approved agree-
 9 ment between the parties to retroactively modify a support
 10 order. This section does not limit other enforcement remedies
 11 available under this act or any other act.

12 (6) Every support order that is part of a judgment issued by
 13 a court of this state or that is an order in a domestic relations
 14 matter as defined in section ~~31~~ 2 of the friend of the court
 15 act, MCL 552.502, shall include all of the following:

16 (a) Substantially the following statement: "Except as oth-
 17 erwise provided in section 3 of the support and parenting time
 18 enforcement act, ~~Mich. Comp. Laws <SS>552.603 (1979)~~ 1982 PA 295,
 19 MCL 552.603, a support order that is part of a judgment or that
 20 is an order in a domestic relations matter as defined in section
 21 ~~31~~ 2 of the friend of the court act, ~~Mich. Comp. Laws <SS>552.531~~
 22 ~~(1979)~~ 1982 PA 294, MCL 552.502, is a judgment on and after the
 23 date each support payment is due, with the full force, effect,
 24 and attributes of a judgment of this state, and is not, on and
 25 after the date it is due, subject to retroactive modification. A
 26 surcharge will be added to support payments that are past due as
 27 provided in section 3a of the support and parenting time

1 enforcement act, ~~Mich. Comp. Laws <SS>552.603a (1979)~~ 1982 PA 295,
2 MCL 552.603A.".

3 (b) A requirement that, within 21 days after the payer or
4 payee changes his or her RESIDENTIAL OR MAILING address, that
5 person report the new address AND HIS OR HER TELEPHONE NUMBER in
6 writing to the friend of the court.

7 (c) A requirement that both the payer and payee keep the
8 office of the friend of the court informed if he or she holds an
9 occupational license, ~~and if he or she holds a~~ driver's
10 license, RECREATIONAL LICENSE, OR SPORTING LICENSE.

11 (D) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF HIS OR HER
12 CURRENT SOURCE OF INCOME.

13 (E) A REQUIREMENT THAT BOTH THE PAYER AND PAYEE INFORM THE
14 OFFICE OF THE FRIEND OF THE COURT OF HIS OR HER SOCIAL SECURITY
15 NUMBER AND DRIVER'S LICENSE NUMBER.

16 (7) A support order shall not accrue interest.

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

20 (2) Each support order entered by the circuit court on or
21 before July 1, 1983 shall be considered to provide for an order
22 of income withholding by operation of law, and income withholding
23 shall be implemented under the same circumstances and enforced in
24 the same manner as in the case of orders of income withholding
25 provided for pursuant to subsection (1). The office of the
26 friend of the court shall send notice of the provisions of this
27 subsection by ordinary mail to each payer under a support order

1 entered by the circuit court on or before July 1, 1983 to whom
2 this subsection applies.

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

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

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

14 (ii) Proof of timely payment of previously ordered support,
15 if applicable.

16 (iii) An agreement by the payer that he or she shall keep
17 the office of the friend of the court informed of both of the
18 following:

19 (A) The name, ~~and~~ address, AND TELEPHONE NUMBER of his or
20 her current source of income.

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

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

4 (i) The order of income withholding shall not take effect
5 immediately.

6 (ii) An alternative payment arrangement.

7 (iii) ~~The~~ THAT THE payer shall keep the office of the
8 friend of the court informed of both of the following:

9 (A) The name, ~~and~~ address, AND TELEPHONE NUMBER of his or
10 her current source of income.

11 (B) Any health care coverage that is available to him or her
12 as a benefit of employment or that is maintained by him or her;
13 the name of the ~~insurance company, health care organization, or~~
14 ~~health maintenance organization~~ INSURER; the policy, certifi-
15 cate, or contract number; and names and birth dates of the per-
16 sons for whose benefit he or she maintains health care coverage
17 under the policy, certificate, or contract.

18 (4) Except as otherwise provided in subsection (3)(a) or
19 (b), an order of income withholding in an ex parte interim sup-
20 port order shall take effect after the expiration of 14 days
21 after the order has been served on the opposite party unless the
22 opposite party files a written objection to the ex parte interim
23 support order during that 14-day period.

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

1 (6) The court for cause or at the request of the payer may
2 order the withholding of income to take effect immediately.

3 (7) An order of income withholding in a support order
4 entered on or before December 31, 1990 ~~—~~ shall take effect when
5 the requirement of section 7 is met.

6 Sec. 7. (1) If the fixed amount of arrearage determined
7 under section 11(1) of the friend of the court act, ~~being sec-~~
8 ~~tion 552.511 of the Michigan Compiled Laws~~ MCL 552.511, is
9 reached, the office of the friend of the court immediately shall
10 send notice of the arrearage to the payer by ordinary mail to his
11 or her last known address. The notice to the payer shall contain
12 the following information:

13 (a) The amount of the arrearage.

14 (b) That the payer's income ~~will be~~ IS subject to an order
15 of income withholding and the amount to be withheld.

16 (c) That the order of income withholding will be applied to
17 current and subsequent employers and periods of employment AND
18 OTHER SOURCES OF INCOME.

19 (d) That the order of income withholding ~~will take effect~~
20 ~~14 days after the date on which the notice was sent, unless the~~
21 ~~payer responds by requesting a hearing~~ IS EFFECTIVE AND WILL BE
22 SENT TO THE PAYER'S SOURCE OF INCOME.

23 (e) That ~~at the hearing~~ the payer may REQUEST A HEARING
24 WITHIN 14 DAYS AFTER THE DATE OF THE NOTICE TO contest the with-
25 holding, but only on the grounds that the withholding is not
26 proper because of a mistake of fact concerning the amount of
27 current or overdue support or the identity of the payer.

1 (f) That if the hearing is held before a referee, the payer
2 has a right to a de novo hearing before a circuit court judge.

3 (g) That if the payer believes that the amount of support
4 should be modified due to a change in circumstances, the payer
5 may file a petition with the court for modification of the sup-
6 port order.

7 (2) A copy of the notice provided for in subsection (1)
8 shall be sent by ordinary mail to each recipient of support.

9 (3) A payer to whom notice is sent under subsection (1),
10 within 14 days after the date on which the notice was sent, may
11 request a hearing on the ~~issue of whether the order of income~~
12 ~~withholding should take effect, in which case the order of income~~
13 ~~withholding shall be delayed pending the outcome of the hearing~~
14 GROUNDS THAT THE WITHHOLDING IS NOT PROPER BECAUSE OF A MISTAKE
15 OF FACT CONCERNING THE AMOUNT OF CURRENT OR OVERDUE SUPPORT OR
16 THE IDENTITY OF THE PAYER.

17 (4) A referee or circuit judge shall hold a hearing
18 requested under this section within 14 days after the date of the
19 request. If at the hearing the payer establishes that the with-
20 holding is not proper because of a mistake of fact concerning the
21 amount of current or overdue support or the identity of the
22 payer, the referee or circuit judge may direct that the order of
23 income withholding be ~~delayed~~ RESCINDED until such time as the
24 referee or judge determines AND ORDER THE RETURN OF ERRONEOUSLY
25 WITHHELD INCOME. ~~If the referee or judge finds against the~~
26 ~~payer, the order of income withholding shall take effect~~
27 ~~immediately and a copy of the order of income withholding and the~~

~~1 notice described in section 9 shall be mailed to the payer and~~
~~2 the payer's sources of income as provided in section 11.~~

3 (5) If the hearing provided under subsection (4) is held
4 before a referee, either party may request a de novo hearing as
5 provided in section 7(5) of the friend of the court act, ~~being~~
6 ~~section 552.507 of the Michigan Compiled Laws~~ MCL 552.507.

7 (6) If a petition for modification of the support order is
8 filed by or on behalf of a payer and is pending at the date
9 scheduled for a hearing under subsection (4), the court may con-
10 solidate the hearing under subsection (4) and a hearing on the
11 petition for modification.

12 (7) All proceedings under this section shall be completed
13 within 45 days after the date that notice was sent under subsec-
14 tion (1), unless otherwise permitted by the court upon a showing
15 of good cause.

16 Sec. 13. The court may find a source of income in contempt
17 AND FINE THE SOURCE OF INCOME if the source of income is served
18 with an order of income withholding and fails to comply with the
19 order after the order becomes binding under section 11.

20 Sec. 14. (1) A source of income that has been served with
21 an order of income withholding OR WITH AN ORDER OR NOTICE OF AN
22 ORDER FOR DEPENDENT HEALTH CARE COVERAGE shall notify the appro-
23 priate office of the friend of the court if the ~~payer's~~
24 PARENT'S income from that source is terminated.

25 (2) If the source of income is an employer, the source of
26 income shall promptly notify the appropriate office of the friend
27 of the court when the payer's employment is terminated or

1 interrupted for a period of 14 or more consecutive days, and
2 shall provide the payer's last known address and the name and
3 address of the payer's new employer or other source of income, if
4 known. The office of the friend of the court shall immediately
5 serve the payer's new employer or other source of income with a
6 true copy of the order of income withholding AND, IF THE PAYER'S
7 SOURCE OF INCOME IS AN EMPLOYER, WITH A NOTICE OF THE ORDER FOR
8 DEPENDENT HEALTH CARE COVERAGE.

9 Sec. 19. (1) If the court awards to the payer sole custody
10 of a child for whom the payer has been previously ordered to pay
11 support and a previously accumulated arrearage under the support
12 order for that child does not exist, the court shall modify any
13 existing support order to exclude support ordered to be paid by
14 that payer for that particular child. If an existing support
15 order does not provide for support to any other child of whom the
16 payer does not have custody, for support to a former spouse, or
17 for payments of confinement or pregnancy expenses, the court
18 shall terminate the order of income withholding as soon as any
19 previously accumulated arrearage has been paid.

20 (2) The court shall suspend or terminate an order of income
21 withholding under any of the following circumstances:

22 (a) The location of the child and custodial parent cannot be
23 determined by the friend of the court for a period of 90 days or
24 more.

25 (b) The court determines that there is no further support
26 obligation.

1 (c) When otherwise determined by the court, upon a showing
2 of good cause, and if the court determines that such suspension
3 or termination is not contrary to the best interests of the
4 child. In making a determination under this subdivision, the
5 court may consider the previous payment record of the payer, evi-
6 dence of the payer's intent to make regular and timely support
7 payments, and any other factors considered relevant by the
8 court. However, the payment of arrearages under the support
9 order shall not be the sole reason for termination of an order of
10 income withholding.

11 (d) The parties enter into a written agreement that is
12 reviewed and entered in the record by the court that provides for
13 all of the following:

14 (i) The order of income withholding shall be suspended.

15 (ii) An alternative payment arrangement.

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

18 (A) The name and address of his or her current source of
19 income.

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

1 (3) The parties shall not enter into a written agreement
2 pursuant to subsection (2)(d) if either of the following
3 circumstances exists:

4 (i) There is a support arrearage.

5 (ii) An order of income withholding was previously suspended
6 or terminated and subsequently implemented due to the payer's
7 failure to pay support.

8 (4) If a written agreement is entered into pursuant to
9 subsection (2)(d), the order of income withholding shall take
10 effect when the ~~requirement of section 7 is met~~ FIXED AMOUNT OF
11 ARREARAGE DETERMINED UNDER SECTION 11(1) OF THE FRIEND OF THE
12 COURT ACT, MCL 552.511, IS REACHED.

13 (5) The court may suspend or terminate an order of income
14 withholding if the custodial parent moves out of the state with-
15 out court authorization.

16 (6) The office of the friend of the court shall promptly
17 refund money that has been improperly withheld.

18 Sec. 23. (1) A source of income shall not use an order of
19 income withholding as a basis for refusing to employ, discharg-
20 ing, taking disciplinary action against, or imposing a penalty
21 against a payer. A source of income who refuses to employ, dis-
22 charges, disciplines, or penalizes a payer in violation of this
23 section is guilty of a misdemeanor, punishable by a fine of not
24 more than \$500.00, and shall be required to make full restitution
25 to the aggrieved payer, including reinstatement and back pay.

26 (2) A source of income shall not use the suspension, as
27 provided for in this act, of an occupational ~~or~~ LICENSE,

1 driver's license, RECREATIONAL LICENSE, OR SPORTING LICENSE as
2 the basis for refusing to employ, discharging, taking disci-
3 plinary action against, or imposing a penalty against a payer
4 unless the suspended license is legally required for the payer's
5 performance of the job. This act does not prevent a source of
6 income from refusing to employ or discharging an individual whose
7 occupational ~~or~~ LICENSE, driver's license, RECREATIONAL
8 LICENSE, OR SPORTING LICENSE is suspended if that license is a
9 necessary predicate to engage in that occupation, vocation, or
10 profession.

11 SEC. 24A. IF A SUPPORT ARREARAGE HAS ACCRUED AND THERE IS
12 REASON TO BELIEVE THE PAYER TRANSFERRED REAL OR PERSONAL PROPERTY
13 WITHOUT FAIR CONSIDERATION, THE OFFICE OF THE FRIEND OF THE COURT
14 SHALL INITIATE PROCEEDINGS TO HAVE THE TRANSFER SET ASIDE AS PRO-
15 VIDED IN THE UNIFORM FRAUDULENT CONVEYANCE ACT, 1919 PA 310, MCL
16 566.11 TO 566.23, OR OBTAIN A SETTLEMENT IN THE FORM OF FULL PAY-
17 MENT OF THE ARREARAGE OR IN PERIODIC REPAYMENTS AS IS POSSIBLE IN
18 THE BEST INTEREST OF THE RECIPIENT OF SUPPORT.

19 Sec. 25. In addition to providing remedies or imposing pen-
20 alties otherwise available under this act or other law for the
21 enforcement of support orders, the court, upon petition by the
22 office of the friend of the court or recipient of support and
23 after notice to the payer and an opportunity for a hearing, may
24 ~~do 1 or both of the following: (a) Impose a lien for the amount~~
25 ~~of any support that is past due upon such of the individually~~
26 ~~owned real or personal property, or both, of the payer as the~~
27 ~~court directs. A judgment imposing a lien on real property of~~

~~1 the payer shall be effective upon the filing and recording of a~~
~~2 certified copy of the judgment in the office of the register of~~
~~3 deeds of the county in which the real property is located. Upon~~
~~4 default in the payment of support referred to in the judgment,~~
~~5 the court may order the sale of real property subject to the lien~~
~~6 in the manner provided by law for the foreclosure of mortgage~~
~~7 liens; order execution of the judgment; appoint a receiver of the~~
~~8 real and personal property subject to the lien and order the~~
~~9 property and its income to be applied to the amount of the judg-~~
~~10 ment; or take any other appropriate action to enforce the~~
~~11 judgment. (b) Require~~ REQUIRE a payer to provide sufficient
12 bond, security, or other guarantee to secure the payment of sup-
13 port that is past due, or due in the future, or both. Upon
14 default in the payment of an amount secured by the bond, the
15 court, after notice to the payer and sureties, if any, and an
16 opportunity for a hearing, may render judgment against the payer
17 and sureties for the amount of unpaid support. Upon default in
18 the payment of the amount awarded in the judgment, the court may
19 order execution of the judgment; appoint a receiver of the real
20 and personal property of the payer and order the property and its
21 income to be applied to the amount of the judgment; or take any
22 other appropriate action to enforce the judgment.

23 SEC. 25A. (1) THE AMOUNT OF PAST DUE SUPPORT THAT ACCRUES
24 UNDER A JUDGMENT PURSUANT TO SECTION 3 OR UNDER THE LAW OF
25 ANOTHER STATE CONSTITUTES A LIEN AGAINST THE REAL AND PERSONAL
26 PROPERTY OF A PAYER IN FAVOR OF THE RECIPIENT OF SUPPORT. THE
27 LIEN IS EFFECTIVE AT THE TIME THAT THE SUPPORT IS DUE AND UNPAID

1 AND SHALL CONTINUE UNTIL THE AMOUNT OF PAST DUE SUPPORT IS PAID
2 IN FULL OR THE LIEN IS RELEASED BY THE SUPPORT ENFORCEMENT
3 AGENCY.

4 (2) LIENS THAT ARISE IN OTHER STATES SHALL BE ACCORDED FULL
5 FAITH AND CREDIT WHEN THE REQUIREMENTS OF SECTION 25 ARE MET.

6 SEC. 25B. (1) THE OFFICE OF THE FRIEND OF THE COURT SHALL
7 PERFECT A LIEN CREATED UNDER SECTION 25A UPON THE REAL OR PER-
8 SONAL PROPERTY OF THE PAYER WHEN AN ARREARAGE HAS ACCRUED IN AN
9 AMOUNT GREATER THAN THE AMOUNT OF PERIODIC SUPPORT PAYMENTS PAY-
10 ABLE FOR 6 MONTHS UNDER THE PAYER'S SUPPORT ORDER.

11 (2) NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS
12 SECTION, THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND A
13 NOTICE TO EACH PAYER SUBJECT TO A SUPPORT ORDER INFORMING THE
14 PAYER OF THE IMPOSITION OF LIENS BY OPERATION OF LAW AND THAT THE
15 PAYER'S REAL AND PERSONAL PROPERTY CAN BE ENCUMBERED OR SEIZED IF
16 AN ARREARAGE ACCRUES IN AN AMOUNT GREATER THAN THE AMOUNT OF
17 PERIODIC SUPPORT PAYMENTS PAYABLE FOR 6 MONTHS UNDER THE PAYER'S
18 SUPPORT ORDER.

19 (3) IF THE ARREARAGE UNDER SUBSECTION (2) IS REACHED AND THE
20 OFFICE OF THE FRIEND OF THE COURT HAS DETERMINED THAT THE DELIN-
21 QUENT PAYER HOLDS REAL OR PERSONAL PROPERTY, THE OFFICE OF THE
22 FRIEND OF THE COURT SHALL PERFECT THE LIEN BY FILING NOTICE WITH
23 THE APPROPRIATE ENTITY AS FOLLOWS:

24 (A) WITH THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY
25 IN THIS STATE IN WHICH A PAYER'S REAL PROPERTY IS LOCATED.

26 (B) WITH THE SECRETARY OF STATE FOR PROPERTY OF THE PAYER
27 TITLED BY THAT DEPARTMENT.

1 (C) WITH A FINANCIAL INSTITUTION DOING BUSINESS IN THIS
2 STATE IF THE PAYER HAS 1 OR MORE ACCOUNTS AT THAT FINANCIAL
3 INSTITUTION.

4 (D) WITH THE APPROPRIATE AGENCY OF ANOTHER STATE IF THE
5 PAYER HOLDS ASSETS IN THAT OTHER STATE.

6 (4) THE OFFICE OF THE FRIEND OF THE COURT MAY PROVIDE NOTICE
7 OF THE LIEN AND SUBSEQUENT NOTICES BY PAPER OR AUTOMATED MEANS.

8 (5) THE ENTITY WITH WHICH NOTICE IS FILED UNDER SUBSECTION
9 (3) SHALL RECORD THE LIEN AND ENCUMBER THE ASSET.

10 (6) THE OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE
11 PAYER WHEN THE OFFICE OF THE FRIEND OF THE COURT HAS PERFECTED A
12 LIEN AGAINST REAL OR PERSONAL PROPERTY OF THE PAYER. THE NOTICE
13 SHALL BE SENT BY ORDINARY MAIL TO THE PAYER'S LAST KNOWN
14 ADDRESS. A COPY OF THE NOTICE SHALL BE SENT BY ORDINARY MAIL TO
15 THE RECIPIENT OF SUPPORT. THE NOTICE SHALL INCLUDE ALL OF THE
16 FOLLOWING:

17 (A) THE AMOUNT OF THE ARREARAGE.

18 (B) THAT A LIEN IS IN EFFECT ON THE REAL OR PERSONAL PROP-
19 ERTY OF THE PAYER.

20 (C) THAT THE PROPERTY IS SUBJECT TO SEIZURE UNLESS THE PAYER
21 RESPONDS BY PAYING THE ARREARAGE OR REQUESTING A REVIEW WITHIN
22 21 DAYS AFTER THE DATE OF MAILING THE NOTICE.

23 (D) THAT, AT THE REVIEW, THE PAYER MAY OBJECT TO THE LIEN
24 AND PROPOSED ACTION BASED ON A MISTAKE OF FACT CONCERNING THE
25 OVERDUE SUPPORT AMOUNT OR THE PAYER'S IDENTITY.

26 (E) THAT, IF THE PAYER BELIEVES THAT THE AMOUNT OF SUPPORT
27 ORDERED SHOULD BE MODIFIED BECAUSE OF A CHANGE IN CIRCUMSTANCES,

1 THE PAYER MAY FILE A PETITION WITH THE COURT FOR MODIFICATION OF
2 THE SUPPORT ORDER.

3 (7) WITHIN 21 DAYS AFTER THE DATE ON WHICH THE NOTICE
4 DESCRIBED IN SUBSECTION (6) IS MAILED TO A PAYER, THE PAYER MAY
5 REQUEST A REVIEW ON THE LIEN AND THE PROPOSED ACTION. IF THE
6 PAYER REQUESTS A REVIEW UNDER THIS SUBSECTION, THE OFFICE OF THE
7 FRIEND OF THE COURT SHALL SCHEDULE THE REVIEW WITHIN 14 DAYS
8 AFTER THE DATE OF THE REQUEST.

9 (8) IF, AT THE REVIEW, THE PAYER ESTABLISHES THAT THE LIEN
10 IS NOT PROPER BECAUSE OF A MISTAKE OF FACT, THE OFFICE OF THE
11 FRIEND OF THE COURT SHALL NOTIFY THE APPLICABLE ENTITY THAT THE
12 LIEN IS RELEASED.

13 (9) IF THE PAYER FAILS TO REQUEST A REVIEW, TO APPEAR FOR A
14 REVIEW, OR TO ESTABLISH A MISTAKE OF FACT, THE OFFICE OF THE
15 FRIEND OF THE COURT MAY COLLECT THE ARREARAGE BY LEVY UPON ANY
16 PROPERTY BELONGING TO THE PAYER AS PROVIDED IN THIS SECTION. THE
17 OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE PAYER AT THE
18 REVIEW OR BY WRITTEN NOTICE OF ITS INTENT TO LEVY.

19 (10) TO ENFORCE A LIEN UNDER THIS SECTION BY LEVYING AGAINST
20 AN ACCOUNT AT A FINANCIAL INSTITUTION, THE OFFICE OF THE FRIEND
21 OF THE COURT SHALL SEND BY ORDINARY MAIL NOTICE OF LEVY TO THE
22 FINANCIAL INSTITUTION INSTRUCTING THE INSTITUTION TO TRANSMIT
23 MONEY WITHIN 7 DAYS FROM 1 OR MORE OF THE PAYER'S ACCOUNTS TO THE
24 OFFICE TO PAY THE SUPPORT OWED.

25 (11) TO ENFORCE A LIEN ON REAL PROPERTY OR PERSONAL PROPERTY
26 OTHER THAN ON FINANCIAL INSTITUTION ACCOUNTS, THE OFFICE MAY
27 ORDER THE SALE OF REAL PROPERTY IN THE MANNER PROVIDED BY LAW FOR

1 THE FORECLOSURE OF MORTGAGE LIENS; ORDER EXECUTION OF THE
2 JUDGMENT; APPOINT A RECEIVER OF THE REAL AND PERSONAL PROPERTY
3 SUBJECT TO THE LIEN AND ORDER THE PROPERTY AND ITS INCOME TO BE
4 APPLIED TO THE AMOUNT OF THE JUDGMENT; OR TAKE ANY OTHER APPRO-
5 PRIATE ACTION TO ENFORCE THE JUDGMENT. THE OFFICE SHALL MAIL A
6 COPY OF ORDERS UNDER THIS SUBSECTION TO THE PAYER AND RECIPIENT
7 OF SUPPORT AT HIS OR HER LAST KNOWN ADDRESS.

8 Sec. 26. If a parent fails to obtain or maintain health
9 care coverage for the parent's child as ordered by the court, the
10 office of the friend of the court shall, as applicable, do either
11 of the following:

12 (a) Petition the court for an order to show cause why the
13 parent should not be held in contempt for failure to obtain or
14 maintain dependent health care coverage that is available at a
15 reasonable cost.

16 (b) Send notice of noncompliance to the parent. ~~—, which~~
17 ~~notice states that~~ THE NOTICE SHALL CONTAIN ALL OF THE FOLLOWING
18 INFORMATION:

19 (i) THAT the office will notify the parent's employer to
20 deduct premiums for, and to notify the insurer or plan adminis-
21 trator to enroll the child in, dependent health care coverage
22 unless the parent does either of the following within 14 days
23 after mailing of the notice:

24 (A) ~~—(i)—~~ Submits written proof to the friend of the court
25 of the child's enrollment in a health care coverage plan.

26 (B) ~~—(ii)—~~ Requests a hearing to determine the availability
27 or reasonable cost of the health care coverage.

1 (ii) THAT THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE WILL
2 BE APPLIED TO CURRENT AND SUBSEQUENT EMPLOYERS AND PERIODS OF
3 EMPLOYMENT.

4 Sec. 26a. (1) If a parent is eligible for health care cov-
5 erage through an employer doing business in the state, the
6 employer shall notify its insurer or plan administrator and take
7 other action as required to enroll that parent's child in its
8 health care coverage plan or plans, without regard to any enroll-
9 ment period restrictions, when all of the following exist:

10 (a) The parent is required by a court or administrative
11 order to provide health care coverage for the parent's child.

12 (b) The child is eligible for coverage under the plan. A
13 child cannot be denied enrollment or coverage on the grounds that
14 the child was born out of wedlock, is not claimed as a dependent
15 on the parent's federal income tax return, does not reside with
16 the parent or in the insurer's service area, or is eligible for
17 or receiving medical assistance.

18 (c) The employee applies for coverage for the child or, if
19 the employee fails to apply, the friend of the court or child's
20 other parent through the friend of the court applies for coverage
21 for the child. APPLICATION BY THE FRIEND OF THE COURT SHALL BE
22 IN THE FORM OF THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE OR A
23 NOTICE OF THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE.

24 (2) If coverage is available through the parent's employer,
25 the employer shall withhold from the employee's income the
26 employee's share, if any, of premiums for dependent health care

1 coverage not to exceed the amount allowed under section 8 and pay
2 that amount to the insurer or plan administrator.

3 (3) An employer shall not disenroll or eliminate health care
4 coverage of a child eligible for coverage and enrolled under sub-
5 section (1) unless the employer is provided with satisfactory
6 written evidence that 1 of the following applies:

7 (a) The court or administrative order requiring health care
8 coverage is no longer in effect.

9 (b) The child is or will be enrolled in comparable health
10 care coverage that takes effect not later than the effective date
11 of the disenrollment from the existing plan.

12 (c) The employer has eliminated dependent health care cover-
13 age for all of its employees or members. APPLICATION BY THE
14 FRIEND OF THE COURT SHALL BE IN THE FORM OF THE ORDER FOR DEPENDENT
15 HEALTH CARE COVERAGE OR A NOTICE OF THE ORDER FOR DEPENDENT
16 HEALTH CARE COVERAGE.

17 Sec. 26b. (1) An order for dependent health care coverage
18 entered under this act shall include the information required in
19 a qualified order as specified in section 609 of part 6 of subti-
20 tle B of Title I of the employee retirement income security act
21 of 1974, Public Law 93-406, 107 Stat. 371, 29 U.S.C. 1169, if the
22 health care coverage plan of the individual who is responsible
23 for providing a child with health care coverage is subject to
24 that act.

25 (2) An order OR NOTICE OF AN ORDER for dependent health care
26 coverage served on an employer shall direct the employer to
27 withhold from the employee's income the employee's share, if any,

1 of premiums for dependent health care coverage and pay that
2 amount to the insurer or plan administrator. The order OR NOTICE
3 shall also direct that the amount withheld for support, fees, and
4 health care premiums shall not exceed the amount allowed under
5 section 303(b) of title III of the consumer credit protection
6 act, Public Law 90-321, 15 U.S.C. 1673.

7 (3) An order OR NOTICE OF AN ORDER for dependent health care
8 coverage under this section may be combined with an order OR
9 NOTICE of income withholding under section 9.

10 Sec. 28. (1) The office of the friend of the court may
11 petition the court for an order to suspend a payer's occupational
12 ~~or~~ LICENSE, driver's license, ~~or both,~~ RECREATIONAL LICENSE,
13 OR SPORTING LICENSE, OR ANY COMBINATION THEREOF, if all of the
14 following circumstances are true:

15 (a) An arrearage has accrued in an amount greater than the
16 amount of periodic support payments payable for 3 months under
17 the payer's support order.

18 (b) The payer holds an occupational ~~or~~ LICENSE, driver's
19 license, RECREATIONAL LICENSE, OR SPORTING LICENSE or the payer's
20 occupation requires an occupational license.

21 (c) An order of income withholding is not applicable or has
22 been unsuccessful in assuring regular payments on the support
23 obligation and regular payments on the arrearage.

24 (2) An office of the friend of the court shall not file a
25 petition as authorized under subsection (1) unless the office
26 sends the payer a notice that includes all of the following
27 information:

1 (a) The amount of the arrearage.

2 (b) That the payer's occupational ~~or~~ LICENSE, driver's
3 license, ~~or both~~ RECREATIONAL LICENSE, OR SPORTING LICENSE, OR
4 ANY COMBINATION THEREOF, may be subject to an order of
5 suspension.

6 (c) That the suspension order will be entered and sent to
7 the ~~occupational regulatory agency issuing the payer's occupa-~~
8 ~~tional license or the secretary of state~~ LICENSING AGENCY unless
9 the payer responds by paying the arrearage or requesting a hear-
10 ing within 21 days after the date of mailing the notice.

11 (d) That, at the hearing, the payer may do either of the
12 following:

13 (i) Object to the proposed suspension based on a mistake of
14 fact concerning the overdue support amount or the payer's
15 identity.

16 (ii) Suggest to the court a schedule for the payment of the
17 arrearage.

18 (e) That, if the payer believes that the amount of support
19 ordered should be modified due to a change in circumstances, the
20 payer may file a petition with the court for modification of the
21 support order.

22 Sec. 29. (1) Within 21 days after the date on which the
23 notice described in section 28 is mailed to a payer, the payer
24 may request a hearing on the proposed suspension. If the payer
25 requests a hearing within that time, entry of the suspension
26 order shall be delayed pending the outcome of the hearing.

1 (2) If a payer files a petition for modification of the
2 support order and the petition is pending at the date scheduled
3 for a hearing under this section, the court shall consolidate the
4 hearing under this section and a hearing on the petition for mod-
5 ification unless the court finds for good cause shown on the
6 record that the hearings should be held separately. If the court
7 finds that the hearings should be held separately, the hearing on
8 the petition for modification shall be held before the hearing
9 scheduled under this section.

10 (3) If the court determines that the payer has accrued an
11 arrearage on his or her support order and that the payer has, or
12 could by the exercise of due diligence have, the capacity to pay
13 all or some portion of the amount due, the court shall order the
14 payment of the arrearage in 1 or more scheduled installments of a
15 sum certain.

16 (4) After 21 days after the date on which the notice
17 described in section 28 is sent, the court may order the suspen-
18 sion of the payer's occupational ~~or~~ LICENSE, driver's license,
19 ~~or both~~ RECREATIONAL LICENSE, OR SPORTING LICENSE, OR COMBINA-
20 TION THEREOF INCLUDED IN THE NOTICE UNDER SECTION 28, under
21 either of the following circumstances:

22 (a) The payer fails to pay the arrearage and fails to either
23 request a hearing as provided in subsection (1) or appear for a
24 hearing scheduled after such a request.

25 (b) The payer fails to comply with an arrearage payment
26 schedule ordered under this section.

1 Sec. 30. (1) If the court orders a suspension of an
2 occupational ~~or~~ LICENSE, driver's license, RECREATIONAL
3 LICENSE, OR SPORTING LICENSE, OR ANY COMBINATION THEREOF, under
4 section 29, 33, 35, or 45, the order shall indicate that the
5 ~~occupational regulatory agency or the secretary of state, as~~
6 ~~appropriate,~~ LICENSING AGENCY shall suspend the ~~occupational or~~
7 ~~driver's~~ license within 7 business days after receipt of the
8 suspension order. The office of the friend of the court shall
9 send a copy of the suspension order to the ~~occupational regula-~~
10 ~~tory agency that issues the occupational license or the secretary~~
11 ~~of state, as appropriate~~ LICENSING AGENCY. If the payer is the
12 subject of a suspension order under section 29 and has failed to
13 respond in any manner to the notice given under section 28, the
14 office of the friend of the court shall not send the suspension
15 order to the ~~regulatory agency or secretary of state~~ LICENSING
16 AGENCY until at least 14 days after the date the office first
17 attempts service of a copy of the order on the payer by personal
18 service or by registered or certified mail, return receipt
19 requested, with delivery restricted to the payer.

20 (2) After entry of a suspension order under section 29, a
21 payer may agree to and the court may order a schedule for the
22 payment of the arrearage. If the court orders a schedule for
23 payment of the arrearage, the court shall enter an order rescind-
24 ing the suspension order that is effective as provided in section
25 4 of the regulated occupation support enforcement act, ~~or in~~
26 1996 PA 236, MCL 338.3434, section 321c of the Michigan vehicle
27 code, ~~Act No. 300 of the Public Acts of 1949, being section~~

1 ~~257.321c of the Michigan Compiled Laws~~ 1949 PA 300, MCL
2 257.321C, OR SECTION 43559 OR 81116A OF THE NATURAL RESOURCES AND
3 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.43559 AND
4 324.81116A. If a suspension order has been sent, within 7 busi-
5 ness days after entry of the order rescinding the suspension
6 order, the office of the friend of the court shall send a copy of
7 the order rescinding the suspension order to the ~~occupational~~
8 ~~regulatory agency that issues the payer's occupational license or~~
9 ~~the secretary of state, as appropriate~~ LICENSING AGENCY.

10 Sec. 33. (1) The court may find a payer in contempt if the
11 court finds that the payer is in arrears and if the court is sat-
12 isfied that the payer has the capacity to pay out of currently
13 available resources all or some portion of the amount due under
14 the support order. In the absence of proofs to the contrary
15 introduced by the payer, the court shall presume that the payer
16 has currently available resources equal to 4 weeks of payments
17 under the support order. The court shall not find that the payer
18 has currently available resources of more than 4 weeks of pay-
19 ments without proof of those resources by the office of the
20 friend of the court or the recipient of support. Upon finding a
21 payer in contempt of court under this section, the court may
22 immediately enter an order doing 1 of the following:

23 (a) Committing the payer to the county jail.

24 (b) Committing the payer to the county jail with the privi-
25 lege of leaving the jail during the hours the court determines,
26 and under the supervision the court considers, necessary for the

1 purpose of allowing the payer to go to and return from his or her
2 place of employment.

3 (c) Committing the payer to a penal or correctional facility
4 in this state that is not operated by the state department of
5 corrections.

6 (d) If the payer holds an occupational ~~or~~ LICENSE,
7 driver's license, RECREATIONAL LICENSE, OR SPORTING LICENSE, con-
8 ditioning a suspension of the payer's ~~occupational or driver's~~
9 license, or ~~both~~ ANY COMBINATION OF THE LICENSES, upon noncom-
10 pliance with an order for payment of the arrearage in 1 or more
11 scheduled installments of a sum certain. A court shall not order
12 the sanction authorized by this subdivision unless the court
13 finds that the payer has accrued an arrearage of support payments
14 in an amount greater than the amount of periodic support payments
15 payable for 3 months under the payer's support order.

16 (E) ORDERING THE PAYER TO PARTICIPATE IN A WORK ACTIVITY AS
17 DEFINED IN SECTION 407 OF PART A OF TITLE IV OF THE SOCIAL SECUR-
18 ITY ACT, 42 U.S.C. 607.

19 (2) If the court enters an order under subsection (1)(d) and
20 the payer fails to comply with the arrearage payment schedule,
21 after notice and opportunity for a hearing, the court shall order
22 suspension of the payer's ~~occupational or driver's~~ license ~~,~~
23 or ~~both,~~ LICENSES WITH RESPECT TO WHICH THE ORDER UNDER SUBSEC-
24 TION (1)(D) WAS ENTERED and SHALL proceed under section 30.

25 Sec. 35. (1) The court may find a payer in contempt if the
26 court finds that the payer is in arrears and if the court is
27 satisfied that by the exercise of diligence the payer could have

1 the capacity to pay all or some portion of the amount due under
2 the support order and that the payer fails or refuses to do so.

3 (2) Upon finding a payer in contempt of court under this
4 section, the court may immediately enter an order doing either of
5 the following:

6 (a) Committing the payer to the county jail with the privi-
7 lege of leaving the jail during the hours the court determines,
8 and under the supervision the court considers, necessary for the
9 purpose of allowing the payer to go to and return from his or her
10 place of employment or, if the person wishes to seek employment,
11 to seek employment.

12 (b) If the payer holds an occupational ~~or~~ LICENSE,
13 driver's license, RECREATIONAL LICENSE, OR SPORTING LICENSE, con-
14 ditioning a suspension of the payer's ~~occupational or driver's~~
15 license, or ~~both~~ ANY COMBINATION OF THE LICENSES, upon noncom-
16 pliance with an order for payment of the arrearage in 1 or more
17 scheduled installments of a sum certain. A court shall not order
18 the sanction authorized by this subdivision unless the court
19 finds that the payer has accrued an arrearage of support payments
20 in an amount greater than the amount of periodic support payments
21 payable for 3 months under the payer's support order.

22 (C) ORDERING THE PAYER TO PARTICIPATE IN A WORK ACTIVITY AS
23 DEFINED IN SECTION 407 OF PART A OF TITLE IV OF THE SOCIAL SECUR-
24 ITY ACT, 42 U.S.C. 607.

25 (3) Notwithstanding the length of commitment imposed under
26 this section, an unemployed payer committed to a county jail

1 under this section who finds employment shall be released from
2 jail if either of the following applies:

3 (a) The payer is self-employed and has completed 2 consecu-
4 tive weeks at his or her employment.

5 (b) The payer is employed and has completed 2 consecutive
6 weeks at his or her employment and an order of income withholding
7 is effective.

8 (4) If the court enters an order under subsection (2)(b) and
9 the payer fails to comply with the arrearage payment schedule,
10 after notice and an opportunity for a hearing, the court shall
11 order suspension of the payer's ~~occupational or driver's~~
12 ~~license, or both,~~ LICENSE OR LICENSES WITH RESPECT TO WHICH THE
13 ORDER UNDER SUBSECTION (2)(B) WAS ENTERED and SHALL proceed under
14 section 30.

15 Sec. 44. (1) If the office of the friend of the court
16 determines that application of a makeup parenting time policy
17 under section 41(1)(a) is unsuccessful in resolving a parenting
18 time dispute or that action should otherwise be taken under sec-
19 tion 41(1)(b), the office of the friend of the court shall com-
20 mence a civil contempt proceeding to resolve a dispute concerning
21 parenting time with a minor child by filing with the circuit
22 court a petition for an order to show cause why either parent who
23 has violated a parenting time order should not be held in
24 contempt. The office of the friend of the court shall notify the
25 parent who is the subject of the petition. The notice shall
26 include at least all of the following:

1 (a) A list of each possible sanction if the parent is found
2 in contempt.

3 (b) The right of the parent to a hearing on a proposed modi-
4 fication of parenting time if requested within 14 days after the
5 date of the notice, as provided in section 45.

6 (2) If the court finds that either parent has violated a
7 parenting time order, the court shall find that parent in con-
8 tempt and may do 1 or more of the following:

9 (a) Require additional terms and conditions consistent with
10 the court's parenting time order.

11 (b) After notice to both parties and a hearing, if requested
12 by a party, on a proposed modification of parenting time, modify
13 the parenting time order to meet the best interests of the
14 child.

15 (c) Order that makeup parenting time be provided for the
16 noncustodial parent to take the place of wrongfully denied par-
17 enting time.

18 (d) Order the parent to pay a fine of not more than
19 \$100.00.

20 (e) Commit the parent to the county jail.

21 (f) Commit the parent to the county jail with the privilege
22 of leaving the jail during the hours the court determines neces-
23 sary, and under the supervision the court considers necessary,
24 for the purpose of allowing the parent to go to and return from
25 his or her place of employment.

26 (g) If the parent holds an occupational ~~or~~ LICENSE,
27 driver's license, RECREATIONAL LICENSE, OR SPORTING LICENSE,

1 condition the suspension of the ~~parent's occupational or~~
2 ~~driver's~~ license, OR ANY COMBINATION OF THE LICENSES, upon non-
3 compliance with an order for makeup and ongoing parenting time.

4 (h) State on the record the reason the court is not ordering
5 a sanction listed in subdivisions (a) to (g).

6 (3) A commitment under subsection (2)(e) or (f) shall not
7 exceed 45 days for the first finding of contempt or 90 days for
8 each subsequent finding of contempt. A parent committed under
9 subsection (2)(e) or (f) shall be released if the court has rea-
10 sonable cause to believe that the parent will comply with the
11 parenting time order.

12 (4) If a parent fails to appear in response to an order to
13 show cause, the court may issue a bench warrant requiring that
14 the parent be brought before the court without unnecessary delay
15 to show cause why the parent should not be held in contempt.
16 Except for good cause shown on the record, the court shall fur-
17 ther order the parent to pay the costs of the hearing, the issu-
18 ance of the warrant, the arrest, and further hearings, which
19 costs shall be transmitted to the county treasurer for distribu-
20 tion as provided in section 31.

21 Sec. 45. (1) If the court enters an order under section
22 44(2)(g) and the parent fails to comply with the makeup and ongo-
23 ing parenting time schedule, the court shall find the parent in
24 contempt and, after notice and an opportunity for a hearing, may
25 order suspension of the parent's ~~occupational or driver's~~
26 ~~license, or both,~~ LICENSE OR LICENSES WITH RESPECT TO WHICH THE

1 ORDER UNDER SECTION 44(2)(G) WAS ENTERED and proceed under
2 section 30.

3 (2) After entry of a suspension order under subsection (1),
4 a parent may agree to a makeup parenting time schedule. The
5 court may order a makeup parenting time schedule if the parent
6 demonstrates a good faith effort to comply with the parenting
7 time order. If the court orders a makeup parenting time sched-
8 ule, the court shall enter an order rescinding the suspension
9 order that is effective as provided in section 4 of the regulated
10 occupation support enforcement act, ~~or~~ 1966 PA 236, MCL
11 338.3434, section 321c of the Michigan vehicle code, ~~Act No. 300~~
12 ~~of the Public Acts of 1949, being section 257.321c of the~~
13 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.321C, OR SECTION
14 43559 OR 81116A OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
15 TECTION ACT, 1994 PA 451, MCL 324.43559 AND 324.81116A. Within 7
16 business days after entry of the order rescinding the suspension
17 order, the office of the friend of the court shall send a copy of
18 the order rescinding the suspension order to the ~~occupational~~
19 ~~regulatory agency that issues the parent's occupational license~~
20 ~~or the secretary of state, as appropriate~~ LICENSING AGENCY.

21 (3) Within 14 days after the date of the notice under sec-
22 tion 44, a parent who is notified of a petition to show cause
23 under section 44 may request a hearing on a proposed modification
24 of parenting time. The court shall hold the requested hearing
25 unless the parenting time dispute is resolved by other means.
26 The court shall combine the hearing prescribed by this subsection
27 with the hearing on the order to show cause unless the court

1 finds for good cause shown on the record that the hearings should
2 be held separately. If the court finds that the hearings should
3 be held separately, the hearing on a proposed modification of
4 parenting time shall be held before the hearing on the order to
5 show cause.