

**SENATE BILL NO. 804**

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

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 400.231, 400.232, 400.233, 400.234, and 400.235), the title and sections 1, 2, 3, and 5 as amended by 1985 PA 209.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 TITLE

2 An act to create the office of child support; and to pre-  
3 scribe certain powers and duties of the office, certain public  
4 AND PRIVATE agencies, and certain employers and former  
5 employers.

6 Sec. 1. As used in this act:

7 ~~-(a) "Absent parent" means the parent of a minor child who~~  
8 ~~owes a financial obligation for the support of the minor child or~~  
9 ~~a putative parent against whom a complaint has been filed.~~

1 (A) ~~(b)~~ "Department" means the ~~department of social~~  
2 ~~services~~ FAMILY INDEPENDENCE AGENCY.

3 (B) "FINANCIAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

4 (i) A DEPOSITORY INSTITUTION AS DEFINED IN SECTION 3(c) OF  
5 THE FEDERAL DEPOSIT INSURANCE ACT, CHAPTER 967, 64 STAT. 873,  
6 12 U.S.C. 1813.

7 (ii) AN INSTITUTION-AFFILIATED PARTY AS DEFINED IN SECTION  
8 3(u) OF THE FEDERAL DEPOSIT INSURANCE ACT, CHAPTER 967, 64  
9 STAT. 873, 12 U.S.C. 1813.

10 (iii) ANY FEDERAL CREDIT UNION OR STATE CREDIT UNION AS  
11 DEFINED IN SECTION 101 OF TITLE I OF THE FEDERAL CREDIT UNION  
12 ACT, CHAPTER 750, 48 STAT. 1216, 12 U.S.C. 1752, INCLUDING AN  
13 INSTITUTION-AFFILIATED PARTY OF A CREDIT UNION AS DEFINED IN  
14 SECTION 206(r) OF TITLE II OF THE FEDERAL CREDIT UNION ACT, CHAP-  
15 TER 750, 84 STAT. 1003, 12 U.S.C. 1786.

16 (iv) ANY BENEFIT ASSOCIATION, INSURANCE COMPANY, SAFE  
17 DEPOSIT COMPANY, MONEY-MARKET MUTUAL FUND, OR SIMILAR ENTITY  
18 AUTHORIZED TO DO BUSINESS IN THIS STATE.

19 (c) "Office" means the office of child support.

20 (D) "PARENT" MEANS THE LEGAL PARENT OR THE PUTATIVE FATHER  
21 OF A MINOR OR EMANCIPATED CHILD OR THE CURRENT OR FORMER CUSTO-  
22 DIAN OF A MINOR OR EMANCIPATED CHILD.

23 Sec. 2. The office of child support is established in the  
24 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY.

25 Sec. 3. ~~(1)~~ The office shall DO ALL OF THE FOLLOWING:

26 (a) Serve as a state agency authorized to administer part D  
27 of title ~~iv~~ IV of the social security act, ~~42 U.S.C. 651 to~~

1 ~~667~~ CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 660 AND 663 TO  
2 669b.

3 (b) Assist any governmental agency or department in locating  
4 ~~an absent~~ A parent ~~—~~ FOR ANY OF THE FOLLOWING PURPOSES:

5 (i) TO ESTABLISH PARENTAGE.

6 (ii) TO ESTABLISH, SET THE AMOUNT OF, MODIFY, OR ENFORCE  
7 SUPPORT OBLIGATIONS.

8 (iii) TO DISBURSE SUPPORT RECEIPTS.

9 (iv) TO MAKE OR ENFORCE CHILD CUSTODY OR PARENTING TIME  
10 ORDERS.

11 (c) Coordinate any activity on a state level in a search for  
12 ~~an absent~~ A parent.

13 (d) Obtain information ~~which~~ THAT directly relates to the  
14 identity or location of ~~an absent~~ A parent.

15 (e) Serve as the information agency as provided in the  
16 REVISED uniform reciprocal enforcement of support act, ~~Act No. 8~~  
17 ~~of the Public Acts of 1952, as amended, being sections 780.151 to~~  
18 ~~780.183 of the Michigan Compiled Laws~~ 1952 PA 8, MCL 780.151 TO  
19 780.183, AND UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA 310,  
20 MCL 552.1101 TO 552.1901.

21 (f) Develop guidelines for coordinating activities of any  
22 governmental department, board, commission, bureau, ~~or~~ agency,  
23 OR COUNCIL, OR ANY PUBLIC OR PRIVATE AGENCY in providing informa-  
24 tion necessary for the location of ~~absent~~ parents.

25 (g) Develop, administer, and coordinate with the state and  
26 federal departments of treasury a procedure for offsetting the  
27 state tax refunds and federal income tax refunds of absent

1 parents who owe arrearages under child support orders. The  
2 procedure shall include a guideline that the office submit to the  
3 state department of treasury, not later than November 15 of each  
4 year, all requests for the offset of state tax refunds claimed on  
5 returns filed or to be filed for that tax year.

6 (h) Develop and implement a statewide information system to  
7 facilitate the establishment and enforcement of child support  
8 obligations.

9 (i) Publicize through regular and frequent, nonsexist public  
10 service announcements the availability of support establishment  
11 and enforcement services.

12 ~~(2) Subdivisions (a), (h), and (i) shall not apply until~~  
13 ~~March 1, 1986.~~

14 (J) DEVELOP AND IMPLEMENT IN COOPERATION WITH FINANCIAL  
15 INSTITUTIONS AND PURSUANT TO LAW A DATA MATCHING AND LIEN AND  
16 LEVY SYSTEM TO IDENTIFY ASSETS OF AND TO FACILITATE THE COLLEC-  
17 TION OF SUPPORT FROM THE ASSETS OF INDIVIDUALS WHO HAVE AN  
18 ACCOUNT AT A FINANCIAL INSTITUTION AND WHO ARE OBLIGATED TO PAY  
19 SUPPORT.

20 Sec. 4. (1) Upon request of the office OR THE STATE AGENCY  
21 OF ANY OTHER STATE THAT ADMINISTERS A PROGRAM UNDER PART D OF  
22 TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620,  
23 42 U.S.C. 651 TO 660 AND 663 TO 669b, any governmental depart-  
24 ment, board, commission, bureau, ~~or~~ agency, OR COUNCIL, OR ANY  
25 PUBLIC OR PRIVATE ENTITY OR FINANCIAL INSTITUTION shall provide  
26 any information ~~which shall assist~~ OR RECORD THAT ASSISTS in  
27 implementing ~~the provisions of~~ this act. A FINANCIAL

1 INSTITUTION SHALL PROVIDE INFORMATION PURSUANT TO THE DATA  
2 MATCHING SYSTEM DEVELOPED UNDER SECTION 3(J). INFORMATION AND  
3 RECORDS INCLUDE BUT ARE NOT LIMITED TO ALL OF THE FOLLOWING:

4 (A) INFORMATION ON THE EMPLOYMENT, COMPENSATION, AND BENE-  
5 FITS OF ANY INDIVIDUAL EMPLOYED AS A CURRENT OR FORMER EMPLOYEE  
6 OR A CONTRACTOR OF ANY ENTITY INCLUDING FOR-PROFIT, NONPROFIT,  
7 AND GOVERNMENTAL EMPLOYERS.

8 (B) RECORDS OF STATE AND LOCAL GOVERNMENT AGENCIES INCLUD-  
9 ING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

10 (i) VITAL STATISTICS.

11 (ii) STATE AND LOCAL TAX AND REVENUE RECORDS INCLUDING  
12 INFORMATION ON RESIDENCE ADDRESS, EMPLOYER, INCOME, AND ASSETS.

13 (iii) RECORDS ON REAL AND TITLED PERSONAL PROPERTY.

14 (iv) RECORDS OF OCCUPATIONAL, PROFESSIONAL, RECREATIONAL,  
15 AND SPORTING LICENSES.

16 (v) RECORDS ON THE OWNERSHIP AND CONTROL OF CORPORATIONS,  
17 PARTNERSHIPS, AND OTHER BUSINESS ENTITIES.

18 (vi) EMPLOYMENT SECURITY AGENCY RECORDS.

19 (vii) RECORDS OF AGENCIES ADMINISTERING PUBLIC ASSISTANCE  
20 PROGRAMS.

21 (viii) RECORDS OF MOTOR VEHICLES.

22 (ix) CORRECTIONS RECORDS.

23 (x) RECORDS OF WORKER'S COMPENSATION.

24 (C) RECORDS CONTAINED IN THE LAW ENFORCEMENT INFORMATION  
25 NETWORK.

26 (D) RECORDS OF FINANCIAL INSTITUTIONS AS IDENTIFIED IN  
27 SECTION 3.

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1 (E) RECORDS OF PUBLIC UTILITIES AND CABLE TELEVISION  
2 COMPANIES.

3 (2) THE DIRECTOR OF THE OFFICE OR HIS OR HER DESIGNEE MAY  
4 ISSUE AN ADMINISTRATIVE SUBPOENA TO REQUIRE AN ENTITY TO FURNISH  
5 ANY INFORMATION OR RECORD IN THE POSSESSION OF THE ENTITY THAT  
6 PERTAINS TO A PARENT AND IS DEMANDED BY THE OFFICE FOR THE PUR-  
7 POSE OF ADMINISTERING OR PROVIDING SERVICES PURSUANT TO PART D OF  
8 TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620,  
9 42 U.S.C. 651 TO 660 AND 663 TO 669b. THE OFFICERS OR EMPLOYEES  
10 OF THE ENTITY SHALL FURNISH THE INFORMATION OR RECORD WITHIN 15  
11 DAYS AFTER THE SUBPOENA IS RECEIVED BY THE ENTITY.

12 (3) AN ENTITY SHALL NOT BE LIABLE UNDER ANY FEDERAL OR STATE  
13 LAW TO ANY PERSON FOR ANY DISCLOSURE OF INFORMATION TO THE OFFICE  
14 OR THE DESIGNEE OF THE OFFICE UNDER THIS SECTION OR FOR ANY OTHER  
15 ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE REQUIREMENTS OF  
16 THIS SECTION.

17 (4) IF AN ENTITY DOES NOT COMPLY WITH A SUBPOENA OR REQUEST  
18 FOR INFORMATION OR RECORDS, THE DIRECTOR OF THE OFFICE OR HIS OR  
19 HER DESIGNEE MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN  
20 WHICH THE INQUIRY IS BEING MADE TO REQUIRE THE PRODUCTION OF  
21 BOOKS, PAPERS, AND DOCUMENTS. ANY CIRCUIT COURT OF THE STATE  
22 MAY, IN THE CASE OF REFUSAL TO COMPLY WITH A SUBPOENA OR REQUEST  
23 FOR INFORMATION, ISSUE AN ORDER REQUIRING THE PERSON TO APPEAR  
24 AND TO PRODUCE BOOKS, RECORDS, AND PAPERS. ANY FAILURE TO COMPLY  
25 WITH THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A  
26 CONTEMPT.

1           Sec. 5. (1) The information ~~which is~~ obtained by the  
2 office shall ~~only~~ be available to a governmental department,  
3 board, commission, bureau, agency, ~~or~~ political subdivision of  
4 any state COURT OF COMPETENT JURISDICTION, OR THE FEDERAL  
5 GOVERNMENT for purposes of administering, enforcing, and comply-  
6 ing with state and federal laws governing child support AND  
7 DOMESTIC RELATIONS MATTERS. UNLESS OTHERWISE PRECLUDED BY STATE  
8 OR FEDERAL LAW, THE INFORMATION OBTAINED BY THE OFFICE IS ALSO  
9 AVAILABLE FOR PURPOSES SPECIFIED IN 45 C.F.R. 303.21.

10           (2) THE OFFICE SHALL NOT RELEASE INFORMATION ON A PARENT'S  
11 ADDRESS OR OTHER INFORMATION TO THE OTHER PARENT IF RELEASE IS  
12 PROHIBITED BY A COURT ORDER OR IF THE OFFICE HAS REASON TO  
13 BELIEVE THAT RELEASE OF INFORMATION MAY RESULT IN PHYSICAL OR  
14 EMOTIONAL HARM TO THE PARENT OR TO THE CHILD. THE OFFICE SHALL  
15 NOTIFY THE FEDERAL GOVERNMENT AND COURTS AND AGENTS OF COURTS OF  
16 DOMESTIC VIOLENCE OR CHILD ABUSE PURSUANT TO PART D OF TITLE IV  
17 OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42  
18 U.S.C. 651 TO 660 AND 663 TO 669b.