

SENATE BILL NO. 998

March 5, 1998, Introduced by Senator BOUCHARD 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 section 3 (MCL 552.603), as amended by 1996 PA 239,
and by adding section 47.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SECTION 47, A support
2 order issued by a court of this state shall be enforced as pro-
3 vided in this section.
4 (2) Except as otherwise provided in this section, a support
5 order that is part of a judgment or is an order in a domestic
6 relations matter as defined in section ~~—31—~~ 2 of the friend of
7 the court act, ~~being section 552.531 of the Michigan Compiled~~
8 ~~Laws—~~ MCL 552.502, is a judgment on and after the date each
9 support payment is due, with the full force, effect, and
10 attributes of a judgment of this state, and is not, on and after

1 the date it is due, subject to retroactive modification.

2 Retroactive modification of a support payment due under a support
3 order is permissible with respect to any period during which
4 there is pending a petition for modification, but only from the
5 date that notice of the petition was given to the payer or recip-
6 ient of support.

7 (3) This section does not apply to an ex parte interim sup-
8 port order or a temporary support order entered under supreme
9 court rule.

10 (4) The office of the friend of the court shall make avail-
11 able to a payer or payee the forms and instructions described in
12 section 17a of the friend of the court act, ~~being section~~
13 ~~552.517a of the Michigan Compiled Laws~~ MCL 552.517A.

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

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

22 (a) Substantially the following statement: "Except as oth-
23 erwise provided in section 3 of the support and parenting time
24 enforcement act, Mich. Comp. Laws §552.603 (1979), a support
25 order that is part of a judgment or that is an order in a domes-
26 tic relations matter as defined in section ~~31~~ 2 of the friend
27 of the court act, Mich. Comp. Laws ~~§552.531~~ §552.502 (1979), is

1 a judgment on and after the date each support payment is due,
2 with the full force, effect, and attributes of a judgment of this
3 state, and is not, on and after the date it is due, subject to
4 retroactive modification. A surcharge will be added to support
5 payments that are past due as provided in section 3a of the sup-
6 port and parenting time enforcement act, Mich. Comp. Laws
7 §552.603a (1979).".

8 (b) A requirement that, within 21 days after the payer or
9 payee changes his or her address, that person report the new
10 address in writing to the friend of the court.

11 (c) A requirement that both the payer and payee keep the
12 office of the friend of the court informed if he or she holds an
13 occupational license and if he or she holds a driver's license.

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

15 SEC. 47. (1) BY MOTION IN AN ACTION THAT INCLUDES THE ISSUE
16 OF CHILD CUSTODY, SUPPORT, OR PARENTING TIME OR BY A SEPARATE
17 ACTION, AN INDIVIDUAL WHO HAS IN ANY MANNER ACCEPTED THE STATUS
18 OF BEING A CHILD'S BIOLOGICAL PARENT MAY CHALLENGE WHETHER HE OR
19 SHE IS IN FACT THE CHILD'S BIOLOGICAL PARENT IF THE INDIVIDUAL
20 BELIEVES BOTH OF THE FOLLOWING TO BE TRUE:

21 (A) THE INDIVIDUAL ACCEPTED THAT STATUS IN RELIANCE ON
22 ANOTHER INDIVIDUAL'S ACT, REPRESENTATION, OR SILENCE, WHICH ACT,
23 REPRESENTATION, OR SILENCE WAS INTENTIONAL OR CULPABLY
24 NEGLECTFUL.

25 (B) THE INDIVIDUAL CAN SHOW BY CLEAR AND CONVINCING EVIDENCE
26 THAT HE OR SHE IS NOT THE CHILD'S BIOLOGICAL PARENT.

1 (2) IN MAKING THE DETERMINATION OF PARENTAGE, THE COURT MAY
2 USE, BUT IS NOT LIMITED TO USING, THE PROCEDURES PROVIDED IN THE
3 PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

4 (3) IF THE COURT DETERMINES THAT AN INDIVIDUAL IS NOT A
5 CHILD'S BIOLOGICAL PARENT, THE COURT SHALL TERMINATE THAT
6 INDIVIDUAL'S PARENT RIGHTS WITH RESPECT TO THE CHILD AND SHALL
7 NOT ORDER THAT INDIVIDUAL TO PAY CHILD SUPPORT FOR THE CHILD. AS
8 A RESULT OF A DETERMINATION UNDER THIS SECTION THAT AN INDIVIDUAL
9 IS NOT A CHILD'S BIOLOGICAL PARENT, A PREVIOUSLY ISSUED ORDER FOR
10 CHILD SUPPORT, CUSTODY, OR PARENTING TIME OR ANOTHER ORDER GOV-
11 ERNING A PARENTAL RIGHT OR RESPONSIBILITY REGARDING THE INDIVID-
12 UAL AND THE CHILD IS VOID AB INITIO.

13 (4) FOR PURPOSES OF THIS SECTION, THE PARENT OF AN ADOPTED
14 CHILD SHALL BE CONSIDERED THE BIOLOGICAL PARENT OF THE ADOPTED
15 CHILD.