

SENATE BILL NO. 1034

March 25, 1998, Introduced by Senators GEAKE, BENNETT, CISKY, ROGERS, GOUGEON, STILLE, MC MANUS, EMMONS, NORTH, BULLARD, DUNASKISS, SCHWARZ, GAST, DINGELL, STEIL, SHUGARS and CONROY 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 3a (MCL 552.603a), as amended by 1996 PA
120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) As of January 1 and July 1 of each year, a
2 surcharge calculated at an 8% annual rate shall be added to sup-
3 port payments that are past due as of those dates. The amount
4 shown as due and owing on the records of the friend of the court
5 as of January 1 and July 1 of each year shall be reduced by an
6 amount equal to 2 weeks' support for purposes of assessing the
7 surcharge. A surcharge under this subsection shall not be added
8 to support ordered under the paternity act, ~~Act No. 205 of the~~
9 ~~Public Acts of 1956, being sections 722.711 to 722.730 of the~~

1 ~~Michigan Compiled Laws~~ 1956 PA 205, MCL 722.711 TO 722.730, for
2 the time period to the date of the support order.

3 (2) Upon receiving money for payment of support, the friend
4 of the court shall apply the amount received first to current
5 support and then to any support arrearage including any sur-
6 charges imposed under this section.

7 (3) UPON RECEIVING MONEY FOR PAYMENT OF SUPPORT FOR A PERSON
8 WHO IS RECEIVING PUBLIC ASSISTANCE UNDER THE SOCIAL WELFARE ACT,
9 1939 PA 280, MCL 400.1 TO 400.119B, THE FRIEND OF THE COURT SHALL
10 APPLY THE AMOUNT RECEIVED IN THE SAME MANNER AS PROVIDED UNDER
11 SUBSECTION (2) AND NOTIFY THE FAMILY INDEPENDENCE AGENCY THAT
12 MONEY HAS BEEN RECEIVED AND DISBURSED TO THE RECIPIENT.

13 (4) THE FAMILY INDEPENDENCE AGENCY SHALL NOT CONSIDER A
14 CHILD SUPPORT PAYMENT TO A RECIPIENT OF PUBLIC ASSISTANCE AS AN
15 OVERPAYMENT SUBJECT TO RECOVERY UNDER SECTION 43A OF THE SOCIAL
16 WELFARE ACT, 1939 PA 280, MCL 400.43A, UNTIL AFTER ALL ARREARAGES
17 OF THE CHILD SUPPORT ORDER ARE PAID. OVERPAYMENTS MAY THEN ONLY
18 BE RECOVERED FROM THE PAYER OF THE CHILD SUPPORT AND NOT THE
19 RECIPIENT.