

**SUBSTITUTE FOR
HOUSE BILL NO. 6004**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 2, 3, 25a, 25b, and 28 (MCL 552.602,
552.603, 552.625a, 552.625b, and 552.628), section 2 as amended
by 1999 PA 160, section 3 as amended by 2001 PA 106, and sections
25a and 25b as added and section 28 as amended by 1998 PA 334,
and by adding sections 5c, 25c, 25d, 25e, 25f, 25g, 25h, and
25i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Account" means any of the following:
- 3 (i) A demand deposit account.
- 4 (ii) A draft account.
- 5 (iii) A checking account.

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1 (iv) A negotiable order of withdrawal account.

2 (v) A share account.

3 (vi) A savings account.

4 (vii) A time savings account.

5 (viii) A mutual fund account.

6 (ix) A securities brokerage account.

7 (x) A money market account.

8 (xi) A retail investment account.

9 (b) "Account" does not mean any of the following:

10 (i) A trust.

11 (ii) An annuity.

12 (iii) A qualified individual retirement account.

13 (iv) An account covered by the employee retirement income
14 security act of 1974, Public Law 93-406, 88 Stat. 829.

15 (v) A pension or retirement plan.

16 (vi) An insurance policy.

17 (c) "Address" means the primary address shown on the records
18 of a financial institution used by the financial institution to
19 contact the account holder.

20 (D) "CASH" MEANS MONEY OR THE EQUIVALENT OF MONEY, SUCH AS A
21 MONEY ORDER, CASHIER'S CHECK, OR NEGOTIABLE CHECK OR A PAYMENT BY
22 DEBIT OR CREDIT CARD, WHICH EQUIVALENT IS ACCEPTED AS CASH BY THE
23 AGENCY ACCEPTING THE PAYMENT.

24 (E) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
25 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
26 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
27 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY

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1 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
2 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

3 (F) ~~(d)~~ "Department" means the family independence
4 agency.

5 (G) "DOMESTIC RELATIONS MATTER" MEANS A CIRCUIT COURT PRO-
6 CEEDING AS TO CHILD CUSTODY OR PARENTING TIME, OR CHILD OR SPOU-
7 SAL SUPPORT, THAT ARISES OUT OF LITIGATION UNDER A STATUTE OF
8 THIS STATE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

9 (i) 1846 RS 84, MCL 552.1 TO 552.45.

10 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO
11 552.459.

12 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO
13 722.31.

14 (iv) 1968 PA 293, MCL 722.1 TO 722.6.

15 (v) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

16 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
17 1952 PA 8, MCL 780.151 TO 780.183.

18 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996
19 PA 310, MCL 552.1101 TO 552.1901.

20 (H) ~~(e)~~ "Driver's license" means license as that term is
21 defined in section 25 of the Michigan vehicle code, 1949 PA 300,
22 MCL 257.25.

23 (I) ~~(f)~~ "Employer" means an individual, sole proprietor-
24 ship, partnership, association, or private or public corporation,
25 the United States or a federal agency, this state or a political
26 subdivision of this state, another state or a political

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1 subdivision of another state, or another legal entity that hires
2 and pays an individual for his or her services.

3 (J) ~~(g)~~ "Financial asset" means a deposit, account, money
4 market fund, stock, bond, or similar instrument.

5 (K) ~~(h)~~ "Financial institution" means any of the
6 following:

7 (i) A state or national bank.

8 (ii) A state or federally chartered savings and loan
9 association.

10 (iii) A state or federally chartered savings bank.

11 (iv) A state or federally chartered credit union.

12 (v) An insurance company.

13 (vi) An entity that offers any of the following to a resi-
14 dent of this state:

15 (A) A mutual fund account.

16 (B) A securities brokerage account.

17 (C) A money market account.

18 (D) A retail investment account.

19 (vii) An entity regulated by the securities and exchange
20 commission that collects funds from the public.

21 (viii) An entity that is a member of the national associa-
22 tion of securities dealers and that collects funds from the
23 public.

24 (ix) Another entity that collects funds from the public.

25 (l) ~~(i)~~ "Friend of the court act" means 1982 PA 294, MCL
26 552.501 to 552.535.

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1 (M) ~~(j)~~ "Income" means any of the following:

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

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

9 (iii) An amount of money that is due to an individual as a
10 debt of another individual, partnership, association, or private
11 or public corporation, the United States or a federal agency,
12 this state or a political subdivision of this state, another
13 state or a political subdivision of another state, or another
14 legal entity that is indebted to the individual.

15 (N) ~~(k)~~ "Insurer" means an insurer, health maintenance
16 organization, health care corporation, or other group, plan, or
17 entity that provides health care coverage in accordance with any
18 of the following acts:

19 (i) The public health code, 1978 PA 368, MCL 333.1101 to
20 333.25211.

21 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
22 500.8302.

23 (iii) The nonprofit health care corporation reform act, 1980
24 PA 350, MCL 550.1101 to 550.1704.

25 (O) ~~(l)~~ "Medical assistance" means medical assistance as
26 established under title XIX of the social security act, chapter

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1 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6,
2 and 1396r-8 to 1396v.

3 (P) ~~(m)~~ "Occupational license" means a certificate, regis-
4 tration, or license issued by a state department, bureau, or
5 agency that has regulatory authority over an individual that
6 allows an individual to legally engage in a regulated occupation
7 or that allows the individual to use a specific title in the
8 practice of an occupation, profession, or vocation.

9 (Q) ~~(n)~~ "Office of child support" means the office of
10 child support established in section 2 of the office of child
11 support act, 1971 PA 174, MCL 400.232.

12 (R) ~~(o)~~ "Office of the friend of the court" means an
13 agency created in section 3 of the friend of the court act, MCL
14 552.503.

15 (S) ~~(p)~~ "Order of income withholding" means an order
16 entered by the circuit court providing for the withholding of a
17 payer's income to enforce a support order under this act.

18 (T) ~~(q)~~ "Payer" means an individual who is ordered by the
19 circuit court to pay support.

20 (U) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
21 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

22 (V) ~~(r)~~ "Plan administrator" means that term as used in
23 relation to a group health plan under section 609 of part 6 of
24 subtitle B of title I of the employee retirement income security
25 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
26 care coverage plan of the individual who is responsible for

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1 providing a child with health care coverage is subject to that
2 act.

3 (W) ~~(s)~~ "Political subdivision" means a county, city, vil-
4 lage, township, educational institution, school district, or spe-
5 cial district or authority of the state or of a local unit of
6 government.

7 (X) ~~(t)~~ "Recipient of support" means the following:

8 (i) The spouse, if the support order orders spousal
9 support.

10 (ii) The custodial parent or guardian, if the support order
11 orders support for a minor child or a child who is 18 years of
12 age or older.

13 (iii) The department, if support has been assigned to that
14 department.

15 (Y) ~~(u)~~ "Recreational or sporting license" means a hunt-
16 ing, fishing, or fur harvester's license issued under the natural
17 resources and environmental protection act, 1994 PA 451, MCL
18 324.101 to 324.90106, but does not include a commercial fishing
19 license or permit issued under part 473 of the natural resources
20 and environmental protection act, 1994 PA 451, MCL 324.47301 to
21 324.47362.

22 (Z) ~~(v)~~ "Referee" means a person who is designated as a
23 referee under the friend of the court act.

24 (AA) ~~(w)~~ "Source of income" means an employer or successor
25 employer or another individual or entity that owes or will owe
26 income to the payer.

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1 (BB) ~~(x)~~ "State disbursement unit" or "SDU" means the
2 entity established in section 6 of the office of child support
3 act, 1971 PA 174, MCL 400.236.

4 (CC) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS
5 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19
6 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

7 (DD) ~~(y)~~ "Support" means all of the following:

8 (i) The payment of money for a child or a spouse ordered by
9 the circuit court, whether the order is embodied in an interim,
10 temporary, permanent, or modified order or judgment. Support may
11 include payment of the expenses of medical, dental, and other
12 health care, child care expenses, and educational expenses.

13 (ii) The payment of money ordered by the circuit court under
14 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
15 necessary expenses incurred by or for the mother in connection
16 with her confinement, for other expenses in connection with the
17 pregnancy of the mother, or for the repayment of genetic testing
18 expenses.

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

20 (EE) ~~(z)~~ "Support order" means an order entered by the
21 circuit court for the payment of support, whether or not a sum
22 certain.

23 (FF) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
24 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 657,
25 658a TO 660, AND 663 TO 669b.

26 (GG) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE
27 PERFORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON

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1 PERFORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF
2 THE FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

3 (HH) ~~(aa)~~ "Work activity" means any of the following:

4 (i) Unsubsidized employment.

5 (ii) Subsidized private sector employment.

6 (iii) Subsidized public sector employment.

7 (iv) Work experience, including work associated with the
8 refurbishing of publicly assisted housing, if sufficient private
9 sector employment is not available.

10 (v) On-the-job training.

11 (vi) Job search and job readiness assistance.

12 (vii) Community service programs.

13 (viii) Vocational educational training, not to exceed 12
14 months with respect to an individual.

15 (ix) Job skills training directly related to employment.

16 (x) Education directly related to employment, in the case of
17 an individual who has not received a high school diploma or a
18 certificate of high school equivalency.

19 (xi) Satisfactory attendance at secondary school or in a
20 course of study leading to a certificate of general equivalence,
21 in the case of an individual who has not completed secondary
22 school or received such a certificate.

23 (xii) The provisions of child care services to an individual
24 who is participating in a community service program.

25 Sec. 3. (1) A support order issued by a court of this state
26 shall be enforced as provided in this ~~section~~ ACT.

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1 (2) Except as otherwise provided in this section, a support
2 order that is part of a judgment or is an order in a domestic
3 relations matter ~~as defined in section 2 of the friend of the~~
4 ~~court act, MCL 552.502,~~ is a judgment on and after the date
5 ~~each support payment is due~~ THE SUPPORT AMOUNT IS DUE AS PRE-
6 SCRIBED IN SECTION 5C, with the full force, effect, and attrib-
7 utes of a judgment of this state, and is not, on and after the
8 date it is due, subject to retroactive modification. Retroactive
9 modification of a support payment due under a support order is
10 permissible with respect to a period during which there is pend-
11 ing a petition for modification, but only from the date that
12 notice of the petition was given to the payer or recipient of
13 support.

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

17 (4) The office of the friend of the court shall make avail-
18 able to a payer or payee the forms and instructions described in
19 section ~~17a~~ 5 of the friend of the court act, MCL ~~552.517a~~
20 552.505.

21 (5) This section does not prohibit a court approved agree-
22 ment between the parties to retroactively modify a support
23 order. This section does not limit other enforcement remedies
24 available under this or another act.

25 (6) Every support order that is part of a judgment issued by
26 a court of this state or that is an order in a domestic relations

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1 matter ~~as defined in section 2 of the friend of the court act,~~
2 ~~MCL 552.502,~~ shall include all of the following:

3 (a) Substantially the following statement: "Except as oth-
4 erwise provided in section 3 of the support and parenting time
5 enforcement act, 1982 PA 295, MCL 552.603, a support order that
6 is part of a judgment or that is an order in a domestic relations
7 matter as defined in section 2 of the friend of the court act,
8 1982 PA 294, MCL 552.502, is a judgment on and after the date
9 each support payment is due, with the full force, effect, and
10 attributes of a judgment of this state, and is not, on and after
11 the date it is due, subject to retroactive modification. A sur-
12 charge will be added to support ~~payments~~ AMOUNTS that are past
13 due as provided in section 3a of the support and parenting time
14 enforcement act, 1982 PA 295, MCL 552.603a."

15 (b) Notice informing the payer of the imposition of liens by
16 operation of law and that the payer's real and personal property
17 can be encumbered or seized if an arrearage accrues in an amount
18 greater than the amount of periodic support payments payable ~~for~~
19 ~~1 year~~ under the payer's support order FOR THE TIME PERIOD SPEC-
20 IFIED IN THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982
21 PA 295, MCL 552.601 TO 552.650.

22 (c) A requirement that, within [21] days after the payer
23 or payee changes his or her residential or mailing address, that
24 ~~person~~ INDIVIDUAL report the new address and his or her tele-
25 phone number in writing to the friend of the court.

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1 (d) A requirement that both the payer and payee notify the
2 office of the friend of the court if he or she holds an
3 occupational license and if he or she holds a driver's license.

4 (e) The name, address, and telephone number of the payer's
5 and payee's current sources of income.

6 (f) A requirement that both the payer and payee inform the
7 office of the friend of the court of his or her social security
8 number and driver's license number. The requirement of this sub-
9 division to provide a social security number with the information
10 does not apply to a payer or payee who demonstrates he or she is
11 exempt under law from obtaining a social security number or to a
12 payer or payee who for religious convictions is exempt under law
13 from disclosure of his or her social security number under these
14 circumstances. The court shall inform the payer and payee of
15 this possible exemption.

16 (g) Notice that an order for dependent health care coverage
17 takes effect immediately and will be sent to the parent's current
18 and subsequent employers and insurers if appropriate. The notice
19 shall inform the parent that he or she may contest the action by
20 requesting a review or hearing concerning availability of health
21 care coverage at a reasonable cost.

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

23 SEC. 5C. (1) ALL SUPPORT ORDERS SHALL BE STATED IN MONTHLY
24 AMOUNTS PAYABLE ON THE FIRST OF EACH MONTH IN ADVANCE. A SUPPORT
25 OBLIGATION NOT PAID BY THE LAST DAY OF THE MONTH IN WHICH IT
26 ACCRUES IS PAST DUE. IF A SUPPORT ORDER DOES NOT STATE THE
27 AMOUNT OF SUPPORT AS A MONTHLY AMOUNT, THE SUPPORT AMOUNT STATED

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1 IN THE ORDER SHALL BE CONVERTED TO A MONTHLY AMOUNT USING THE
2 FORMULA ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE.

3 (2) IF A SUPPORT ORDER TAKES EFFECT ON OTHER THAN THE FIRST
4 DAY OF A MONTH, THE MONTHLY AMOUNT IS PRORATED BASED ON THE DAILY
5 AMOUNT FOR THAT MONTH. A MONTHLY SUPPORT ORDER AMOUNT SHALL BE
6 PRORATED FOR THE LAST MONTH IN WHICH THE ORDER IS IN EFFECT.

7 (3) IF THE TITLE IV-D AGENCY RECEIVES A SUPPORT PAYMENT
8 THAT, AT THE TIME OF ITS RECEIPT, EXCEEDS A PAYER'S SUPPORT
9 AMOUNT PAYABLE PLUS AN AMOUNT PAYABLE UNDER AN ARREARAGE PAYMENT
10 SCHEDULE, THE TITLE IV-D AGENCY SHALL APPLY THE EXCESS AGAINST
11 THE PAYER'S TOTAL ARREARAGE ACCRUED UNDER ALL SUPPORT ORDERS
12 UNDER WHICH THE PAYER IS OBLIGATED. IF A BALANCE REMAINS AFTER
13 APPLICATION AGAINST THE TOTAL ARREARAGE, THE TITLE IV-D AGENCY
14 SHALL DO EITHER OF THE FOLLOWING:

15 (A) IF THE PAYER DESIGNATES THE BALANCE AS ADDITIONAL SUP-
16 PORT, IMMEDIATELY DISBURSE THAT AMOUNT TO THE RECIPIENT OF
17 SUPPORT.

18 (B) RETAIN THE BALANCE AND DISBURSE IT TO THE RECIPIENT OF
19 SUPPORT IMMEDIATELY WHEN THE AMOUNT IS PAYABLE AS SUPPORT.

20 Sec. 25a. (1) The amount of past due support that accrues
21 under a judgment ~~pursuant to~~ AS PROVIDED IN section 3 or under
22 the law of another state constitutes a lien in favor of the
23 recipient of support against the real and personal property of a
24 payer, other than financial assets pledged to a financial insti-
25 tution as collateral or financial assets to which a financial
26 institution has a prior right of setoff or other lien. The lien
27 is effective at the time that the support is due and unpaid and

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1 shall continue until the amount of past due support is paid in
2 full or the lien is terminated by the ~~support enforcement~~ IV-D
3 agency.

4 (2) Liens that arise in other states shall be accorded full
5 faith and credit when the requirements of section 25b OR 25C are
6 met.

7 (3) A LIEN CREATED UNDER SUBSECTION (1) IS SUBORDINATE TO A
8 PRIOR PERFECTED LIEN. ALL LIENS CREATED UNDER SUBSECTION (1) AND
9 DESCRIBED IN SUBSECTION (2) HAVE EQUAL PRIORITY.

10 (4) BEFORE A LIEN IS PERFECTED OR LEVIED UNDER THIS ACT, THE
11 TITLE IV-D AGENCY SHALL SEND A NOTICE TO THE PAYER SUBJECT TO THE
12 SUPPORT ORDER INFORMING THE PAYER OF THE IMPOSITION OF LIENS BY
13 OPERATION OF LAW AND THAT THE PAYER'S REAL AND PERSONAL PROPERTY
14 CAN BE ENCUMBERED OR SEIZED IF AN ARREARAGE ACCRUES IN AN AMOUNT
15 THAT EXCEEDS THE AMOUNT OF PERIODIC SUPPORT PAYMENTS PAYABLE
16 UNDER THE PAYER'S SUPPORT ORDER FOR THE TIME PERIOD SPECIFIED IN
17 THIS ACT.

18 (5) THE TITLE IV-D AGENCY OR ANOTHER PERSON REQUIRED TO PRO-
19 VIDE NOTICE UNDER THIS SECTION OR SECTIONS 25B TO 25I SHALL PRO-
20 VIDE NOTICE BY PAPER, UNLESS THE PERSON TO BE NOTIFIED AGREES TO
21 NOTICE BY OTHER MEANS. THE TITLE IV-D AGENCY OR OTHER PERSON
22 PROVIDING NOTICE UNDER THIS SECTION OR SECTIONS 25B TO 25I SHALL
23 COMPLETE AND PRESERVE PROOF OF SERVICE OF THE NOTICE IN A FORM
24 SUBSTANTIALLY CONFORMING TO THE REQUIREMENTS FOR PROOF OF SERVICE
25 UNDER THE MICHIGAN COURT RULES.

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1 Sec. 25b. (1) ~~The office of the friend of the court~~ A
2 REMEDY PROVIDED BY THIS SECTION IS CUMULATIVE AND DOES NOT AFFECT
3 THE AVAILABILITY OF ANOTHER REMEDY UNDER THIS ACT OR OTHER LAW.

4 (2) EXCEPT FOR A FINANCIAL ASSET TO WHICH SECTION 25C
5 APPLIES, THE TITLE IV-D AGENCY may perfect a lien created under
6 section 25a upon the real or personal property of the payer when
7 an arrearage has accrued in an amount that exceeds 2 TIMES the
8 MONTHLY amount of periodic support payments payable ~~for 1 year~~
9 under the payer's support order.

10 ~~(2) Before a lien is perfected in a case in which a support~~
11 ~~order was issued before the effective date of this section, the~~
12 ~~office of the friend of the court shall send a notice to the~~
13 ~~payer subject to the support order informing the payer of the~~
14 ~~imposition of liens by operation of law and that the payer's real~~
15 ~~and personal property can be encumbered or seized if an arrearage~~
16 ~~accrues in an amount that exceeds the amount of periodic support~~
17 ~~payments payable for 1 year under the payer's support order.~~

18 (3) If the arrearage under subsection (2) is reached and the
19 ~~office of the friend of the court~~ TITLE IV-D AGENCY has deter-
20 mined that the delinquent payer holds real or personal property,
21 OTHER THAN A FINANCIAL ASSET TO WHICH SECTION 25C APPLIES, the
22 ~~office of the friend of the court~~ TITLE IV-D AGENCY may perfect
23 the lien. THE TITLE IV-D AGENCY SHALL PERFECT A LIEN ON PROPERTY
24 TO WHICH THIS SECTION APPLIES IN THE SAME MANNER IN WHICH ANOTHER
25 LIEN ON PROPERTY OF THE SAME TYPE IS PERFECTED.

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1 ~~-(4) The office of the friend of the court shall provide a~~
2 ~~copy of the notice under subsection (2) to each of the~~
3 ~~following:~~

4 ~~(a) A financial institution doing business in this state if~~
5 ~~the payer has 1 or more accounts at that financial institution.~~

6 ~~(b) The appropriate agency of another state if the payer~~
7 ~~holds assets in that other state.~~

8 ~~(5) The office of the friend of the court may provide notice~~
9 ~~of the lien and subsequent notices by paper or automated means.~~

10 ~~-(6) To perfect a lien created by section 25a, the office of~~
11 ~~the friend of the court must record the lien with the register of~~
12 ~~deeds in the county where the real property is located, or for~~
13 ~~personal property, in the appropriate state or county office. A~~
14 ~~lien recorded as provided in this subsection takes effect on the~~
15 ~~date and at the time of that recording.~~

16 (4) ~~-(7)~~ The ~~office of the friend of the court~~ TITLE IV-D
17 AGENCY shall notify the payer when the ~~office of the friend of~~
18 ~~the court~~ TITLE IV-D AGENCY has perfected a lien against real or
19 personal property of the payer. The notice shall be sent by
20 ordinary mail to the payer's last known address, ~~—A~~ AND A
21 copy of the notice shall be sent by ordinary mail to the recipi-
22 ent of support. ~~The~~ A notice UNDER THIS SUBSECTION shall
23 include all of the following:

24 (a) The amount of the arrearage.

25 (b) That a lien is in effect on the real or personal prop-
26 erty of the payer.

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1 (c) That the property is subject to seizure unless the payer
2 responds by paying the arrearage or requesting a review within
3 [21] days after the date of mailing the notice.

4 (d) That, at the review, the payer may object to the lien
5 and TO proposed action based on a mistake of fact concerning the
6 overdue support amount or the payer's identity.

7 (e) That, if the payer believes that the amount of support
8 ordered should be modified because of a change in circumstances,
9 the payer may file a petition with the court for modification of
10 the support order.

11 (5) ~~(8)~~ Within [21] days after the date on which the
12 notice described in subsection ~~(7)~~ (4) is mailed to a payer,
13 the payer may request a review on the lien and the proposed
14 action. If the payer requests a review under this subsection,
15 the ~~office of the friend of the court~~ TITLE IV-D AGENCY shall
16 ~~schedule~~ CONDUCT the review within 14 days after the date of
17 the request.

18 (6) ~~(9)~~ If, at the review, the payer establishes that the
19 lien is not proper because of a mistake of fact, the ~~office of~~
20 ~~the friend of the court~~ TITLE IV-D AGENCY shall terminate the
21 lien and, within 7 days, notify the applicable entity that the
22 lien is terminated.

23 (7) ~~(10)~~ If the payer fails to request a review, to appear
24 for a review, or to establish a mistake of fact, the ~~office of~~
25 ~~the friend of the court~~ TITLE IV-D AGENCY may collect the
26 arrearage by levy upon any property belonging to the payer as
27 provided in this section. The ~~office of the friend of the~~

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1 ~~court~~ TITLE IV-D AGENCY shall notify the payer at the review or
2 by written notice of its intent to levy.

3 ~~(11) To enforce a lien under this section by levying~~
4 ~~against an account at a financial institution, the office of the~~
5 ~~friend of the court shall provide notice in the manner provided~~
6 ~~by law for levying against an account at a financial~~
7 ~~institution.~~

8 (8) ~~(12)~~ To enforce a lien on real property or personal
9 property, ~~other than an account at a financial institution, the~~
10 ~~office may order the sale of~~ THE TITLE IV-D AGENCY MAY SELL THE
11 real property in the manner provided by law for the [JUDICIAL]
foreclosure
12 of mortgage liens; ~~order execution of~~ APPLY TO THE CIRCUIT
13 COURT FOR AN ORDER TO EXECUTE the judgment, ~~;~~ TO appoint a
14 receiver of the real and personal property subject to the lien,
15 and TO order the property and its income to be applied to the
16 amount of the judgment; or take any other appropriate action to
17 enforce the judgment. The ~~office~~ TITLE IV-D AGENCY shall mail
18 a copy of orders under this subsection to the payer and recipient
19 of support at his or her last known address.

20 ~~(13) A lien created under section 25a is subordinate to any~~
21 ~~prior perfected lien.~~

22 (9) ~~(14)~~ A payer may request that the ~~office of the~~
23 ~~friend of the court~~ TITLE IV-D AGENCY terminate a lien against
24 the real and personal property of the payer on the basis that the
25 payer is no longer in arrears. If the payer is no longer in
26 arrears, the ~~office of the friend of the court~~ TITLE IV-D

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1 AGENCY shall terminate the lien ~~pursuant to~~ IN ACCORDANCE WITH
2 law.

3 (10) ~~(15)~~ An entity is not liable under any federal or
4 state law to any person for any disclosure of information to the
5 ~~office or the designee of the office~~ TITLE IV-D AGENCY under
6 this section or for any other action taken in good faith to
7 comply with the requirements of this section.

8 SEC. 25C. (1) A REMEDY PROVIDED BY THIS SECTION IS CUMULA-
9 TIVE AND DOES NOT AFFECT THE AVAILABILITY OF ANOTHER REMEDY UNDER
10 THIS ACT OR OTHER LAW.

11 (2) IF A PAYER'S FINANCIAL ASSETS HELD BY A FINANCIAL INSTI-
12 TUTION ARE SUBJECT TO A LIEN UNDER SECTION 25A AND AN ARREARAGE
13 HAS ACCRUED IN AN AMOUNT THAT EXCEEDS 2 TIMES THE MONTHLY AMOUNT
14 OF PERIODIC SUPPORT PAYMENTS PAYABLE UNDER THE PAYER'S SUPPORT
15 ORDER, THE TITLE IV-D AGENCY MAY LEVY AGAINST THE PAYER'S FINAN-
16 CIAL ASSETS HELD BY A FINANCIAL INSTITUTION. TO LEVY AGAINST A
17 PAYER'S FINANCIAL ASSETS, THE TITLE IV-D AGENCY SHALL SERVE THE
18 FINANCIAL INSTITUTION HOLDING THE FINANCIAL ASSETS WITH A NOTICE
19 OF THE LIEN AND LEVY, DIRECTING THE FINANCIAL INSTITUTION TO
20 FREEZE THE PAYER'S FINANCIAL ASSETS HELD BY THE FINANCIAL
21 INSTITUTION.

22 (3) THE OFFICE OF CHILD SUPPORT, IN CONSULTATION WITH THE
23 STATE COURT ADMINISTRATIVE OFFICE, SHALL CREATE THE FORM THAT IS
24 REQUIRED FOR THE NOTICE TO A FINANCIAL INSTITUTION UNDER SUBSEC-
25 TION (2). THE FORM SHALL INCLUDE, OR PROVIDE FOR INCLUSION OF,
26 AT LEAST ALL OF THE FOLLOWING:

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1 (A) THE LEVY AMOUNT.

2 (B) INFORMATION THAT ENABLES THE FINANCIAL INSTITUTION TO
3 LINK THE PAYER WITH HIS OR HER FINANCIAL ASSETS AND TO NOTIFY THE
4 PAYER.

5 (C) INFORMATION ON HOW TO CONTACT THE TITLE IV-D AGENCY.

6 (D) STATEMENTS SETTING FORTH THE RIGHTS AND RESPONSIBILITIES
7 OF THE FINANCIAL INSTITUTION AND PAYER.

8 (4) A TITLE IV-D AGENCY MAY WITHDRAW A LEVY UNDER THIS SEC-
9 TION AT ANY TIME BEFORE THE CIRCUIT COURT CONSIDERS OR HEARS THE
10 MATTER IN AN ACTION FILED UNDER SECTION 25F. THE TITLE IV-D
11 AGENCY SHALL GIVE NOTICE OF THE WITHDRAWAL TO THE PAYER AND
12 FINANCIAL INSTITUTION. UPON RECEIVING NOTICE OF A WITHDRAWAL OF
13 A LEVY, THE FINANCIAL INSTITUTION SHALL RELEASE THE PAYER'S
14 FINANCIAL ASSETS BY THE CLOSE OF BUSINESS ON 1 OF THE FOLLOWING
15 DAYS:

16 (A) IF THE NOTICE IS RECEIVED BEFORE NOON, THE FIRST BUSI-
17 NESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS RECEIVED.

18 (B) IF THE NOTICE IS RECEIVED AT NOON OR LATER, THE SECOND
19 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS
20 RECEIVED.

21 SEC. 25D. (1) A FINANCIAL INSTITUTION INCURS NO OBLIGATION
22 OR LIABILITY TO A DEPOSITOR, ACCOUNT HOLDER, OR OTHER PERSON
23 ARISING FROM THE FURNISHING OF INFORMATION UNDER SECTIONS 25C TO
24 25I OR FROM THE FAILURE TO DISCLOSE TO A DEPOSITOR, ACCOUNT
25 HOLDER, OR OTHER PERSON THAT THE NAME OF A PERSON WAS INCLUDED IN
26 THE INFORMATION PROVIDED.

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1 (2) A FINANCIAL INSTITUTION INCURS NO OBLIGATION OR
2 LIABILITY TO THE TITLE IV-D AGENCY OR ANOTHER PERSON FOR AN ERROR
3 OR OMISSION MADE IN GOOD FAITH COMPLIANCE WITH SECTIONS 25C TO
4 25I.

5 (3) A FINANCIAL INSTITUTION INCURS NO OBLIGATION OR LIABIL-
6 ITY FOR BLOCKING, FREEZING, PLACING A HOLD UPON, FORWARDING, OR
7 OTHERWISE DEALING WITH A PERSON'S FINANCIAL ASSETS IN RESPONSE TO
8 A LIEN OR LEVY IMPOSED OR INFORMATION PROVIDED UNDER SECTIONS 25C
9 TO 25I.

10 (4) A FINANCIAL INSTITUTION IS NOT OBLIGATED TO BLOCK,
11 FREEZE, PLACE A HOLD UPON, FORWARD, OR OTHERWISE DEAL WITH A
12 PERSON'S FINANCIAL ASSETS UNTIL SERVED WITH THE NOTICE OF LEVY IN
13 ACCORDANCE WITH SECTION 25C. A FINANCIAL INSTITUTION THAT FOR-
14 WARDS FINANCIAL ASSETS TO THE TITLE IV-D AGENCY IN RESPONSE TO A
15 LEVY UNDER SECTION 25C IS DISCHARGED FROM ANY OBLIGATION OR
16 LIABILITY TO THE DEPOSITOR, ACCOUNT HOLDER, OR OTHER PERSON WITH
17 AN INTEREST IN THE FINANCIAL ASSETS THAT ARE FORWARDED TO THE
18 TITLE IV-D AGENCY.

19 SEC. 25E. (1) WHEN A FINANCIAL INSTITUTION RECEIVES A
20 NOTICE OF LEVY ON A PAYER'S FINANCIAL ASSETS HELD BY THE FINAN-
21 CIAL INSTITUTION UNDER SECTION 25C, THE FINANCIAL INSTITUTION
22 SHALL FREEZE THOSE FINANCIAL ASSETS. IF THE PAYER'S FINANCIAL
23 ASSETS HELD BY A FINANCIAL INSTITUTION EXCEED THE LEVY AMOUNT,
24 THE FINANCIAL INSTITUTION SHALL FREEZE THOSE FINANCIAL ASSETS UP
25 TO THE LEVY AMOUNT. A FINANCIAL INSTITUTION SHALL EXECUTE THE
26 FREEZE OF A PAYER'S FINANCIAL ASSETS UNDER THIS SECTION BY THE
27 CLOSE OF BUSINESS ON 1 OF THE FOLLOWING DAYS:

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1 (A) IF THE NOTICE IS RECEIVED BEFORE NOON, THE FIRST
2 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS
3 RECEIVED.

4 (B) IF THE NOTICE IS RECEIVED AT NOON OR LATER, THE SECOND
5 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS
6 RECEIVED.

7 (2) AFTER COMPLYING WITH SUBSECTION (1), A FINANCIAL INSTI-
8 TUTION SHALL GIVE NOTICE OF THAT COMPLIANCE TO THE TITLE IV-D
9 AGENCY AND THE PAYER. A FINANCIAL INSTITUTION'S NOTICE TO A
10 PAYER UNDER THIS SUBSECTION SHALL INCLUDE A COPY OF THE TITLE
11 IV-D AGENCY NOTICE TO THE FINANCIAL INSTITUTION.

12 SEC. 25F. (1) A PAYER WHOSE FINANCIAL ASSETS ARE LEVIED ON
13 UNDER SECTION 25C OR A PERSON WITH AN INTEREST IN THOSE ASSETS
14 MAY CHALLENGE THE LEVY BY SUBMITTING A WRITTEN CHALLENGE WITH THE
15 TITLE IV-D AGENCY AT THE LOCATION SPECIFIED IN THE TITLE IV-D
16 AGENCY NOTICE. A PAYER OR OTHER PERSON WITH AN INTEREST MUST
17 SUBMIT A WRITTEN CHALLENGE UNDER THIS SECTION WITHIN [21] DAYS
18 AFTER THE FINANCIAL INSTITUTION SENDS THE PAYER A COPY OF THE
19 TITLE IV-D AGENCY NOTICE AS REQUIRED BY SECTION 25E. A CHALLENGE
20 TO A LEVY UNDER SECTION 25C IS GOVERNED BY THIS ACT AND IS NOT
21 SUBJECT TO CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF
22 1969, 1969 PA 306, MCL 24.271 TO 24.287. A PAYER OR OTHER PERSON
23 WITH AN INTEREST WHO SUBMITS A CHALLENGE UNDER THIS SUBSECTION
24 MAY WITHDRAW THE CHALLENGE AT ANY TIME BY GIVING NOTICE OF THE
25 WITHDRAWAL TO THE TITLE IV-D AGENCY.

26 (2) IF THE TITLE IV-D AGENCY RECEIVES A WRITTEN CHALLENGE
27 FROM A PAYER OR OTHER PERSON WITH AN INTEREST WITHIN THE TIME

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1 LIMIT REQUIRED BY SUBSECTION (1), THE TITLE IV-D AGENCY SHALL
2 NOTIFY THE FINANCIAL INSTITUTION ABOUT THE CHALLENGE AND, WITHIN
3 7 DAYS, SHALL REVIEW THE CASE WITH THE CHALLENGER. THE TITLE
4 IV-D AGENCY SHALL CONSIDER ONLY A MISTAKE IN THE PAYER'S IDENTITY
5 OR IN THE AMOUNT OF THE PAYER'S PAST DUE SUPPORT, OR ANOTHER MIS-
6 TAKE OF FACT, AS CAUSE TO RELEASE OR MODIFY THE LEVY. IF THE
7 TITLE IV-D AGENCY DETERMINES THAT A MISTAKE OF FACT OCCURRED, THE
8 TITLE IV-D AGENCY SHALL DO 1 OF THE FOLLOWING:

9 (A) IF THE MISTAKE IS THE PAYER'S IDENTITY OR THAT THE PAYER
10 DOES NOT OWE PAST DUE SUPPORT IN AN AMOUNT EQUAL TO OR GREATER
11 THAN 2 TIMES THE PAYER'S MONTHLY SUPPORT AMOUNT UNDER A SUPPORT
12 ORDER, NOTIFY THE FINANCIAL INSTITUTION AND THE PAYER THAT THE
13 LEVY IS RELEASED.

14 (B) IF THE PAYER DOES OWE PAST DUE SUPPORT IN AN AMOUNT
15 EQUAL TO OR GREATER THAN 2 TIMES THE PAYER'S MONTHLY SUPPORT
16 AMOUNT UNDER A SUPPORT ORDER, BUT THE AMOUNT IN THE NOTICE TO
17 LEVY IS MORE THAN THE PAYER OWES, NOTIFY THE PAYER OF THE COR-
18 RECTED AMOUNT.

19 (C) IF THE MISTAKE CONCERNS A FACT OTHER THAN THOSE
20 DESCRIBED IN SUBDIVISIONS (A) AND (B), TAKE ACTION APPROPRIATE TO
21 THE MISTAKE.

22 (3) IF THE TITLE IV-D AGENCY FINDS NO MISTAKE OF FACT, THE
23 TITLE IV-D AGENCY SHALL NOTIFY THE PAYER OR OTHER PERSON WITH AN
24 INTEREST OF THAT FINDING.

25 (4) IF THE PAYER OR OTHER PERSON WITH AN INTEREST DISAGREES
26 WITH THE TITLE IV-D AGENCY REVIEW DETERMINATION UNDER THIS
27 SECTION, THE PAYER OR OTHER PERSON WITH AN INTEREST MAY CHALLENGE

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1 THE LEVY UNDER SECTION 25C BY FILING AN ACTION IN THE CIRCUIT
2 COURT THAT ISSUED A SUPPORT ORDER THAT IS AN UNDERLYING BASIS FOR
3 THE LEVY. A PAYER OR OTHER PERSON WITH AN INTEREST MUST FILE AN
4 ACTION UNDER THIS SECTION WITHIN [21] DAYS AFTER THE TITLE IV-D
5 AGENCY SENDS NOTICE OF ITS REVIEW DETERMINATION AND SHALL GIVE
6 NOTICE OF THE ACTION TO THE TITLE IV-D AGENCY.

7 (5) IF AN ACTION IS NOT FILED IN THE CIRCUIT COURT WITHIN
8 THE TIME LIMIT REQUIRED BY SUBSECTION (4), THE TITLE IV-D AGENCY
9 SHALL NOTIFY THE FINANCIAL INSTITUTION, DIRECTING THE FINANCIAL
10 INSTITUTION TO ACT IN ACCORDANCE WITH THE TITLE IV-D AGENCY
11 REVIEW DETERMINATION UNDER THIS SECTION. IF AN ACTION IS FILED
12 IN THE CIRCUIT COURT WITHIN THE TIME LIMIT PRESCRIBED IN SUBSEC-
13 TION (4), THE TITLE IV-D AGENCY SHALL NOTIFY THE FINANCIAL INSTI-
14 TUTION, DIRECTING THE FINANCIAL INSTITUTION TO ACT IN ACCORDANCE
15 WITH THE COURT DECISION.

16 SEC. 25G. (1) A FINANCIAL INSTITUTION THAT RECEIVES A
17 NOTICE OF LEVY UNDER SECTION 25C SHALL FORWARD MONEY IN THE
18 AMOUNT OF PAST DUE SUPPORT AS STATED IN THE NOTICE, OR IN THE
19 CORRECTED AMOUNT IF NOTIFIED OF A CORRECTED AMOUNT, TO THE STATE
20 DISBURSEMENT UNIT, ALONG WITH INFORMATION NECESSARY TO IDENTIFY
21 THE PAYER AS REQUIRED BY THE NOTICE.

22 (2) A FINANCIAL INSTITUTION SHALL FORWARD MONEY AS REQUIRED
23 BY SUBSECTION (1) NO SOONER THAN THE NEXT DAY AND NO LATER THAN
24 THE SEVENTH DAY AFTER 1 OF THE FOLLOWING TAKES PLACE:

25 (A) THE FINANCIAL INSTITUTION NOTIFIES THE PAYER AND THE
26 TITLE IV-D AGENCY THAT THE PAYER'S FINANCIAL ASSETS ARE FROZEN AS
27 REQUIRED BY SECTION 25E AND HAS NOT RECEIVED, WITHIN [28] DAYS

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1 AFTER THE DAY ON WHICH THE FINANCIAL INSTITUTION SENT THE
2 NOTICES, A NOTICE FROM THE TITLE IV-D AGENCY THAT THE PAYER HAS
3 SUBMITTED A CHALLENGE TO THE LEVY UNDER SECTION 25F.

4 (B) THE FINANCIAL INSTITUTION RECEIVES, WITHIN THE TIME
5 LIMIT PRESCRIBED IN SUBDIVISION (A), A NOTICE FROM THE TITLE IV-D
6 AGENCY THAT THE PAYER SUBMITTED A CHALLENGE TO THE LEVY AND
7 RECEIVES THE SUBSEQUENT TITLE IV-D AGENCY NOTICE REQUIRED BY SEC-
8 TION 25F, DIRECTING THE FINANCIAL INSTITUTION TO ACT IN ACCORD-
9 ANCE WITH EITHER THE TITLE IV-D AGENCY REVIEW DETERMINATION OR
10 THE CIRCUIT COURT DECISION.

11 (3) IF, IN ORDER TO FORWARD SUFFICIENT MONEY TO THE SDU, THE
12 FINANCIAL INSTITUTION MUST CONVERT 1 OR MORE FINANCIAL ASSETS TO
13 CASH, THE FINANCIAL INSTITUTION SHALL EXECUTE THE CONVERSION,
14 ASSESSING A RESULTING FEE OR OTHER COST OR PENALTY AGAINST THE
15 PAYER. IF THE PAYER'S FINANCIAL ASSETS ARE INSUFFICIENT TO PAY
16 THE PAST DUE SUPPORT AMOUNT PLUS RESULTING FEES AND OTHER COSTS
17 OR PENALTIES, THE FINANCIAL INSTITUTION MAY DEDUCT THE FEES,
18 COSTS, AND PENALTIES BEFORE FORWARDING THE BALANCE OF THE MONEY.

19 SEC. 25H. (1) IF AN ACTION IS FILED IN CIRCUIT COURT WITHIN
20 THE TIME LIMIT PRESCRIBED IN SECTION 25F, THE CIRCUIT COURT SHALL
21 REVIEW THE MATTER DE NOVO. THE ACTION IS GOVERNED BY THIS SEC-
22 TION AND THE MICHIGAN COURT RULES. THE CIRCUIT COURT REVIEW IS
23 NOT LIMITED TO MISTAKES OF FACT.

24 (2) ALL OF THE FOLLOWING APPLY IN AN ACTION GOVERNED BY THIS
25 SECTION:

26 (A) THE CIRCUIT COURT SHALL ONLY ADDRESS THE ISSUES OF THE
27 PROPRIETY OF THE LEVY AND WHETHER THE LEVY AMOUNT IS CORRECT.

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1 (B) THE CIRCUIT COURT SHALL NOT ADMIT EVIDENCE OR CONSIDER
2 AN ISSUE THAT IS RELATED TO CUSTODY, PARENTING TIME, OR THE
3 AMOUNT OF SUPPORT UNDER A SUPPORT ORDER UNLESS THAT EVIDENCE IS
4 RELATED TO THE LEVY AGAINST A PAYER'S FINANCIAL ASSETS.

5 (C) THE CIRCUIT COURT SHALL NOT MODIFY A SUPPORT ORDER. A
6 COURT FINDING REGARDING A MONTHLY OR PAST DUE SUPPORT AMOUNT DOES
7 NOT MODIFY THE UNDERLYING SUPPORT ORDER.

8 SEC. 25I. (1) IF, AFTER A FINANCIAL INSTITUTION FORWARDS
9 MONEY TO THE STATE DISBURSEMENT UNIT, ALL OF THE FORWARDED MONEY
10 IS RETURNED TO THE PAYER DUE TO A MISTAKE OF FACT OR COURT ORDER,
11 THE TITLE IV-D AGENCY SHALL REIMBURSE THE PAYER FOR A FEE, COST,
12 OR PENALTY THAT THE FINANCIAL INSTITUTION ASSESSED AGAINST THE
13 PAYER UNDER SECTION 25G.

14 (2) IF THE TOTAL AMOUNT OF PAST DUE SUPPORT THE PAYER OWES
15 UNDER ALL SUPPORT ORDERS SUBJECT TO LEVY UNDER SECTION 25C IS
16 MORE THAN THE AMOUNT OF MONEY A FINANCIAL INSTITUTION FORWARDS
17 THE SDU UNDER SECTION 25G, THE SDU SHALL ALLOCATE THE MONEY AMONG
18 THOSE SUPPORT ORDERS BY MULTIPLYING THE TOTAL AMOUNT OF MONEY
19 FORWARDED BY THE PERCENTAGES ARRIVED AT BY DIVIDING THE PAST DUE
20 SUPPORT AMOUNT UNDER EACH OF THOSE SUPPORT ORDERS BY THE TOTAL OF
21 THE PAST DUE SUPPORT AMOUNTS UNDER ALL OF THOSE SUPPORT ORDERS.

22 Sec. 28. (1) ~~The~~ FOR A FRIEND OF THE COURT CASE, THE
23 office of the friend of the court may petition the court for an
24 order to suspend a payer's occupational license, driver's
25 license, or recreational or sporting license, or any combination
26 of the licenses, if all of the following circumstances are true:

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1 (a) An arrearage has accrued in an amount greater than the
2 amount of periodic support payments payable for ~~6~~ 2 months
3 under the payer's support order.

4 (b) The payer holds an occupational license, driver's
5 license, or recreational or sporting license or the payer's occu-
6 pation requires an occupational license.

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

10 (2) An office of the friend of the court shall not file a
11 petition as authorized under subsection (1) unless the office
12 sends the payer a notice that includes all of the following
13 information:

14 (a) The amount of the arrearage.

15 (b) That the payer's occupational license, driver's license,
16 or recreational or sporting license, or any combination of the
17 licenses, may be subject to an order of suspension.

18 (c) That the suspension order will be entered and sent to
19 the licensing agency unless the payer responds by paying the
20 arrearage or requesting a hearing within [21] days after the
21 date of mailing the notice.

22 (d) That, at the hearing, the payer may do either of the
23 following:

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

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1 (ii) Suggest to the court a schedule for the payment of the
2 arrearage.

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

7 Enacting section 1. This amendatory act takes effect
8 June 1, 2003.