

**SUBSTITUTE FOR
SENATE BILL NO. 317**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending the title and sections 3, 14, 26, 26a, 26b, and 27
(MCL 552.603, 552.614, 552.626, 552.626a, 552.626b, and 552.627),
the title as amended by 1996 PA 25, sections 3, 14, 26, 26a, and
26b as amended by 1998 PA 334, and section 27 as amended by 1985
PA 210, and by adding sections 5, 5a, and 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for and to supplement statutes that pro-
3 vide for the PROVISIONS AND enforcement of support, health care,
4 and parenting time orders with respect to divorce, separate main-
5 tenance, paternity, child custody AND SUPPORT, and ~~spouse~~
6 SPOUSAL support; to prescribe AND AUTHORIZE certain provisions of
7 those orders; to prescribe the powers and duties of the circuit

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

2

1 court and friend of the court; to prescribe certain duties of
2 certain employers and other sources of income; to provide for
3 penalties and remedies; and to repeal acts and parts of acts.

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

6 (2) Except as otherwise provided in this section, a support
7 order that is part of a judgment or is an order in a domestic
8 relations matter as defined in section 2 of the friend of the
9 court act, MCL 552.502, is a judgment on and after the date each
10 support payment is due, with the full force, effect, and attrib-
11 utes of a judgment of this state, and is not, on and after the
12 date it is due, subject to retroactive modification. Retroactive
13 modification of a support payment due under a support order is
14 permissible with respect to ~~any~~ A period during which there is
15 pending a petition for modification, but only from the date that
16 notice of the petition was given to the payer or recipient of
17 support.

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

21 (4) The office of the friend of the court shall make avail-
22 able to a payer or payee the forms and instructions described in
23 section 17a of the friend of the court act, MCL 552.517a.

24 (5) This section does not prohibit a court approved agree-
25 ment between the parties to retroactively modify a support
26 order. This section does not limit other enforcement remedies
27 available under this ~~act or any other~~ OR ANOTHER act.

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

3

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

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

17 (b) Notice informing the payer of the imposition of liens by
18 operation of law and that the payer's real and personal property
19 can be encumbered or seized if an arrearage accrues in an amount
20 greater than the amount of periodic support payments payable for
21 1 year under the payer's support order.

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

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317 as amended April 19, 2001

4

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 ~~source~~ 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 COVER-
22 AGE AT A REASONABLE COST.

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

23 SEC. 5. (1) IF A COURT ORDERS THE PAYMENT OF CHILD SUPPORT
24 UNDER THIS OR ANOTHER ACT OF THE STATE, THIS SECTION APPLIES TO
25 THAT ORDER.

26 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT
27 SHALL ORDER CHILD SUPPORT IN AN AMOUNT DETERMINED BY APPLICATION

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

5

1 OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE
2 COURT BUREAU AS REQUIRED IN SECTION 19 OF THE FRIEND OF THE COURT
3 ACT, MCL 552.519. THE COURT MAY ENTER AN ORDER THAT DEVIATES
4 FROM THE FORMULA IF THE COURT DETERMINES FROM THE FACTS OF THE
5 CASE THAT APPLICATION OF THE CHILD SUPPORT FORMULA WOULD BE
6 UNJUST OR INAPPROPRIATE AND SETS FORTH IN WRITING OR ON THE
7 RECORD ALL OF THE FOLLOWING:

8 (A) THE CHILD SUPPORT AMOUNT DETERMINED BY APPLICATION OF
9 THE CHILD SUPPORT FORMULA.

10 (B) HOW THE CHILD SUPPORT ORDER DEVIATES FROM THE CHILD SUP-
11 PORT FORMULA.

12 (C) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED INSTEAD
13 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

14 (D) THE REASONS WHY APPLICATION OF THE CHILD SUPPORT FORMULA
15 WOULD BE UNJUST OR INAPPROPRIATE IN THE CASE.

16 (3) SUBSECTION (2) DOES NOT PROHIBIT THE COURT FROM ENTERING
17 A CHILD SUPPORT ORDER THAT IS AGREED TO BY THE PARTIES AND THAT
18 DEVIATES FROM THE CHILD SUPPORT FORMULA, IF THE REQUIREMENTS OF
19 SUBSECTION (2) ARE MET.

20 SEC. 5A. (1) A CHILD SUPPORT ORDER ENTERED OR MODIFIED BY
21 THE COURT SHALL PROVIDE THAT EACH PARTY SHALL KEEP THE OFFICE OF
22 THE FRIEND OF THE COURT INFORMED OF BOTH OF THE FOLLOWING:

23 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF
24 INCOME.

25 (B) HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER AS
26 A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER; THE
27 NAME OF THE INSURANCE COMPANY, NONPROFIT HEALTH CARE CORPORATION,

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

6

1 OR HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR
2 CONTRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR
3 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE
4 POLICY, CERTIFICATE, OR CONTRACT.

5 (2) IF A CHILD SUPPORT ORDER IS ENTERED, THE COURT SHALL
6 REQUIRE THAT 1 OR BOTH PARENTS OBTAIN OR MAINTAIN HEALTH CARE
7 COVERAGE THAT IS AVAILABLE TO THEM AT A REASONABLE COST, AS A
8 BENEFIT OF EMPLOYMENT, FOR THE BENEFIT OF THE MINOR CHILDREN OF
9 THE PARTIES AND, SUBJECT TO SECTION 5B, FOR THE BENEFIT OF THE
10 PARTIES' CHILDREN WHO ARE NOT MINOR CHILDREN. IF A PARENT IS
11 SELF-EMPLOYED AND MAINTAINS HEALTH CARE COVERAGE, THE COURT SHALL
12 REQUIRE THE PARENT TO OBTAIN OR MAINTAIN DEPENDENT COVERAGE FOR
13 THE BENEFIT OF THE MINOR CHILDREN OF THE PARTIES AND, SUBJECT TO
14 SECTION 5B, FOR THE BENEFIT OF THE PARTIES' CHILDREN WHO ARE NOT
15 MINOR CHILDREN, IF AVAILABLE AT A REASONABLE COST.

16 (3) A COURT MAY REQUIRE EITHER PARENT TO FILE A BOND WITH 1
17 OR MORE SUFFICIENT SURETIES, IN A SUM TO BE FIXED BY THE COURT,
18 GUARANTEEING PAYMENT OF CHILD SUPPORT.

19 SEC. 5B. (1) A COURT THAT ORDERS CHILD SUPPORT MAY ORDER
20 SUPPORT FOR A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE AS
21 PROVIDED IN THIS SECTION.

22 (2) THE COURT MAY ORDER CHILD SUPPORT FOR THE TIME A CHILD
23 IS REGULARLY ATTENDING HIGH SCHOOL ON A FULL-TIME BASIS WITH A
24 REASONABLE EXPECTATION OF COMPLETING SUFFICIENT CREDITS TO GRADU-
25 ATE FROM HIGH SCHOOL WHILE RESIDING ON A FULL-TIME BASIS WITH THE
26 RECIPIENT OF SUPPORT OR AT AN INSTITUTION, BUT IN NO CASE AFTER
27 THE CHILD REACHES 19 YEARS AND 6 MONTHS OF AGE. A COMPLAINT OR

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

7

1 MOTION REQUESTING SUPPORT AS PROVIDED IN THIS SECTION MAY BE
2 FILED AT ANY TIME BEFORE THE CHILD REACHES 19 YEARS AND 6 MONTHS
3 OF AGE.

4 (3) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
5 BEFORE OCTOBER 10, 1990 THAT PROVIDES FOR THE SUPPORT OF A CHILD
6 AFTER THE CHILD REACHES 18 YEARS OF AGE, WITHOUT AN AGREEMENT OF
7 THE PARTIES AS DESCRIBED IN SUBSECTION (4), IS VALID AND ENFORCE-
8 ABLE TO THE EXTENT THE PROVISION PROVIDES SUPPORT FOR THE CHILD
9 FOR THE TIME THE CHILD IS REGULARLY ATTENDING HIGH SCHOOL ON A
10 FULL-TIME BASIS WITH A REASONABLE EXPECTATION OF COMPLETING SUFFICIENT CREDITS TO GRADUATE FROM HIGH SCHOOL WHILE RESIDING ON A
11 FULL-TIME BASIS WITH THE RECIPIENT OF SUPPORT OR AT AN INSTITUTION, BUT IN NO CASE AFTER THE CHILD REACHES 19 YEARS AND
12 6 MONTHS OF AGE. THIS SUBSECTION DOES NOT REQUIRE PAYMENT OF
13 SUPPORT FOR A CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE FOR
14 ANY PERIOD BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990, OR
15 REIMBURSEMENT OF SUPPORT PAID BETWEEN NOVEMBER 8, 1989 AND
16 OCTOBER 10, 1990, IN THOSE JUDICIAL CIRCUITS THAT DID NOT ENFORCE
17 SUPPORT FOR A CHILD AFTER THE CHILD REACHED 18 YEARS OF AGE
18 DURING THE PERIOD BETWEEN NOVEMBER 8, 1989 AND OCTOBER 10, 1990.

19 (4) A PROVISION CONTAINED IN A JUDGMENT OR AN ORDER ENTERED
20 UNDER THIS ACT BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS
21 SECTION THAT PROVIDES FOR THE SUPPORT OF A CHILD AFTER THE CHILD
22 REACHES 18 YEARS OF AGE IS VALID AND ENFORCEABLE IF 1 OR MORE OF
23 THE FOLLOWING APPLY:

24 (A) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
25 AGREEMENT OF THE PARTIES AS STATED IN THE JUDGMENT OR ORDER.

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

8

1 (B) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
2 AGREEMENT OF THE PARTIES AS EVIDENCED BY THE APPROVAL OF THE SUB-
3 STANCE OF THE JUDGMENT OR ORDER BY THE PARTIES OR THEIR
4 ATTORNEYS.

5 (C) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
6 WRITTEN AGREEMENT SIGNED BY THE PARTIES.

7 (D) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
8 ORAL AGREEMENT OF THE PARTIES AS STATED ON THE RECORD BY THE PAR-
9 TIES OR THEIR ATTORNEYS.

10 Sec. 14. (1) A source of income that has been served with a
11 notice of income withholding or with an order or notice of an
12 order for dependent health care coverage shall notify the appro-
13 priate office of the friend of the court if the parent's income
14 from that source OR DEPENDENT HEALTH CARE COVERAGE is
15 terminated.

16 (2) If the source of income is an employer, the source of
17 income shall promptly notify the appropriate office of the friend
18 of the court when the payer's employment is terminated or inter-
19 rupted for a period of 14 or more consecutive days, and shall
20 provide the payer's last known address and the name and address
21 of the payer's new employer or other source of income, if known.
22 The office of the friend of the court shall immediately serve the
23 payer's new employer or other source of income with a notice of
24 income withholding and, if the payer's source of income is an
25 employer, with a notice of the order for dependent health care
26 coverage.

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

9

1 Sec. 26. (1) ~~if~~ WITHIN 2 BUSINESS DAYS AFTER A NEW HIRE
2 REPORT IS ENTERED INTO THE STATE DIRECTORY OF NEW HIRES, AS
3 CREATED UNDER SECTION 453A OF PART D OF TITLE IV OF THE SOCIAL
4 SECURITY ACT, 42 U.S.C. 653a, OR A PAYER'S OR PARENT'S EMPLOYER
5 IS OTHERWISE IDENTIFIED, THE OFFICE SHALL, WHEN APPROPRIATE, PRO-
6 VIDE THE NEW EMPLOYER WITH A NOTICE OF INCOME WITHHOLDING OR A
7 NOTICE OF THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE, OR BOTH,
8 ON BEHALF OF A PAYER WHO IS SUBJECT TO INCOME WITHHOLDING OR A
9 PARENT OR PAYER WHO IS REQUIRED TO PROVIDE DEPENDENT HEALTH CARE
10 COVERAGE.

11 (2) IF AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE WAS
12 ENTERED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
13 ADDED THIS SUBSECTION, THE OFFICE SHALL, AT THE TIME NOTICE OF
14 THE ORDER IS SENT TO THE EMPLOYER UNDER SUBSECTION (1), PROVIDE
15 THE PAYER OR PARENT WITH INSTRUCTIONS ON HOW TO REQUEST A REVIEW
16 OR HEARING TO CONTEST THE AVAILABILITY OF DEPENDENT HEALTH CARE
17 COVERAGE AT A REASONABLE COST.

18 (3) NOTWITHSTANDING SUBSECTION (2), IF a parent fails to
19 obtain or maintain health care coverage for the parent's child as
20 ordered by the court, the office of the friend of the court
21 shall, as applicable, do either of the following:

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

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317 as amended April 19, 2001

10

(b) Send notice of noncompliance to the parent.

The notice shall contain all of the following information:

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 14 days after mailing of the notice:

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

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(ii) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment.

Sec. 26a. (1) If a parent is eligible for health care coverage through an employer doing business in the state, WITHIN 20 BUSINESS DAYS AFTER THE DATE OF AN ORDER OR NOTICE OF AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE, the employer shall notify its insurer or plan administrator and take other action as required to enroll that parent's child in its health care coverage plan or plans, without regard to any enrollment period restrictions, when all of the following exist:

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

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

11

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

7 (c) The employee applies for coverage for the child or, if
8 the employee fails to apply, the friend of the court or child's
9 other parent through the friend of the court applies for coverage
10 for the child. Application by the friend of the court shall be
11 in the form of the order for dependent health care coverage or a
12 notice of the order for dependent health care coverage.

13 (2) If coverage is available through the parent's employer,
14 the employer shall withhold from the employee's income the
15 employee's share, if any, of premiums for dependent health care
16 coverage not to exceed the amount allowed under section 8 and pay
17 that amount to the insurer or plan administrator.

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

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

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

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

12

1 (c) The employer has eliminated dependent health care
2 coverage for all of its employees or members.

3 Sec. 26b. (1) An order OR NOTICE for dependent health care
4 coverage entered under this act shall include the information
5 required in a qualified MEDICAL CHILD SUPPORT order as specified
6 in section 609 of part 6 of subtitle B of title I of the employee
7 retirement income security act of 1974, Public Law 93-406, 29
8 U.S.C. 1169, if the health care coverage plan of the individual
9 who is responsible for providing a child with health care cover-
10 age is subject to that act AND SHALL COMPLY WITH STANDARDS OF THE
11 NATIONAL MEDICAL SUPPORT NOTICE AS REQUIRED TO MEET FEDERAL LAW
12 AND REGULATIONS.

13 (2) An order or notice of an order for dependent health care
14 coverage served on an employer shall direct the employer to with-
15 hold from the employee's income the employee's share, if any, of
16 premiums for dependent health care coverage and pay that amount
17 to the insurer or plan administrator. The order or notice shall
18 also direct that the amount withheld for support, fees, and
19 health care premiums shall not exceed the amount allowed under
20 section 303(b) of title III of the consumer credit protection
21 act, Public Law 90-321, 15 U.S.C. 1673.

22 (3) An order or notice of an order for dependent health care
23 coverage under this section may be combined with OR ACCOMPANY an
24 order or notice of income withholding under section 9.

25 Sec. 27. (1) The circuit court may take other enforcement
26 action under applicable laws, including, but not limited to, the
27 following:

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

13

1 (a) ~~Chapter 84 of the Revised Statutes of 1846, being~~
2 ~~sections 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS~~
3 ~~84, MCL 552.1 TO 552.45.~~

4 (b) ~~Act No. 379 of the Public Acts of 1913, being sections~~
5 ~~552.151 to 552.155 of the Michigan Compiled Laws 1913 PA 379,~~
6 ~~MCL 552.151 TO 552.155.~~

7 (c) The family support act, ~~Act No. 138 of the Public Acts~~
8 ~~of 1966, being sections 552.451 to 552.459 of the Michigan~~
9 ~~Compiled Laws 1966 PA 138, MCL 552.451 TO 552.459.~~

10 (d) Section 1701 of the revised judicature act of 1961, ~~Act~~
11 ~~No. 236 of the Public Acts of 1961, being section 600.1701 of the~~
12 ~~Michigan Compiled Laws 1961 PA 236, MCL 600.1701.~~

13 (e) ~~Act No. 293 of the Public Acts of 1968, being sections~~
14 ~~722.1 to 722.6 of the Michigan Compiled Laws 1968 PA 293, MCL~~
15 ~~722.1 TO 722.6.~~

16 (f) The child custody act of 1970, ~~Act No. 91 of the Public~~
17 ~~Acts of 1970, being sections 722.21 to 722.29 of the Michigan~~
18 ~~Compiled Laws 1970 PA 91, MCL 722.21 TO 722.30.~~

19 (G) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

20 (2) EVEN IF ANOTHER ACT OF THIS STATE PROVIDES THAT THIS ACT
21 APPLIES TO SUPPORT ORDERS ISSUED UNDER THE OTHER ACT, IF THAT
22 OTHER ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
23 ENFORCEMENT OF THE SUPPORT ORDER THAT CONFLICTS WITH THIS ACT,
24 THE OTHER ACT CONTROLS IN REGARD TO THAT PROVISION.

25 Enacting section 1. This amendatory act takes effect
26 September 30, 2001.

SB 317, As Passed Senate, April 24, 2001

Senate Bill No. 317

14

1 Enacting section 2. This amendatory act does not take
2 effect unless all of the following bills of the 91st Legislature
3 are enacted into law:

4 (a) Senate Bill No. 318.

5 (b) Senate Bill No. 319.

6 (c) Senate Bill No. 320.

7 (d) Senate Bill No. 321.

8 (e) Senate Bill No. 322.