

SENATE BILL No. 317

March 13, 2001, Introduced by Senators HAMMERSTROM and JOHNSON 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 the title and sections 3 and 27 (MCL 552.603 and
552.627), the title as amended by 1996 PA 25, section 3 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
8 court and friend of the court; to prescribe certain duties of

1 certain employers and other sources of income; to provide for
2 penalties and remedies; and to repeal acts and parts of acts.

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

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

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

20 (4) The office of the friend of the court shall make avail-
21 able to a payer or ~~payee~~ RECIPIENT OF SUPPORT the forms and
22 instructions described in section 17a of the friend of the court
23 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~~ ANOTHER act.

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~~ RECIPIENT OF SUPPORT changes his or her residential or
24 mailing address, that person report the new address and his or
25 her telephone number in writing to the friend of the court.

26 (d) A requirement that both the payer and ~~payee~~ RECIPIENT
27 OF SUPPORT notify the office of the friend of the court if he or

1 she holds an occupational license and if he or she holds a
2 driver's license.

3 (e) The name, address, and telephone number of the payer's
4 current source of income.

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

17 (7) A support order ~~shall~~ DOES not accrue interest.

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

21 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT
22 SHALL ORDER CHILD SUPPORT IN AN AMOUNT DETERMINED BY APPLICATION
23 OF THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE
24 COURT BUREAU AS REQUIRED IN SECTION 19 OF THE FRIEND OF THE COURT
25 ACT, 1982 PA 294, MCL 552.519. THE COURT MAY ENTER AN ORDER THAT
26 DEVIATES FROM THE FORMULA IF THE COURT DETERMINES FROM THE FACTS
27 OF THE CASE THAT APPLICATION OF THE CHILD SUPPORT FORMULA WOULD

1 BE UNJUST OR INAPPROPRIATE AND SETS FORTH IN WRITING OR ON THE
2 RECORD ALL OF THE FOLLOWING:

3 (A) THE CHILD SUPPORT AMOUNT DETERMINED BY APPLICATION OF
4 THE CHILD SUPPORT FORMULA.

5 (B) HOW THE CHILD SUPPORT ORDER DEVIATES FROM THE CHILD SUP-
6 PORT FORMULA.

7 (C) THE VALUE OF PROPERTY OR OTHER SUPPORT AWARDED IN LIEU
8 OF THE PAYMENT OF CHILD SUPPORT, IF APPLICABLE.

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

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

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

18 (A) THE NAME AND ADDRESS OF HIS OR HER CURRENT SOURCE OF
19 INCOME.

20 (B) HEALTH CARE COVERAGE THAT IS AVAILABLE TO HIM OR HER AS
21 A BENEFIT OF EMPLOYMENT OR THAT IS MAINTAINED BY HIM OR HER; THE
22 NAME OF THE INSURANCE COMPANY, NONPROFIT HEALTH CARE CORPORATION,
23 OR HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR
24 CONTRACT NUMBER; AND THE NAMES AND BIRTH DATES OF THE PERSONS FOR
25 WHOSE BENEFIT HE OR SHE MAINTAINS HEALTH CARE COVERAGE UNDER THE
26 POLICY, CERTIFICATE, OR CONTRACT.

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

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

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

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

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

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

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

23 (B) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER BY
24 AGREEMENT OF THE PARTIES AS EVIDENCED BY THE APPROVAL OF THE

1 SUBSTANCE OF THE JUDGMENT OR ORDER BY THE PARTIES OR THEIR
2 ATTORNEYS.

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

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

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

11 (a) ~~Chapter 84 of the Revised Statutes of 1846, being sec-~~
12 ~~tions 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS 84,~~
13 ~~MCL 552.1 TO 552.45.~~

14 (b) ~~Act No. 379 of the Public Acts of 1913, being sections~~
15 ~~552.151 to 552.155 of the Michigan Compiled Laws 1913 PA 379,~~
16 ~~MCL 552.151 TO 552.155.~~

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

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

23 (e) ~~Act No. 293 of the Public Acts of 1968, being sections~~
24 ~~722.1 to 722.6 of the Michigan Compiled Laws 1968 PA 293, MCL~~
25 ~~722.1 TO 722.6.~~

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

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

5 (2) EVEN IF ANOTHER ACT OF THIS STATE PROVIDES THAT THIS ACT
6 APPLIES TO SUPPORT ORDERS ISSUED UNDER THE OTHER ACT, IF THAT
7 OTHER ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CONTENTS OR
8 ENFORCEMENT OF THE SUPPORT ORDER THAT CONFLICTS WITH THIS ACT,
9 THE OTHER ACT CONTROLS IN REGARD TO THAT PROVISION.

10 Enacting section 1. This amendatory act takes effect
11 January 1, 2002.

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

15 (a) Senate Bill No. 318.

16

17 (b) Senate Bill No. 319.

18

19 (c) Senate Bill No. 320.

20

21 (d) Senate Bill No. 321.

22

23 (e) Senate Bill No. 322.

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