

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5259

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) ~~Each~~ **Except as provided in this section,**
2 **each** office shall initiate 1 or more support enforcement measures
3 under the support and parenting time enforcement act when 1 of
4 the following applies:

5 (a) Except as otherwise provided in this subdivision, the
6 arrearage under the support order is equal to or greater than the
7 monthly amount of support payable under the order. If the
8 support order was entered ex parte, an office shall not initiate
9 enforcement under this subdivision until the office receives a
10 copy of proof of service for the order and at least 1 month has
11 elapsed since the date of service. An office is not required to

1 initiate enforcement under this subdivision if 1 or more of the
2 following circumstances exist:

3 (i) Despite the existence of the arrearage, an order of
4 income withholding is effective and payment is being made under
5 the order of income withholding in the amount required under the
6 order.

7 (ii) Despite the existence of the arrearage and even though
8 an order of income withholding is not effective, payment is being
9 made in the amount required under the order.

10 (iii) One or more support enforcement measures have been
11 initiated and an objection to 1 or more of those measures has not
12 been resolved.

13 (b) A parent fails to obtain or maintain health care coverage
14 for the parent's child as ordered by the court. The office shall
15 initiate enforcement under this subdivision at the following
16 times:

17 (i) Within 60 days after the entry of a support order
18 containing health care coverage provisions.

19 (ii) When a review is conducted as provided in section 17.

20 (iii) Concurrent with enforcement initiated by the office
21 under subdivision (a).

22 (iv) Upon receipt of a written complaint from a party.

23 (v) Upon receipt of a written complaint from the department
24 if the child for whose benefit health care coverage is ordered is
25 a recipient of public assistance or medical assistance.

26 (c) A person legally responsible for the actual care of a
27 child incurs an uninsured health care expense and submits to the

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1 office a written complaint that meets the requirements of section
2 11a.

3 (2) An arrearage amount that arises at the moment a court
4 issues an order imposing or modifying support, because the order
5 relates back to a petition or motion filing date, shall not be
6 considered as an arrearage for the purpose of initiating support
7 enforcement measures, centralizing enforcement, or other action
8 required or authorized in response to a support arrearage under
9 this act or the support and parenting time enforcement act,
10 unless the payer fails to become current with the court ordered
11 support payments within 2 months after entry of the order
12 imposing or modifying support.

13 <<(3) An office shall not initiate a support enforcement measure to
14 collect a payer's child support arrearage while the payer has amnesty for
15 that arrearage under section 3b of the office of child support act, 1971
16 PA 174, MCL 400.233b.>>

17 Enacting section 1. This amendatory act does not take
18 effect unless House Bill No. 4654 of the 92nd Legislature is
19 enacted into law.

20 Enacting section 2. This amendatory act takes effect June
21 1, 2005.