

# HOUSE BILL No. 5261

November 5, 2003, Introduced by Reps. Elkins, Bieda, Lipsey, Howell, Gaffney, Murphy, Gillard, Brown, Sheltroun and Anderson and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 3 (MCL 552.603), as amended by 2002 PA 572.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3       (2) Except as otherwise provided in this section, a support  
4 order that is part of a judgment or is an order in a domestic  
5 relations matter is a judgment on and after the date the support  
6 amount is due as prescribed in section 5c, with the full force,  
7 effect, and attributes of a judgment of this state, and is not,  
8 on and after the date it is due, subject to retroactive  
9 modification. Retroactive modification of a support payment due  
10 under a support order is permissible with respect to a period  
11 during which there is pending a petition for modification, but

HOUSE BILL No. 5261

1 only from the date that notice of the petition was given to the  
2 payer or recipient of support.

3 (3) This section does not apply to an ex parte interim  
4 support order or a temporary support order entered under supreme  
5 court rule.

6 (4) The office of the friend of the court shall make  
7 available to a payer or payee the forms and instructions  
8 described in section 5 of the friend of the court act, MCL  
9 552.505.

10 (5) This section does not prohibit a court approved agreement  
11 between the parties to retroactively modify a support order.  
12 This section does not limit other enforcement remedies available  
13 under this or another act.

14 (6) Every support order that is part of a judgment issued by  
15 a court of this state or that is an order in a domestic relations  
16 matter shall include all of the following:

17 (a) Substantially the following statement: "Except as  
18 otherwise provided in section 3 of the support and parenting time  
19 enforcement act, 1982 PA 295, MCL 552.603, a support order that  
20 is part of a judgment or that is an order in a domestic relations  
21 matter as defined in section 2 of the friend of the court act,  
22 1982 PA 294, MCL 552.502, is a judgment on and after the date  
23 each support payment is due, with the full force, effect, and  
24 attributes of a judgment of this state, and is not, on and after  
25 the date it is due, subject to retroactive modification. A  
26 surcharge will be added to support amounts that are past due as  
27 provided in section 3a of the support and parenting time

1 enforcement act, 1982 PA 295, MCL 552.603a.".

2 (b) Notice informing the payer of the imposition of liens by  
3 operation of law and that the payer's real and personal property  
4 can be encumbered or seized if an arrearage accrues in an amount  
5 greater than the amount of periodic support payments payable  
6 under the payer's support order for the time period specified in  
7 the support and parenting time enforcement act, 1982 PA 295,  
8 MCL 552.601 to 552.650.

9 (7) Each support order that is an order in a friend of the  
10 court case shall include all of the following:

11 (a) A requirement that, within 21 days after the payer or  
12 payee changes his or her residential or mailing address, that  
13 individual report the new address and his or her telephone number  
14 in writing to the friend of the court.

15 (b) A requirement that both the payer and payee notify the  
16 office of the friend of the court if he or she holds an  
17 occupational license and if he or she holds a driver's license.

18 (c) The name, address, and telephone number of the payer's  
19 and payee's current sources of income.

20 (d) A requirement that both the payer and payee inform the  
21 office of the friend of the court of his or her social security  
22 number and driver's license number. The requirement of this  
23 subdivision to provide a social security number with the  
24 information does not apply to a payer or payee who demonstrates  
25 he or she is exempt under law from obtaining a social security  
26 number or to a payer or payee who for religious convictions is  
27 exempt under law from disclosure of his or her social security

1 number under these circumstances. The court shall inform the  
2 payer and payee of this possible exemption.

3 (e) Notice that an order for dependent health care coverage  
4 takes effect immediately and will be sent to the parent's current  
5 and subsequent employers and insurers if appropriate. The notice  
6 shall inform the parent that he or she may contest the action by  
7 requesting a review or hearing concerning availability of health  
8 care coverage at a reasonable cost.

9 (8) A support order shall not accrue interest.

10 (9) A title IV-D agency shall comply with the amnesty program  
11 established under section 3b of the office of child support act,  
12 1971 PA 174, MCL 400.233b. If prosecution has been initiated  
13 under section 161, 165, or 167 of the Michigan penal code, 1931  
14 PA 328, MCL 750.161, 750.165, and 750.167, before the payer seeks  
15 participation in the child support amnesty program, the  
16 individual is not eligible to participate in the child support  
17 amnesty program.

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