

# HOUSE BILL No. 4566

April 5, 2007, Introduced by Reps. Stakoe, LaJoy, Stahl, Sheen and Caul and referred to the Committee on Families and Children's 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, and  
by adding section 20.

## 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, on  
8 and after the date it is due, subject to retroactive modification.  
9 Retroactive modification of a support payment due under a support  
10 order is permissible with respect to a period during which there is

1 pending a petition for modification, but only from the date that  
2 notice of the petition was given to the payer or recipient of  
3 support.

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

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

10 (5) This section does not ~~prohibit~~ **DO ANY OF THE FOLLOWING:**

11 (A) **PROHIBIT** a court approved agreement between the parties to  
12 retroactively modify a support order. ~~This section does not limit~~

13 (B) **PROHIBIT THE ENTRY OF AN ORDER UNDER SECTION 20.**

14 (C) **LIMIT** other enforcement remedies available under this or  
15 another act.

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

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

1 added to support amounts that are past due as provided in section  
2 3a of the support and parenting time enforcement act, 1982 PA 295,  
3 MCL 552.603a.".

4 (b) Notice informing the payer of the imposition of liens by  
5 operation of law and that the payer's real and personal property  
6 can be encumbered or seized if an arrearage accrues in an amount  
7 greater than the amount of periodic support payments payable under  
8 the payer's support order for the time period specified in the  
9 support and parenting time enforcement act, 1982 PA 295, MCL  
10 552.601 to 552.650.

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

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

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

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

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

1 or to a payer or payee who for religious convictions is exempt  
2 under law from disclosure of his or her social security number  
3 under these circumstances. The court shall inform the payer and  
4 payee of this possible exemption.

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

11 (8) A support order ~~shall~~ **DOES** not accrue interest.

12 **SEC. 20. (1) ON MOTION OF A PAYER, THE COURT MAY ORDER A**  
13 **RECIPIENT OF SUPPORT TO REPAY TO THE PAYER MONEY PAID UNDER A CHILD**  
14 **SUPPORT ORDER ON EITHER OF THE FOLLOWING GROUNDS:**

15 (A) FRAUD, MISREPRESENTATION, OR OTHER MISCONDUCT ON THE PART  
16 OF THE RECIPIENT OF SUPPORT IN RELATION TO THE ENTRY OF THE SUPPORT  
17 ORDER.

18 (B) THE USE OF THE MONEY BY THE RECIPIENT OF SUPPORT FOR A  
19 PURPOSE OTHER THAN SUPPORT OF THE CHILD.

20 (2) A MOTION UNDER SUBSECTION (1) (A) SHALL BE FILED WITHIN 1  
21 YEAR AFTER THE SUPPORT ORDER IS ENTERED. A MOTION UNDER SUBSECTION  
22 (1) (B) SHALL BE FILED WITHIN 1 YEAR AFTER THE MISUSE OF THE MONEY.

23 (3) INSTEAD OF ORDERING THE REPAYMENT OF CHILD SUPPORT UNDER  
24 THIS SECTION, THE COURT MAY ORDER THAT THE AMOUNT IMPROPERLY PAID  
25 BE CREDITED AGAINST FUTURE SUPPORT PAYMENTS FOR THE CHILD.