

SENATE BILL No. 1424

June 26, 2008, Introduced by Senator JANSEN and referred to the Committee on Families and Human Services.

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 3a, 5b, 5c, 5d, 5e, 7, 9, 24, 25a, 28, 29, 30, 31, 33, 35, 39, 44, 45, 46, and 48 (MCL 552.602, 552.603, 552.603a, 552.605b, 552.605c, 552.605d, 552.605e, 552.607, 552.609, 552.624, 552.625a, 552.628, 552.629, 552.630, 552.631, 552.633, 552.635, 552.639, 552.644, 552.645, 552.646, and 552.648), sections 2 and 3a as amended by 2004 PA 208, sections 3 and 24 as amended by 2002 PA 572, section 5b as added by 2001 PA 106, section 28 as amended and section 5c as added by 2002 PA 565, section 5d as added by 2002 PA 570, section 5e as added by 2004 PA 211, sections 7, 33, and 35 as amended by 2004 PA 206, sections 9 and 48 as amended by 1999 PA 160, section 25a as amended by 2004 PA 484, sections 29 and 30 as amended by 1998 PA 334, section 31 as amended by 2004 PA 569,

and sections 44 and 45 as amended by 2002 PA 568; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Account" means any of the following:

3 (i) A demand deposit account.

4 (ii) A draft account.

5 (iii) A checking account.

6 (iv) A negotiable order of withdrawal account.

7 (v) A share account.

8 (vi) A savings account.

9 (vii) A time savings account.

10 (viii) A mutual fund account.

11 (ix) A securities brokerage account.

12 (x) A money market account.

13 (xi) A retail investment account.

14 (b) "Account" does not mean any of the following:

15 (i) A trust.

16 (ii) An annuity.

17 (iii) A qualified individual retirement account.

18 (iv) An account covered by the employee retirement income
19 security act of 1974, Public Law 93-406. ~~7-88 Stat. 829.~~

20 (v) A pension or retirement plan.

21 (vi) An insurance policy.

22 (c) "Address" means the primary address shown on the records
23 of a financial institution used by the financial institution to
24 contact the account holder.

1 (d) "Cash" means money or the equivalent of money, such as a
 2 money order, cashier's check, or negotiable check or a payment by
 3 debit or credit card, which equivalent is accepted as cash by the
 4 agency accepting the payment.

5 (e) "Custody or parenting time order violation" means an
 6 individual's act or failure to act that interferes with a parent's
 7 right to interact with his or her child in the time, place, and
 8 manner established in the order that governs custody or parenting
 9 time between the parent and the child and to which the individual
 10 accused of interfering is subject.

11 (f) "Department" means the ~~family independence agency~~
 12 **DEPARTMENT OF HUMAN SERVICES.**

13 (g) "Domestic relations matter" means a circuit court
 14 proceeding as to child custody or parenting time, ~~or~~ child **SUPPORT,**
 15 or spousal support **IN CONJUNCTION WITH CHILD SUPPORT,** that arises
 16 out of litigation under a statute of this state, including, but not
 17 limited to, the following:

18 (i) 1846 RS 84, MCL 552.1 to 552.45.

19 (ii) The family support act, 1966 PA 138, MCL 552.451 to
 20 552.459.

21 (iii) ~~Child~~ **THE CHILD** custody act of 1970, 1970 PA 91, MCL
 22 722.21 to 722.31.

23 (iv) 1968 PA 293, MCL 722.1 to 722.6.

24 (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

25 (vi) ~~Revised~~ **THE REVISED** uniform reciprocal enforcement of
 26 support act, 1952 PA 8, MCL 780.151 to 780.183.

27 (vii) ~~Uniform~~ **THE UNIFORM** interstate family support act, 1996

1 PA 310, MCL 552.1101 to 552.1901.

2 (h) "Driver's license" means license as that term is defined
3 in section 25 of the Michigan vehicle code, 1949 PA 300, MCL
4 257.25.

5 (i) "Employer" means an individual, sole proprietorship,
6 partnership, association, or private or public corporation, the
7 United States or a federal agency, this state or a political
8 subdivision of this state, another state or a political subdivision
9 of another state, or another legal entity that hires and pays an
10 individual for his or her services.

11 (j) "Financial asset" means a deposit, account, money market
12 fund, stock, bond, or similar instrument.

13 (k) "Financial institution" means any of the following:

14 (i) A state or national bank.

15 (ii) A state or federally chartered savings and loan
16 association.

17 (iii) A state or federally chartered savings bank.

18 (iv) A state or federally chartered credit union.

19 (v) An insurance company.

20 (vi) An entity that offers any of the following to a resident
21 of this state:

22 (A) A mutual fund account.

23 (B) A securities brokerage account.

24 (C) A money market account.

25 (D) A retail investment account.

26 (vii) An entity regulated by the securities and exchange
27 commission that collects funds from the public.

1 (viii) An entity that is a member of the national association of
2 securities dealers and that collects funds from the public.

3 (ix) Another entity that collects funds from the public.

4 (l) "Friend of the court act" means the friend of the court
5 act, 1982 PA 294, MCL 552.501 to 552.535.

6 (m) "Friend of the court case" means that term as defined in
7 section 2 of the friend of the court act, MCL 552.502. ~~The term~~
8 ~~"friend of the court case", when used in a provision of this act,~~
9 ~~is not effective until on and after December 1, 2002.~~

10 (n) "Income" means any of the following:

11 (i) Commissions, earnings, salaries, wages, and other income
12 due or to be due in the future to an individual from his or her
13 employer ~~and OR A successor employers EMPLOYER.~~

14 (ii) A payment due or to be due in the future to an individual
15 from a profit-sharing plan, a pension plan, an insurance contract,
16 an annuity, social security, unemployment compensation,
17 supplemental unemployment benefits, or worker's compensation.

18 (iii) An amount of money that is due to an individual as a debt
19 of another individual, partnership, association, or private or
20 public corporation, the United States or a federal agency, this
21 state or a political subdivision of this state, another state or a
22 political subdivision of another state, or another legal entity
23 that is indebted to the individual.

24 (o) "Insurer" means an insurer, health maintenance
25 organization, health care corporation, or other group, plan, or
26 entity that provides health care coverage in accordance with any of
27 the following acts:

1 (i) ~~Public~~ **THE PUBLIC** health code, 1978 PA 368, MCL 333.1101 to
2 333.25211.

3 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
4 500.8302.

5 (iii) The nonprofit health care corporation reform act, 1980 PA
6 350, MCL 550.1101 to 550.1704.

7 (p) "Medical assistance" means medical assistance as
8 established under title XIX of the social security act, ~~chapter~~
9 ~~531, 49 Stat. 620, 42 USC 1396 to 1396r-6 and 1396r-8 to 1396v.~~

10 (q) "Most recent semiannual obligation" means the total amount
11 of current child support owed by a parent during the preceding
12 January 1 to June 30 or July 1 to December 31.

13 (r) "Occupational license" means a certificate, registration,
14 or license issued by a state department, bureau, or agency that has
15 regulatory authority over an individual that allows an individual
16 to legally engage in a regulated occupation or that allows the
17 individual to use a specific title in the practice of an
18 occupation, profession, or vocation.

19 (s) "Office of child support" means the office of child
20 support established in section 2 of the office of child support
21 act, 1971 PA 174, MCL 400.232.

22 (t) "Office of the friend of the court" means an agency
23 created in section 3 of the friend of the court act, MCL 552.503.

24 (u) "Order of income withholding" means an order entered by
25 the circuit court providing for the withholding of a payer's income
26 to enforce a support order under this act.

27 (v) "Payer" means an individual who is ordered by the circuit

1 court to pay support.

2 (w) "Person" means an individual, partnership, corporation,
3 association, governmental entity, or other legal entity.

4 (x) "Plan administrator" means that term as used in relation
5 to a group health plan under section 609 of title I of the employee
6 retirement income security act of 1974, ~~Public Law 93-406~~, 29 USC
7 1169, if the health care coverage plan of the individual who is
8 responsible for providing a child with health care coverage is
9 subject to that act.

10 (y) "Political subdivision" means a county, city, village,
11 township, educational institution, school district, or special
12 district or authority of this state or of a local unit of
13 government.

14 (z) "Recipient of support" means the following:

15 (i) The spouse, if the support order orders spousal support.

16 (ii) The custodial parent or guardian, if the support order
17 orders support for a minor child or a child who is 18 years of age
18 or older.

19 (iii) The department, if support has been assigned to that
20 department.

21 (iv) **THE COUNTY, IF THE MINOR CHILD IS IN COUNTY-FUNDED FOSTER**
22 **CARE.**

23 (aa) "Recreational or sporting license" means a hunting,
24 fishing, or fur harvester's license issued under the natural
25 resources and environmental protection act, 1994 PA 451, MCL
26 324.101 to 324.90106, but does not include a commercial fishing
27 license or permit issued under part 473 of the natural resources

1 and environmental protection act, 1994 PA 451, MCL 324.47301 to
2 324.47362.

3 (bb) "Referee" means a person who is designated as a referee
4 under the friend of the court act.

5 (cc) "Source of income" means an employer or successor
6 employer, **A LABOR ORGANIZATION**, or another individual or entity
7 that owes or will owe income to the payer.

8 (dd) "State disbursement unit" or "SDU" means the entity
9 established in section 6 of the office of child support act, 1971
10 PA 174, MCL 400.236.

11 (ee) "State friend of the court bureau" means that bureau as
12 created in the state court administrative office under section 19
13 of the friend of the court act, MCL 552.519.

14 (ff) "Support" means all of the following:

15 (i) The payment of money for a child or a spouse ordered by the
16 circuit court, whether the order is embodied in an interim,
17 temporary, permanent, or modified order or judgment. Support may
18 include payment of the expenses of medical, dental, and other
19 health care, child care expenses, and educational expenses.

20 (ii) The payment of money ordered by the circuit court under
21 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
22 necessary expenses incurred by or for the mother in connection with
23 her confinement, for other expenses in connection with the
24 pregnancy of the mother, or for the repayment of genetic testing
25 expenses.

26 (iii) A surcharge under section 3a.

27 (gg) "Support order" means an order entered by the circuit

1 court for the payment of support, whether or not a sum certain.

2 (hh) "Title IV-D" means part D of title IV of the social
3 security act, ~~chapter 531, 49 Stat. 620, 42 USC 651 to 655, 656 to~~
4 ~~657, 658a to 660, and 663 to 669b.~~

5 (ii) "Title IV-D agency" means ~~the~~**AN** agency in this state
6 performing the functions under title IV-D ~~and includes a person~~
7 ~~performing these functions under contract~~**UNDER A STATUTE OF THIS**
8 **STATE**, including ~~an~~**THE** office of **CHILD SUPPORT**, the friend of the
9 court, or a prosecuting attorney **WHEN PERFORMING FUNCTIONS ASSIGNED**
10 **TO ANOTHER AGENCY PURSUANT TO AN AGREEMENT AUTHORIZED UNDER A**
11 **STATUTE OF THIS STATE.**

12 (jj) "Work activity" means any of the following:

13 (i) Unsubsidized employment.

14 (ii) Subsidized private sector employment.

15 (iii) Subsidized public sector employment.

16 (iv) Work experience, including work associated with the
17 refurbishing of publicly assisted housing, if sufficient private
18 sector employment is not available.

19 (v) On-the-job training.

20 (vi) Referral to and participation in the work first program
21 prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to
22 400.119b, or other job search and job readiness assistance.

23 (vii) ~~Community~~**A COMMUNITY** service ~~programs~~**PROGRAM.**

24 (viii) Vocational educational training, not to exceed 12 months
25 with respect to an individual.

26 (ix) Job skills training directly related to employment.

27 (x) Education directly related to employment, in the case of

1 an individual who has not received a high school diploma or a
2 certificate of high school equivalency.

3 (xi) Satisfactory attendance at secondary school or in a course
4 of study leading to a certificate of general equivalence, in the
5 case of an individual who has not completed secondary school or
6 received such a certificate.

7 (xii) The ~~provisions~~ **PROVISION** of child care services to an
8 individual who is participating in a community service program.

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

11 (2) Except as otherwise provided in this section, a support
12 order that is part of a judgment or is an order in a domestic
13 relations matter is a judgment on and after the date the support
14 amount is due as prescribed in section 5c, with the full force,
15 effect, and attributes of a judgment of this state, and is not, on
16 and after the date it is due, subject to retroactive modification.

17 **NO ADDITIONAL ACTION IS NECESSARY TO REDUCE SUPPORT TO A FINAL**
18 **JUDGMENT.** Retroactive modification of a support payment due under a
19 support order is permissible with respect to a period during which
20 there is pending a petition for modification, but only from the
21 date that notice of the petition was given to the payer or
22 recipient of support.

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

26 (4) The office of the friend of the court shall make available
27 to a payer or payee the forms and instructions described in section

1 5 of the friend of the court act, MCL 552.505.

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

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

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

21 (b) Notice informing the payer of the imposition of liens by
22 operation of law and that the payer's real and personal property
23 can be encumbered or seized if an arrearage accrues in an amount
24 greater than the amount of periodic support payments payable under
25 the payer's support order for the time period specified in ~~the~~
26 ~~support and parenting time enforcement act, 1982 PA 295, MCL~~
27 ~~552.601 to 552.650~~ **THIS ACT.**

1 (C) NOTICE THAT AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE
2 TAKES EFFECT IMMEDIATELY AND THAT, IN A FRIEND OF THE COURT CASE, A
3 NATIONAL MEDICAL SUPPORT NOTICE WILL BE SENT TO THE PARENT'S
4 CURRENT AND SUBSEQUENT EMPLOYERS AND INSURERS IF APPROPRIATE. THE
5 NOTICE SHALL INFORM THE PARENT THAT HE OR SHE MAY CONTEST THE
6 ACTION BY REQUESTING A REVIEW OR HEARING CONCERNING AVAILABILITY OF
7 HEALTH CARE COVERAGE AT A REASONABLE COST.

8 (7) Each support order that is an order in a friend of the
9 court case shall ~~include all of~~ **REQUIRE EACH PARTY TO PROVIDE THE**
10 **FRIEND OF THE COURT A SINGLE MAILING ADDRESS TO WHICH ALL NOTICES**
11 **AND PAPERS WILL BE SERVED, TO PROVIDE THE FRIEND OF THE COURT ALL**
12 **OF THE FOLLOWING INFORMATION, AND TO NOTIFY THE FRIEND OF THE COURT**
13 **IN WRITING WITHIN 21 DAYS AFTER ANY CHANGE TO the following:**

14 (a) ~~A requirement that, within~~ **EACH PARTY'S TELEPHONE NUMBER**
15 **AND RESIDENTIAL AND MAILING ADDRESSES. WITHIN 21 days after the**
16 **payer or payee changes his or her residential or mailing address,**
17 **that individual SHALL report the new address and his or her**
18 **telephone number in writing to the friend of the court. A CHANGE OF**
19 **ADDRESS REPORTED TO AN ENTITY OTHER THAN THE FRIEND OF THE COURT IS**
20 **NOT SUFFICIENT TO CHANGE THE ADDRESS TO WHICH ALL NOTICES AND**
21 **PAPERS WILL BE SERVED.**

22 (b) ~~A requirement that both~~ **WHETHER the payer and OR payee**
23 ~~notify the office of the friend of the court if he or she holds an~~
24 ~~occupational license, and if he or she holds a driver's license, OR~~
25 **RECREATIONAL LICENSE.**

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

1 (d) ~~A requirement that both the payer and payee inform the~~
2 ~~office of the friend of the court of his or her~~ **THE PAYER'S AND**
3 **PAYEE'S** social security number and driver's license number. The
4 requirement of this subdivision to provide a social security number
5 ~~with the information~~ does not apply to a payer or payee who
6 demonstrates he or she is exempt under law from obtaining a social
7 security number or to a payer or payee who for religious
8 convictions is exempt under law from disclosure of his or her
9 social security number under these circumstances. The court shall
10 inform the payer and payee of this possible exemption.

11 ~~—— (e) Notice that an order for dependent health care coverage~~
12 ~~takes effect immediately and will be sent to the parent's current~~
13 ~~and subsequent employers and insurers if appropriate. The notice~~
14 ~~shall inform the parent that he or she may contest the action by~~
15 ~~requesting a review or hearing concerning availability of health~~
16 ~~care coverage at a reasonable cost.~~

17 (8) **THE OFFICE OF THE FRIEND OF THE COURT IS THE TITLE IV-D**
18 **AGENCY RESPONSIBLE FOR MAINTAINING AND UPDATING, WHEN APPROPRIATE,**
19 **THE ADDRESS FOR EACH PARTY. SERVICE OF NOTICES OR OTHER PAPERS**
20 **UNDER THIS ACT AND UNDER THE FRIEND OF THE COURT ACT SHALL BE MADE**
21 **BY FIRST-CLASS MAIL, POSTAGE PREPAID. EXCEPT AS OTHERWISE PROVIDED**
22 **BY LAW OR COURT RULE, THE ADDRESS PROVIDED BY THE PARTY TO THE**
23 **FRIEND OF THE COURT IS THE ADDRESS TO WHICH NOTICES AND OTHER**
24 **PAPERS ARE SERVED. IF MAIL IS RETURNED AS UNDELIVERABLE FROM THAT**
25 **ADDRESS, THE FRIEND OF THE COURT MAY CHANGE THE ADDRESS PURSUANT TO**
26 **GUIDELINES ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE OR**
27 **THE SUPREME COURT.**

1 (9) IF MAIL IS RETURNED FROM AN ADDRESS IN SUBSECTION (8) AND
2 A NEW ADDRESS HAS NOT BEEN ESTABLISHED WITHIN 21 DAYS AFTER THE
3 MAIL IS RETURNED, THE PARTY WAIVES HIS OR HER RIGHT TO NOTICE AND
4 THE FRIEND OF THE COURT IS NOT OBLIGATED TO SERVE ANY NOTICE OR
5 OTHER PAPER UNTIL THE PARTY SUBMITS A WRITTEN CHANGE OF ADDRESS TO
6 THE FRIEND OF THE COURT OR UNTIL THE FRIEND OF THE COURT HAS
7 CHANGED THE ADDRESS PURSUANT TO SUBSECTION (8).

8 (10) ~~(8)~~—A support order shall not accrue interest.

9 (11) IF A PERSON FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS
10 SECTION, THE COURT MAY IMPOSE A FEE SET PURSUANT TO SUPREME COURT
11 RULE OR STATE COURT ADMINISTRATIVE OFFICE POLICY. A FEE ORDERED
12 UNDER THIS SUBDIVISION SHALL BE DEPOSITED IN THE FRIEND OF THE
13 COURT FUND CREATED IN SECTION 2530 OF THE REVISED JUDICATURE ACT OF
14 1961, 1961 PA 236, MCL 600.2530.

15 Sec. 3a. (1) For a friend of the court case, ~~as of~~ **IF THE**
16 **COURT DETERMINES THAT THE PAYER HAS FAILED TO PAY SUPPORT UNDER A**
17 **SUPPORT ORDER AND THE FAILURE WAS WILLFUL, THE COURT MAY ORDER THAT**
18 **ON** January 1 and July 1 of each year, a surcharge ~~shall~~ be added to
19 support payments that are past due as of those dates. The surcharge
20 shall be calculated at 6-month intervals at an annual rate of
21 interest equal to 1% plus the average interest rate paid at
22 auctions of 5-year United States treasury notes during the 6 months
23 immediately preceding July 1 and January 1, as certified by the
24 state treasurer. The amount of the surcharge shall not compound.
25 The amount shown as due and owing on the records of the friend of
26 the court as of January 1 and July 1 of each year shall be reduced
27 by an amount equal to 1 month's support for purposes of assessing

1 the surcharge. ~~A surcharge under this subsection shall not be added~~
2 ~~to support ordered under the paternity act, 1956 PA 205, MCL~~
3 ~~722.711 to 722.730, for the time period to the date of the support~~
4 ~~order. THE SURCHARGE SHALL APPLY UNTIL ABATED BY THE COURT.~~

5 ~~—— (2) A surcharge as computed in subsection (1) shall be~~
6 ~~assessed on a semiannual cycle on January 1 and July 1 of each year~~
7 ~~except as otherwise provided under subsection (3).~~

8 ~~—— (3) A surcharge shall not be assessed for the current~~
9 ~~semiannual cycle for any of the following:~~

10 ~~—— (a) Beginning on July 1, 2005, in cases in which the friend of~~
11 ~~the court is collecting on a current child support obligation, the~~
12 ~~payer has paid 90% or more of the most recent semiannual obligation~~
13 ~~during the semiannual cycle.~~

14 ~~—— (b) For a support order entered after the effective date of~~
15 ~~the amendatory act that added this subsection, for any period of~~
16 ~~time a support order did not exist when support is later ordered~~
17 ~~for that period.~~

18 ~~—— (c) The surcharge is waived or abated under a court order~~
19 ~~under section 3d.~~

20 (2) ~~(4) The~~ **A surcharge ADDED UNDER THIS SECTION** shall be
21 collected and enforced by any means authorized under this act, the
22 friend of the court act, or another appropriate federal or state
23 law for the enforcement and collection of child support and paid
24 through the state disbursement unit.

25 Sec. 5b. (1) A court that orders child support may order
26 support for a child after the child reaches 18 years of age as
27 provided in this section.

1 (2) The court may order child support for the time a child is
2 regularly attending high school on a full-time basis with a
3 reasonable expectation of completing sufficient credits to graduate
4 from high school while residing on a full-time basis with the
5 recipient of support or at an institution, but in no case after the
6 child reaches 19 years and 6 months of age. A complaint or motion
7 requesting support as provided in this section may be filed at any
8 time before the child reaches 19 years and 6 months of age.

9 **(3) A SUPPORT ORDER ENTERED UNDER THIS SECTION SHALL INCLUDE A**
10 **PROVISION THAT THE SUPPORT TERMINATES ON THE LAST DAY OF A**
11 **SPECIFIED MONTH, REGARDLESS OF THE ACTUAL GRADUATION DATE.**

12 (4) ~~(3)~~—A provision contained in a judgment or an order
13 entered before October 10, 1990 that provides for the support of a
14 child after the child reaches 18 years of age, without an agreement
15 of the parties as described in subsection ~~(4)~~—(5), is valid and
16 enforceable to the extent the provision provides support for the
17 child for the time the child is regularly attending high school on
18 a full-time basis with a reasonable expectation of completing
19 sufficient credits to graduate from high school while residing on a
20 full-time basis with the recipient of support or at an institution,
21 but in no case after the child reaches 19 years and 6 months of
22 age. This subsection does not require payment of support for a
23 child after the child reaches 18 years of age for any period
24 between November 8, 1989 and October 10, 1990, or reimbursement of
25 support paid between November 8, 1989 and October 10, 1990, in
26 those judicial circuits that did not enforce support for a child
27 after the child reached 18 years of age during the period between

1 November 8, 1989 and October 10, 1990.

2 (5) ~~(4)~~—A provision contained in a judgment or an order
3 entered under this act before, on, or after ~~the effective date of~~
4 ~~this section~~ **SEPTEMBER 30, 2001** that provides for the support of a
5 child after the child reaches 18 years of age is valid and
6 enforceable if 1 or more of the following apply:

7 (a) The provision is contained in the judgment or order by
8 agreement of the parties as stated in the judgment or order.

9 (b) The provision is contained in the judgment or order by
10 agreement of the parties as evidenced by the approval of the
11 substance of the judgment or order by the parties or their
12 attorneys.

13 (c) The provision is contained in the judgment or order by
14 written agreement signed by the parties.

15 (d) The provision is contained in the judgment or order by
16 oral agreement of the parties as stated on the record by the
17 parties or their attorneys.

18 Sec. 5c. (1) All support orders shall be stated in monthly
19 amounts payable on the first of each month in advance. A support
20 obligation not paid by the last day of the month in which it
21 accrues is past due. If a support order does not state the amount
22 of support as a monthly amount, the support amount stated in the
23 order shall be converted to a monthly amount using the formula
24 established by the state court administrative office.

25 (2) If payments under a support order are being made in the
26 amount required, through income withholding, pursuant to an
27 installment payment order, or otherwise, and there are no

1 preexisting arrearages, the friend of the court shall not consider
2 the payer as having an arrearage if a periodic temporary arrearage
3 is created ~~based upon~~ **BY** the conversion of the monthly support
4 order to an income withholding order or other payment schedule ~~and~~
5 ~~which~~ **OR** results from a divergence between the cycle of payments
6 under the income withholding or payment schedule and the cycle of
7 charges.

8 (3) If a support order takes effect on other than the first
9 day of a month, the monthly amount is prorated based on the daily
10 amount for that month. A monthly support order amount shall **NOT** be
11 prorated for the last month in which the order is in effect.

12 (4) If the title IV-D agency receives a support payment that,
13 at the time of its receipt, exceeds a payer's support amount
14 payable plus an amount payable under an arrearage payment schedule,
15 the title IV-D agency shall apply the excess against the payer's
16 total arrearage accrued under all support orders under which the
17 payer is obligated. If a balance remains after application against
18 the total arrearage, the title IV-D agency shall do 1 of the
19 following:

20 (a) If the payer designates the balance as additional support,
21 immediately disburse that amount to the recipient of support.

22 (b) If, at the time the payment is received, the payer is
23 obligated under a support order for a future support payment and
24 the balance is less than or equal to the monthly support order
25 amount, retain the balance and disburse it to the recipient of
26 support immediately when the amount is payable as support.

27 (c) If, at the time the payment is received, the payer is not

1 obligated for a future support payment, or the payer is obligated
2 under a support order for a future support payment but the balance
3 is greater than the monthly support order amount, return the
4 balance to the payer.

5 (5) SUBSECTION (4) DOES NOT APPLY TO AN ABATEMENT OR CREDIT
6 THAT IS DUE TO THE PAYER. AN AMOUNT DUE TO THE PAYER BECAUSE OF AN
7 ABATEMENT OR CREDIT SHALL BE APPLIED FIRST TO ANY SUPPORT ARREARAGE
8 DUE IN THE CASE AND THEN, IF THERE IS A BALANCE AFTER THAT
9 APPLICATION, TO ANY SUPPORT ARREARAGE OF THE PAYER DUE IN ANOTHER
10 CASE. ANY BALANCE AFTER THE APPLICATION TO SUPPORT ARREARAGES SHALL
11 BE REFUNDED TO THE PAYER.

12 Sec. 5d. (1) On and after ~~the effective date of the amendatory~~
13 ~~act that added this section~~ JUNE 1, 2003, each support order the
14 court enters or modifies shall include substantially the following
15 provisions:

16 (a) If a child for whom support is payable under the order is
17 under the state's jurisdiction and is placed in foster care, **THAT**
18 support payable under the order is assigned to the department.

19 (B) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER IS
20 UNDER COURT JURISDICTION AND IS PLACED IN COUNTY-FUNDED FOSTER
21 CARE, **THAT** SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE
22 FUNDING COUNTY.

23 (C) ~~(b)~~ For a friend of the court case, substantially the
24 following statements:

25 (i) "The office of the friend of the court may consider the
26 person legally responsible for the actual care, support, and
27 maintenance of a child for whom support is ordered as the recipient

1 of support for the child and may redirect support paid for that
2 child to that recipient of support, subject to the procedures
3 prescribed in section 5d of the support and parenting time
4 enforcement act, 1982 PA 295, MCL 552.605d.".

5 (ii) "If the payer resides full-time with a child for whom
6 support is payable under this order, support for that child abates
7 in accordance with policies established by the state friend of the
8 court bureau and subject to the procedures prescribed in section 5d
9 of the support and parenting time enforcement act, 1982 PA 295, MCL
10 552.605d.".

11 (2) ~~If it is IN~~ a friend of the court case, a support order
12 that was entered before ~~the effective date of the amendatory act~~
13 ~~that added this section~~ **JUNE 1, 2003** shall be considered to
14 include, by operation of law, the provisions stated in subsection
15 (1).

16 (3) If a child for whom support is payable under ~~the~~ **A SUPPORT**
17 order is under the state's jurisdiction and is placed in foster
18 care, support payable under the order is assigned to the
19 department. **IF THE CHILD IS PLACED IN COUNTY-FUNDED FOSTER CARE,**
20 **THE SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE FUNDING**
21 **COUNTY.** An assignment of support to the department as required by
22 this subsection has priority over a redirection of support
23 authorized by this section.

24 (4) Subject to subsection (5), for a friend of the court case,
25 the office of the friend of the court may consider the person
26 legally responsible for the actual care, support, and maintenance
27 of a child for whom support is ordered as the recipient of support

1 for the child and may redirect support paid for that child to that
2 recipient of support. Subject to subsection (5), the office of the
3 friend of the court shall abate support under a support order that
4 is payable as support for a child who resides full-time with the
5 payer, in accordance with policies established by the state friend
6 of the court bureau.

7 (5) A party to a support order may object to redirection or
8 abatement of support under this section. Support shall not be
9 redirected or abated under this section until 21 days after the
10 office of the friend of the court notifies each party of the
11 proposed action, advising the party of the right to object. If a
12 party objects within 21 days after the notification, support shall
13 not be redirected or abated under this section. After an objection,
14 the office of the friend of the court shall review the support
15 order under section 17 of the friend of the court act, 1982 PA 294,
16 MCL 522.517, or shall notify each party that the party may file a
17 motion to modify support.

18 (6) The state friend of the court bureau may implement
19 policies to assist offices of the friend of the court in
20 determining when an office of the friend of the court should give
21 notice of a proposed redirection or abatement of support under this
22 section.

23 Sec. 5e. (1) A payer who has an arrearage under a support
24 order may ~~seek relief from the arrearage by complying with the~~
25 ~~amnesty under section 3b of the office of child support act, 1971~~
26 ~~PA 174, MCL 400.233b, or by filing~~ **FILE** a motion with the circuit
27 court for a payment plan to pay arrearages and to discharge or

1 abate arrearages. Except as provided in subsection (7)(d), if the
2 payer files a motion for a payment plan, the court shall approve
3 the plan after notice and a hearing if it finds by a preponderance
4 of the evidence that the plan is in the best interest of the
5 parties and children and that either of the following applies:

6 (a) The arrearage is owed to an individual payee and both of
7 the following:

8 (i) The payee has consented to entry of the order under
9 circumstances that satisfy the court that the payee is not acting
10 under fear, coercion, or duress.

11 (ii) The payer establishes that the arrearage did not arise
12 from conduct by the payer engaged in exclusively for the purpose of
13 avoiding a support obligation.

14 (b) The arrearage is owed to this state or a political
15 subdivision of this state, and the payer establishes the following:

16 (i) The arrearage did not arise from conduct by the payer
17 engaged in exclusively for the purpose of avoiding a support
18 obligation.

19 (ii) The payer has no present ability, and will not have an
20 ability in the foreseeable future, to pay the arrearage absent a
21 payment plan.

22 (iii) The payment plan will pay a reasonable portion of the
23 arrearage over a reasonable period of time in accordance with the
24 payer's current ability to pay. ~~A payment plan that does not pay~~
25 ~~the entire arrearage shall:~~

26 ~~——(A) As to a payer who has an income at or below the poverty~~
27 ~~level, require payments for at least 24 months.~~

1 ~~—— (B) As to a payer who has an income in excess of the poverty~~
2 ~~level, require payments for at least 24 months plus 1 additional~~
3 ~~month for each \$1,000.00 above the poverty level that the payer~~
4 ~~earns.~~

5 (iv) The office of child support or its designee has been
6 served with a copy of the motion at least 56 days before the
7 hearing.

8 (2) When the payer has completed ~~the A~~ plan **APPROVED UNDER**
9 **SUBSECTION (1)**, the payer shall provide notice to interested
10 parties and obtain a hearing before the court. If, after notice and
11 hearing, the court finds that the payer has completed the payment
12 plan, the court shall enter an order discharging the remaining
13 arrearage, if any. If the court finds that the payer has
14 substantially completed the payment plan, the court may enter an
15 order granting relief appropriate to the circumstances of the case.

16 (3) A payment plan may provide for discharge of any portion of
17 an arrearage that meets the requirements under subsection (2), even
18 if other portions of the arrearage do not meet those requirements.

19 (4) A payment plan under subsection (1) shall provide that
20 arrearages subject to the payment plan may be reinstated upon
21 motion and hearing for good cause shown at any time during the
22 pendency of the payment plan. Good cause includes, but is not
23 limited to, the payee becoming a recipient of public assistance, or
24 the payer receiving property sufficient to pay a substantial
25 portion of the amount discharged, including, but not limited to,
26 lottery proceeds, other winnings, a settlement under an insurance
27 policy or a judgment in a civil action, or an inheritance.

1 (5) A court shall require conditions in ~~the~~**A** payment plan
2 **APPROVED UNDER SUBSECTION (1)** in addition to the payment of support
3 that the court determines are in the best interests of a child,
4 including, but not limited to, any of the following:

5 (a) A payer's participation in a parenting program.

6 (b) Drug and alcohol counseling.

7 (c) Anger management classes or participation in a batterer
8 intervention program that meets the standards recommended by the
9 governor's task force on batterer intervention standards.

10 (d) Participation in a work program.

11 (e) Counseling.

12 (f) Continuing compliance with a current support order.

13 (6) This section does not modify the right of a party to
14 receive other child support credits to which the payer is entitled
15 nor prevent the court from correcting a support order under other
16 applicable law or court rule.

17 (7) In making its findings under subsection (1), the court
18 shall consider any written comments submitted before the hearing by
19 the office of child support or its designee. When written comments
20 have not been submitted, the court may do any of the following:

21 (a) Adjourn the hearing to seek written comments before making
22 its decision.

23 (b) Appoint an examiner who shall review the payer's assets
24 and the plan and make a recommendation concerning the plan or
25 propose an alternative plan to the court. The examiner shall be
26 paid by the payer for services provided under terms and conditions
27 the court establishes separate from any payments made through the

1 friend of the court or state disbursement unit.

2 (c) Appoint a receiver who shall review the payer's assets and
3 the plan and make a recommendation concerning the plan or propose
4 an alternative plan to the court. ~~The A receiver shall have~~
5 **APPOINTED UNDER THIS SUBDIVISION HAS** the powers of a receiver under
6 all applicable laws and may, at the court's discretion, use the
7 payer's assets to complete the plan or otherwise monitor the
8 payer's progress in completing the plan. The receiver shall be paid
9 by the payer for services provided under terms and conditions the
10 court establishes separately from any payments made through the
11 friend of the court or state disbursement unit.

12 (d) Approve the plan as presented, but only if the payer
13 satisfies the requirements of subsection (1) by clear and
14 convincing evidence.

15 (e) Deny the plan as presented if the court finds that the
16 payer has not satisfied the requirements of subsection (1).

17 (8) If the court approves a plan under subsection (1)(b), that
18 approval shall be considered the state's consent to a compromise of
19 the arrearage.

20 (9) An arrearage subject to a plan under subsection (1) shall
21 continue to be enforced under this act, the office of child support
22 act, **1971 PA 174, MCL 400.231 TO 400.240**, and the friend of the
23 court act, ~~when-IF~~ federal or state law requires the enforcement
24 action. ~~When-IF~~ federal or state law does not require the
25 enforcement action, an arrearage subject to a plan under subsection
26 (1) may continue to be enforced as allowed under this act, the
27 office of child support act, **1971 PA 174, MCL 400.231 TO 400.240**,

1 and the friend of the court act, except that when the payer is
2 complying with the plan, a referee, judge, or person conducting an
3 administrative review or hearing as allowed under the acts shall
4 not allow enforcement to continue when the statute permits the
5 exercise of discretion in using the enforcement and the payer is
6 complying with the plan.

7 (10) A person who knowingly provides false information on a
8 motion filed under subsection (1) is guilty of a misdemeanor
9 punishable by imprisonment for not more than 180 days or a fine of
10 not more than \$1,000.00, or both.

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

20 Sec. 7. (1) For a friend of the court case, if income
21 withholding is not immediately effective and the arrearage under a
22 support order reaches the arrearage amount that requires the
23 initiation of 1 or more support enforcement measures as provided in
24 section 11 of the friend of the court act, MCL 552.511, or, if the
25 amount of income withholding is administratively adjusted for
26 arrears under section 17e of the friend of the court act, MCL
27 552.517e, the office of the friend of the court immediately shall

1 send notice of the arrearage to the payer by ordinary mail to his
2 or her last known address. The notice to the payer shall contain
3 the following information:

4 (a) The amount of the arrearage.

5 (b) One or both of the following:

6 (i) That the payer's income is subject to income withholding
7 and the amount to be withheld.

8 (ii) That the payer's income withholding is being
9 administratively adjusted and the amount of the adjustment.

10 (c) That income withholding will be applied to current and
11 subsequent employers and periods of employment and other sources of
12 income.

13 (d) That the order of income withholding is effective and
14 notice to withhold income will be sent to the payer's source of
15 income.

16 (e) That the payer may request a hearing under subsection ~~(4)~~
17 (3) in writing within 21 days after the date of the notice to
18 contest the withholding, but only on the grounds that the
19 withholding is not proper because of a mistake of fact concerning
20 the amount of current or overdue support or the identity of the
21 payer, and if the notice includes an administrative adjustment of
22 arrears, that the administrative adjustment will cause an unjust or
23 inappropriate result.

24 (f) That if the hearing is held before a referee, the payer
25 has a right to a de novo hearing before a circuit court judge.

26 (G) The place where a request for hearing under subsection ~~(4)~~
27 (3) shall be filed.

1 (H) ~~(g)~~—That if the payer believes that the amount of support
2 should be modified due to a change in circumstances, the payer may
3 file a petition with the court for modification of the support
4 order.

5 ~~——(2) A copy of the notice provided for in subsection (1) shall~~
6 ~~be sent by ordinary mail to each recipient of support.~~

7 (2) ~~(3)~~—A payer to whom notice is sent under subsection (1),
8 within 21 days after the date on which the notice was sent, may
9 request a hearing by filing a request for hearing as provided in
10 the notice and serving a copy on the other party. A hearing
11 concerning implementation of income withholding that was not
12 previously effective may be requested only on the grounds that the
13 withholding is not proper because of a mistake of fact concerning
14 the amount of current or overdue support or the identity of the
15 payer.

16 (3) ~~(4)~~—If a payer requests a hearing under subsection ~~(3)~~
17 (2), the notice and request shall be filed with the court clerk as
18 a motion contesting the proposed action and a referee or circuit
19 judge shall hold a hearing within 14 days after the date of the
20 request. If at the hearing the payer establishes that the
21 withholding is not proper because of a mistake of fact concerning
22 the amount of current or overdue support or the identity of the
23 payer, or that periodic implementation of an administrative
24 adjustment of the amount of the periodic payment of arrears to be
25 withheld will cause an unjust or inappropriate result, the income
26 withholding shall be modified or rescinded according to the
27 guidelines established under section 19 of the friend of the court

1 act, MCL 552.519.

2 (4) ~~(5)~~—If the hearing provided under subsection ~~(4)~~—(3) is
3 held before a referee, either party may request a de novo hearing
4 as provided in section 7 of the friend of the court act, MCL
5 552.507.

6 (5) ~~(6)~~—If a petition for modification of the support order is
7 filed by or on behalf of a payer and is pending at the date
8 scheduled for a hearing under subsection ~~(4)~~—(3), the court may
9 consolidate the hearing under subsection ~~(4)~~—(3) and a hearing on
10 the petition for modification.

11 (6) ~~(7)~~—All proceedings under this section shall be completed
12 within 45 days after the date that notice was sent under subsection
13 (1), unless otherwise permitted by the court upon a showing of good
14 cause.

15 (7) ~~(8)~~—The friend of the court office may review the
16 objection administratively before a hearing is held before a
17 referee or judge. If the friend of the court office reviews the
18 objection administratively, either party may object and a hearing
19 shall be held before a referee or judge.

20 Sec. 9. A notice of income withholding entered under this act
21 shall be served on sources of income as provided in section 11. **A**
22 **LABOR ORGANIZATION THAT ASSIGNS A MEMBER TO WORK SHALL FORWARD A**
23 **COPY OF AN INCOME WITHHOLDING NOTICE SERVED ON THE LABOR**
24 **ORGANIZATION TO THE ACTUAL EMPLOYER.** The notice shall direct
25 sources of income to withhold from income due the payer an amount
26 sufficient to meet the payments ordered for support, ~~and~~ service
27 fees, **FINES, COSTS, AND SANCTIONS** and to defray arrearages in

1 payments and service fees due at the time the order of income
2 withholding takes effect. The notice shall also direct that the
3 amount withheld for support, fees, ~~and~~ health care coverage
4 premiums, **FINES, COSTS, AND SANCTIONS** shall not exceed the amount
5 allowed under section 303(b) of title III of the consumer credit
6 protection act, ~~Public Law 90-321, 15 U.S.C. 15 USC~~ 1673. The
7 notice shall contain a statement of the requirements of sections
8 11, 11a, 12, 13, 14, and 23. The notice shall also direct that
9 income withheld under the notice ~~for support and fees~~ shall be paid
10 to the office of the friend of the court or to the state
11 disbursement unit, as appropriate, within 3 days after the date of
12 the withholding.

13 Sec. 24. For a friend of the court case, if **THE CASE HAS NOT**
14 **BEEN DESIGNATED FOR OFFSET PROCEEDINGS BY THE OFFICE OF CHILD**
15 **SUPPORT AND** a support arrearage has accrued **THAT MEETS THE MINIMUM**
16 **THRESHOLD ESTABLISHED BY STATE OR FEDERAL LAW, REGULATION, OR RULE,**
17 **AS APPLICABLE,** the office of the friend of the court may request
18 the office of child support to initiate offset proceedings against
19 the delinquent payer's state tax refunds and federal income tax
20 refunds as provided in section 3a of the office of child support
21 act, 1971 PA 174, MCL 400.233a.

22 Sec. 25a. (1) The amount of past due support that accrues
23 under a judgment as provided in section 3 or under the law of
24 another state constitutes a lien in favor of the recipient of
25 support against the real and personal property of a payer,
26 including, but not limited to, money to be paid as a distribution
27 from a decedent's estate; as the result of a claim for negligence,

1 personal injury, or death; under an arbitration award; under a
2 settlement of or judgment issued in a civil action; or as
3 compensation under a worker's compensation order, settlement,
4 redemption order, or voluntary payment. The lien is effective at
5 the time that the support is due and unpaid and ~~shall continue~~
6 **CONTINUES** until the amount of past due support is paid in full or
7 the lien is terminated by the title IV-D agency.

8 (2) Liens that arise in other states shall be accorded full
9 faith and credit when the requirements of section 25b or 25c are
10 met.

11 (3) A lien created under subsection (1) is subordinate to a
12 prior perfected lien. All liens that arise under subsection (1) and
13 described in subsection (2) have equal priority.

14 ~~—— (4) Before a lien is perfected or levied under this act, the~~
15 ~~title IV D agency shall send a notice to the payer subject to the~~
16 ~~support order informing the payer of the imposition of liens by~~
17 ~~operation of law and that the payer's real and personal property~~
18 ~~can be encumbered or seized if an arrearage accrues in an amount~~
19 ~~that exceeds the amount of periodic support payments payable under~~
20 ~~the payer's support order for the time period specified in this~~
21 ~~act.~~

22 (4) A LIEN SHALL NOT BE PERFECTED OR LEVIED UNDER THIS ACT
23 UNLESS THE PAYER HAS RECEIVED NOTICE THAT LIENS EXIST BY OPERATION
24 OF LAW AND THAT THE PAYER'S REAL AND PERSONAL PROPERTY CAN BE
25 ENCUMBERED OR SEIZED IF AN ARREARAGE ACCRUES IN AN AMOUNT THAT
26 EXCEEDS THE PERIODIC SUPPORT PAYMENTS PAYABLE UNDER THE PAYER'S
27 SUPPORT ORDER FOR THE TIME SPECIFIED IN THIS ACT. NOTICE IS

1 SUFFICIENT IF IT IS IN THE PAYER'S SUPPORT ORDER OR IF IT WAS
2 MAILED TO THE PAYER AT ANY TIME.

3 (5) The title IV-D agency or another person required to
4 provide notice under this section or sections 25b to 25i shall
5 provide notice by paper, unless the person to be notified agrees to
6 notice by other means. The title IV-D agency or other person
7 providing notice under this section or sections 25b to 25i shall
8 complete and preserve proof of service of the notice in a form **THAT**
9 substantially ~~conforming~~ **CONFORMS** to the requirements for proof of
10 service under the Michigan court rules.

11 (6) A lien under subsection (1) does not arise against any of
12 the following:

13 (a) A financial asset pledged to a financial institution as
14 collateral.

15 (b) A financial asset to which a financial institution has a
16 prior right of setoff or other lien.

17 (c) Property or an allowance described in sections 2401 to
18 2404 of the estates and protected individuals code, 1998 PA 386,
19 MCL 700.2401 to 700.2404.

20 (d) Fifty percent of the amount of compensation due to a payer
21 under a worker's compensation order, settlement, redemption order,
22 or voluntary payment.

23 (e) That portion of money to be paid as a distribution from a
24 decedent's estate; as the result of a claim for negligence,
25 personal injury, or death; under an arbitration award; under a
26 settlement of or judgment issued in a civil action; or as
27 compensation under a worker's compensation order, settlement,

1 redemption order, or voluntary payment that is owed for any of the
2 following:

3 (i) Attorney fees.

4 (ii) Court costs and other litigation costs, including, but not
5 limited to, medical examination costs, expenses for reports,
6 deposition fees, court reporter fees, and record copy fees.

7 (iii) The medicaid program under the social welfare act, 1939 PA
8 280, MCL 400.1 to 400.119b, unless medicaid is subordinated to
9 child support under federal law.

10 (iv) Medical services or a reimbursement for a payment made for
11 medical services either to or by an insurer, health maintenance
12 organization, or nonprofit health care corporation. For the
13 purposes of compensation under a worker's compensation order,
14 settlement, redemption order, or voluntary payment, as used in this
15 subparagraph, "medical services" means services as described and
16 regulated under sections 315 and 319 of the worker's disability
17 compensation act of 1969, 1969 PA 317, MCL 418.315 and 418.319, and
18 the rules promulgated under those sections.

19 (v) An amount to reimburse an insurance company for the
20 expense incurred by the insurance company in responding to a lien
21 and levy under sections 25b to 25i. A reimbursement amount under
22 this subparagraph shall not exceed the actual expense or \$50.00,
23 whichever is less, for each lien and levy or for each payment under
24 a lien and levy.

25 (vi) Other costs related to the arbitration, civil action, or
26 worker's compensation order, settlement, redemption order, or
27 voluntary payment.

1 (vii) For reimbursements to which an employer or carrier is
2 entitled under section 827 of the worker's disability compensation
3 act of 1969, 1969 PA 317, MCL 418.827.

4 (viii) For vocational rehabilitation costs, reimbursements, or
5 credits incidental to long- or short-term disability programs or to
6 pension or welfare benefit funds.

7 (ix) For a medicare set aside account for future medical care
8 or for future medicaid, unless medicare or medicaid is subordinated
9 to child support under federal law.

10 (f) Money to be paid under an insurance policy for the repair
11 or replacement of real or tangible personal property.

12 (g) Money to be paid for allowable expenses that are payable
13 as benefits under section 3107(1) (a) ~~and for expenses under section~~
14 ~~3107(1)(e)~~ **OR (C)** of the insurance code of 1956, 1956 PA 218, MCL
15 500.3107.

16 (7) The title IV-D agency does not have the authority to alter
17 an amount itemized in a redemption order. A lien that arises under
18 this act and a levy of that lien only affect that portion, as
19 prescribed in this section, of the payment due the payer under a
20 redemption order. A carrier shall not use the enforcement of a lien
21 and levy under this act as the basis for freezing or otherwise
22 refusing to pay out an amount itemized in a redemption order that
23 is not affected by the lien and levy under this act.

24 (8) As used in this section and sections 25b to 25i:

25 (a) "Carrier" means any of the following:

26 (i) "Carrier" as that term is defined in section 601 of the
27 worker's disability compensation act of 1969, 1969 PA 317, MCL

1 418.601.

2 (ii) A fund created under section 501 of the worker's
3 disability compensation act of 1969, 1969 PA 317, MCL 418.501.

4 (iii) The property and casualty guaranty association required to
5 be maintained by section 7911 of the insurance code of 1956, 1956
6 PA 218, MCL 500.7911.

7 (b) "Insurer" means that term as defined in section 106 of the
8 insurance code of 1956, 1956 PA 218, MCL 500.106.

9 Sec. 28. (1) For a friend of the court case, ~~the office of the~~
10 ~~friend of the court may petition the court for an order to suspend~~
11 a payer's occupational license, driver's license, or recreational
12 or sporting license, or any combination of the licenses, **MAY BE**
13 **SUSPENDED** if all of the following circumstances are true:

14 (a) An arrearage has accrued in an amount greater than the
15 amount of periodic support payments payable for 2 months under the
16 payer's support order.

17 (b) The payer holds an occupational license, ~~driver's~~
18 ~~license,~~ or recreational or sporting license or the payer's
19 occupation requires an occupational license.

20 (c) An order of income withholding is not applicable or has
21 been unsuccessful in assuring regular payments on the support
22 obligation and regular payments on the arrearage.

23 (2) ~~An~~ **BEFORE SEEKING THE SUSPENSION OF A LICENSE DESCRIBED IN**
24 **SUBSECTION (1), AN** office of the friend of the court shall ~~not file~~
25 a petition as authorized under subsection (1) unless the office
26 ~~sends~~ **SEND** the payer a notice that includes all of the following
27 information:

1 (a) The amount of the arrearage.

2 (b) That the payer's occupational license, driver's license,
3 or recreational or sporting license, or any combination of the
4 licenses, may be subject to ~~an order of~~ suspension.

5 (c) That ~~the A~~ suspension order **OR NOTICE** will be ~~entered and~~
6 sent to the licensing agency unless the payer responds by paying
7 the arrearage or requesting a hearing within 21 days after the date
8 of mailing the notice.

9 (d) That, ~~at the~~ **IF A** hearing **IS REQUESTED**, the payer may do
10 either of the following **AT THE HEARING**:

11 (i) Object to the proposed suspension based on a mistake of
12 fact concerning the overdue support amount or the payer's identity.

13 (ii) ~~Suggest to~~ **ASK** the court **TO ORDER** a schedule for the
14 payment of the arrearage.

15 (e) That, if the payer believes that the amount of support
16 ordered should be modified due to a change in circumstances, the
17 payer may file a petition with the court for modification of the
18 support order.

19 Sec. 29. (1) Within 21 days after the date on which ~~the A~~
20 notice described in section 28 is mailed to a payer, the payer may
21 request a hearing on the proposed suspension. If the payer requests
22 a hearing within that time, ~~entry of the A~~ suspension order shall
23 ~~be delayed~~ **NOT BE ENTERED AND A SUSPENSION NOTICE SHALL NOT BE SENT**
24 pending the outcome of the hearing.

25 (2) If a payer files a petition for modification of the
26 support order and the petition is pending at the date scheduled for
27 a hearing under this section, the court shall consolidate the

1 hearing under this section and a hearing on the petition for
2 modification unless the court finds for good cause shown on the
3 record that the hearings should be held separately. If the court
4 finds that the hearings should be held separately, the hearing on
5 the petition for modification shall be held before the hearing
6 scheduled under this section.

7 (3) If, **AFTER A HEARING UNDER THIS SECTION**, the court
8 determines that the payer has accrued an arrearage on his or her
9 support order and that the payer has, or could by the exercise of
10 due diligence have, the capacity to pay all or some portion of the
11 amount due, the court shall order the payment of the arrearage, **AS**
12 **REASONABLE**, in 1 or more scheduled installments of a sum certain.

13 (4) After 21 days after the date on which ~~the~~**A** notice
14 described in section 28 is sent, the **FRIEND OF THE COURT SHALL**
15 **NOTIFY THE SECRETARY OF STATE IF THE PAYER HAS FAILED TO REQUEST A**
16 **HEARING OR FAILED TO ATTEND A HEARING ON THE PROPOSED SUSPENSION.**
17 **ON RECEIVING THE NOTICE FROM THE FRIEND OF THE COURT, THE SECRETARY**
18 **OF STATE SHALL SUSPEND THE PAYER'S DRIVER'S LICENSE AS PROVIDED IN**
19 **SECTION 321C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
20 **257.321C.**

21 (5) **THE** court may order the suspension of the payer's
22 occupational license ~~, driver's license,~~ or recreational or
23 sporting license, or any combination of the licenses included in
24 the notice under section 28, under either of the following
25 circumstances:

26 (a) The payer fails to pay the arrearage and fails to either
27 request a hearing as provided in subsection (1) or appear for a

1 hearing scheduled after such a request.

2 (b) The **COURT DETERMINES THAT THE** payer ~~fails~~**HAS FAILED** to
3 comply with an arrearage payment schedule ordered under this
4 section.

5 (6) **IF A COURT DETERMINES THAT A PAYER HAS FAILED TO COMPLY**
6 **WITH AN ARREARAGE PAYMENT SCHEDULE ORDERED UNDER THIS SECTION, THE**
7 **COURT MAY DIRECT THE FRIEND OF THE COURT TO NOTIFY THE SECRETARY OF**
8 **STATE OF THE FAILURE. ON RECEIVING THE NOTICE FROM THE FRIEND OF**
9 **THE COURT, THE SECRETARY OF STATE SHALL SUSPEND THE PAYER'S**
10 **DRIVER'S LICENSE AS PROVIDED IN SECTION 321C OF THE MICHIGAN**
11 **VEHICLE CODE, 1949 PA 300, MCL 257.321C.**

12 Sec. 30. (1) If the court orders a suspension of an
13 occupational license, driver's license, or recreational or sporting
14 license, or any combination of the licenses, under section 29, 33,
15 35, or 45, the order shall indicate that the licensing agency shall
16 suspend the license within 7 business days after receipt of the
17 suspension order. The office of the friend of the court shall send
18 a copy of the suspension order to the licensing agency. ~~If the~~
19 ~~payer is the subject of a suspension order under section 29 and has~~
20 ~~failed to respond in any manner to the notice given under section~~
21 ~~28, the office of the friend of the court shall not send the~~
22 ~~suspension order to the licensing agency until at least 14 days~~
23 ~~after the date the office first attempts service of a copy of the~~
24 ~~order on the payer by personal service or by registered or~~
25 ~~certified mail, return receipt requested, with delivery restricted~~
26 ~~to the payer.~~

27 (2) After ~~entry of a~~ suspension order **IS ENTERED OR AFTER A**

1 **SUSPENSION** under section 29, a payer may agree to and the court may
2 order a **REASONABLE** schedule for the payment of the arrearage. If
3 the court orders a schedule for payment of the arrearage, the **COURT**
4 **OR THE FRIEND OF THE COURT, AS APPLICABLE, SHALL DO THE FOLLOWING:**

5 (A) **THE** court shall enter an order rescinding the suspension
6 order that is effective as provided in section 4 of the regulated
7 occupation support enforcement act, 1996 PA 236, MCL 338.3434,
8 ~~section 321c of the Michigan vehicle code, 1949 PA 300, MCL~~
9 ~~257.321c,~~ or section 43559 of the natural resources and
10 environmental protection act, 1994 PA 451, MCL 324.43559. If a
11 suspension order has been sent, within 7 business days after entry
12 of the order rescinding the suspension order, the office of the
13 friend of the court shall send a copy of the order rescinding the
14 suspension order to the licensing agency.

15 (B) **THE FRIEND OF THE COURT, ON VERIFICATION BY THE CLERK OF**
16 **THE COURT THAT THE DRIVER'S LICENSE CLEARANCE FEE REQUIRED BY**
17 **SECTION 321C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
18 **257.321C, HAS BEEN PAID, SHALL PROVIDE A CERTIFICATE TO THE PAYER**
19 **STATING THAT THE PAYER IS IN COMPLIANCE WITH THE SUPPORT ORDER.**

20 Sec. 31. (1) If a person is ordered to pay support under a
21 support order and fails or refuses to obey and perform the order,
22 and if an order of income withholding is inapplicable or
23 unsuccessful, a recipient of support or the office of the friend of
24 the court may commence a civil contempt proceeding by filing in the
25 circuit court a petition for an order to show cause why the
26 delinquent payer should not be held in contempt. If the payer fails
27 to appear in response to an order to show cause, the court shall do

1 1 or more of the following:

2 (a) Find the payer in contempt for failure to appear.

3 (b) Find the payer in contempt for the reasons stated in the
4 motion for the show cause hearing.

5 (c) Apply an enforcement remedy authorized under this act or
6 the friend of the court act for the nonpayment of support,

7 **INCLUDING SUSPENDING THE PAYER'S OCCUPATIONAL LICENSE, DRIVER'S**
8 **LICENSE, OR RECREATIONAL OR SPORTING LICENSE.**

9 (d) Issue a bench warrant for the payer's arrest requiring
10 that the payer be brought before the court without unnecessary
11 delay for further proceedings in connection with the show cause or
12 contempt proceedings.

13 (e) Adjourn the hearing.

14 (f) Dismiss the order to show cause if the court determines
15 that the payer is not in contempt.

16 **(G) ENTER AN ORDER THAT A LAW ENFORCEMENT AGENCY RENDER ANY**
17 **VEHICLE OWNED BY THE PAYER TEMPORARILY INOPERABLE, BY BOOTING OR**
18 **ANOTHER SIMILAR METHOD, SUBJECT TO RELEASE ON DEPOSIT OF AN**
19 **APPROPRIATE BOND.**

20 **(H) PLACE THE PAYER UNDER THE SUPERVISION OF THE OFFICE FOR A**
21 **TERM FIXED BY THE COURT WITH REASONABLE CONDITIONS, INCLUDING 1 OR**
22 **MORE OF THE FOLLOWING:**

23 **(i) PARTICIPATING IN A PARENTING PROGRAM.**

24 **(ii) PARTICIPATING IN DRUG OR ALCOHOL COUNSELING.**

25 **(iii) PARTICIPATING IN A WORK PROGRAM.**

26 **(iv) SEEKING EMPLOYMENT.**

27 **(v) PARTICIPATING IN OTHER COUNSELING.**

1 (vi) CONTINUING COMPLIANCE WITH A CURRENT SUPPORT OR PARENTING
2 TIME ORDER.

3 (vii) ENTERING INTO AND COMPLIANCE WITH AN ARREARAGE PAYMENT
4 PLAN.

5 (2) In a bench warrant issued under this section, the court
6 shall decree that the payer is subject to arrest if apprehended or
7 detained anywhere in this state and shall require that, upon
8 arrest, unless the payer deposits a cash performance bond in the
9 manner required by section 32, the payer shall remain in custody
10 until the time of the hearing. The court shall specify in the bench
11 warrant the cash performance bond amount. The court shall set the
12 cash performance bond at not less than \$500.00 or 25% of the
13 arrearage, whichever is greater. At its own discretion, the court
14 may set the cash performance bond at an amount up to 100% of the
15 arrearage and add to the amount of the required deposit the amount
16 of the costs the court may require under subsection (3). If a payer
17 is arrested on a felony warrant issued for a violation of section
18 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, unless
19 the payer deposits a cash performance bond in the manner required
20 by section 32, the court shall require that, upon arrest, the payer
21 remain in custody until the time of the preliminary examination.
22 Upon notification that a payer who has an outstanding bench warrant
23 under this section has been arrested or arraigned on a felony
24 warrant for a violation of section 165 of the Michigan penal code,
25 1931 PA 328, MCL 750.165, the court may order that the bench
26 warrant be recalled.

27 (3) If the court issues a bench warrant under this section,

1 except for good cause shown on the record, the court shall order
2 the payer to pay the costs related to the hearing, **THE** issuance of
3 the warrant, **THE** arrest, and ~~further~~**ANY LATER** hearings. Those
4 costs and costs ordered for failure to appear under section 32 or
5 44 shall be transmitted to the county treasurer for distribution as
6 required in section 2530 of the revised judicature act of 1961,
7 1961 PA 236, MCL 600.2530.

8 Sec. 33. (1) The court may find a payer in contempt if the
9 court finds that the payer is in arrears and if the court is
10 satisfied that the payer has the capacity to pay out of currently
11 available resources all or some portion of the amount due under the
12 support order. In the absence of proofs to the contrary introduced
13 by the payer, the court shall presume that the payer has currently
14 available resources equal to 4 weeks of payments under the support
15 order. The court shall not find that the payer has currently
16 available resources of more than 4 weeks of payments without proof
17 of those resources by the office of the friend of the court or the
18 recipient of support. Upon finding a payer in contempt of court
19 under this section, the court may immediately enter an order ~~doing~~
20 **THAT DOES** 1 or more of the following:

21 (a) ~~Committing~~**COMMITTS** the payer to the county jail **OR AN**
22 **ALTERNATIVE TO JAIL.**

23 (b) ~~Committing~~**COMMITTS** the payer to the county jail **OR AN**
24 **ALTERNATIVE TO JAIL** with the privilege of leaving the jail **OR OTHER**
25 **PLACE OF DETENTION** during the hours the court determines, and under
26 the supervision the court considers, necessary for the purpose of
27 allowing the payer to go to and return from his or her place of

1 employment.

2 (c) ~~Committing~~**COMMITTS** the payer to a penal or correctional
3 facility in this state that is not operated by the state department
4 of corrections.

5 (d) If the payer holds an occupational license, driver's
6 license, or recreational or sporting license, ~~conditioning~~
7 **CONDITIONS** a suspension of the payer's license, or any combination
8 of the licenses, upon noncompliance with an order for payment of
9 the arrearage in 1 or more scheduled installments of a sum certain.
10 A court shall not order the sanction authorized by this subdivision
11 unless the court finds that the payer has accrued an arrearage of
12 support payments in an amount greater than the amount of periodic
13 support payments payable for 2 months under the payer's support
14 order.

15 (e) ~~Ordering~~**ORDERS** the payer to participate in a work
16 activity. This subdivision does not alter the court's authority to
17 include provisions in an order issued under this section concerning
18 a payer's employment or his or her seeking of employment as that
19 authority exists on August 10, 1998.

20 (f) If available within the court's jurisdiction, ~~order~~**ORDERS**
21 the payer to participate in a community corrections program
22 established as provided in the community corrections act, 1988 PA
23 511, MCL 791.401 to 791.414.

24 (g) Except as provided by federal law and regulations,
25 ~~ordering~~**ORDERS** the parent to pay a fine of not more than \$100.00.
26 A fine ordered under this subdivision shall be deposited in the
27 friend of the court fund created in section 2530 of the revised

1 judicature act of 1961, 1961 PA 236, MCL 600.2530.

2 (H) PLACES THE PAYER UNDER THE SUPERVISION OF THE OFFICE FOR A
3 TERM FIXED BY THE COURT WITH REASONABLE CONDITIONS, INCLUDING 1 OR
4 MORE OF THE FOLLOWING:

5 (i) PARTICIPATING IN A PARENTING PROGRAM.

6 (ii) PARTICIPATING IN DRUG OR ALCOHOL COUNSELING.

7 (iii) PARTICIPATING IN A WORK PROGRAM.

8 (iv) SEEKING EMPLOYMENT.

9 (v) PARTICIPATING IN OTHER COUNSELING.

10 (vi) CONTINUING COMPLIANCE WITH A CURRENT SUPPORT OR PARENTING
11 TIME ORDER.

12 (vii) ENTERING INTO AND COMPLIANCE WITH AN ARREARAGE PAYMENT
13 PLAN.

14 (2) If the court enters an order under subsection (1)(d) and
15 the payer fails to comply with the arrearage payment schedule,
16 after notice and opportunity for a hearing, the court shall order
17 suspension of the payer's license or licenses with respect to which
18 the order under subsection (1)(d) was entered and shall proceed
19 under section 30.

20 Sec. 35. (1) The court may find a payer in contempt if the
21 court finds that the payer is in arrears and 1 of the following

22 **APPLIES:**

23 (a) The court is satisfied that by the exercise of diligence
24 the payer could have the capacity to pay all or some portion of the
25 amount due under the support order and that the payer fails or
26 refuses to do so.

27 (b) The payer has failed to obtain a source of income and has

1 failed to participate in a work activity after referral by the
2 friend of the court.

3 (2) Upon finding a payer in contempt of court under this
4 section, the court shall, absent good cause to the contrary,
5 immediately order the payer to participate in a work activity and
6 may also do 1 or more of the following:

7 (a) Commit the payer to the county jail **OR AN ALTERNATIVE TO**
8 **JAIL** with the privilege of leaving the jail **OR OTHER PLACE OF**
9 **DETENTION** during the hours the court determines, and under the
10 supervision the court considers, necessary for the purpose of
11 allowing the payer to participate in a work activity.

12 (b) If the payer holds an occupational license, driver's
13 license, or recreational or sporting license, condition a
14 suspension of the payer's license, or a combination of the
15 licenses, upon noncompliance with an order for payment of the
16 arrearage in 1 or more scheduled installments of a sum certain. A
17 court shall not order the sanction authorized by this subdivision
18 unless the court finds that the payer has accrued an arrearage of
19 support payments in an amount greater than the amount of periodic
20 support payments payable for 2 months under the payer's support
21 order.

22 (c) If available within the court's jurisdiction, order the
23 payer to participate in a community corrections program established
24 as provided in the community corrections act, 1988 PA 511, MCL
25 791.401 to 791.414.

26 (d) Except as provided by federal law and regulations, order
27 the parent to pay a fine of not more than \$100.00. A fine ordered

1 under this subdivision shall be deposited in the fund of the
2 court fund created in section 2530 of the revised judicature act of
3 1961, 1961 PA 236, MCL 600.2530.

4 (E) PLACE THE PAYER UNDER THE SUPERVISION OF THE OFFICE FOR A
5 TERM FIXED BY THE COURT WITH REASONABLE CONDITIONS, INCLUDING 1 OR
6 MORE OF THE FOLLOWING:

7 (i) PARTICIPATING IN A PARENTING PROGRAM.

8 (ii) PARTICIPATING IN DRUG OR ALCOHOL COUNSELING.

9 (iii) PARTICIPATING IN A WORK PROGRAM.

10 (iv) SEEKING EMPLOYMENT.

11 (v) PARTICIPATING IN OTHER COUNSELING.

12 (vi) CONTINUING COMPLIANCE WITH A CURRENT SUPPORT OR PARENTING
13 TIME ORDER.

14 (vii) ENTERING INTO AND COMPLIANCE WITH AN ARREARAGE PAYMENT
15 PLAN.

16 (3) Notwithstanding the length of commitment imposed under
17 this section, the court may release a payer who is unemployed if
18 committed to a county jail under this section and who finds
19 employment if either of the following applies:

20 (a) The payer is self-employed, completes 2 consecutive weeks
21 at his or her employment, and makes a support payment as required
22 by the court.

23 (b) The payer is employed and completes 2 consecutive weeks at
24 his or her employment and an order of income withholding is
25 effective.

26 (4) If the court enters an order under subsection (2)(b) and
27 the payer fails to comply with the arrearage payment schedule,

1 after notice and an opportunity for a hearing, the court shall
2 order suspension of the payer's license or licenses with respect to
3 which the order under subsection (2)(b) was entered and shall
4 proceed under section 30.

5 Sec. 39. (1) If a payer is committed to jail **OR AN ALTERNATIVE**
6 **TO JAIL** under section ~~33(b) or 35(2)~~ **33(1)(B) OR 35(2)(A)** and
7 violates the conditions ~~of~~ **PRESCRIBED BY** the court, the court shall
8 commit the payer to the county jail without the privilege provided
9 under section ~~33(b) or 35(2)~~ **33(1)(B) OR 35(2)(A)** for the balance
10 of the period of the commitment imposed by the court.

11 (2) If a payer is committed to jail **OR AN ALTERNATIVE TO JAIL**
12 under section ~~33(b) or 35(2)~~ **33(1)(B) OR 35(2)(A)** and fails to
13 return to the place of confinement within the time prescribed, the
14 payer shall be considered to have escaped from custody and shall be
15 guilty of a misdemeanor, punishable by imprisonment for not more
16 than 1 year.

17 Sec. 44. (1) If the office of the friend of the court
18 determines that a procedure for resolving a parenting time dispute
19 authorized under section 41 other than a civil contempt proceeding
20 is unsuccessful in resolving a **THE** parenting time dispute, the
21 office of the friend of the court shall commence a civil contempt
22 proceeding to resolve a **THE** dispute ~~concerning parenting time with~~
23 ~~a minor child~~ by filing with the circuit court a petition for an
24 order to show cause why either parent who has violated a parenting
25 time order should not be held in contempt. The office of the friend
26 of the court shall notify the parent who is the subject of the
27 petition. The notice shall include at least all of the following:

1 (a) A list of each possible sanction if the parent is found in
2 contempt.

3 (b) The right of the parent to a hearing on a proposed
4 modification of parenting time if requested within 21 days after
5 the date of the notice, as provided in section 45.

6 (2) If the court finds that either parent has violated a
7 parenting time order without good cause, the court shall find that
8 parent in contempt and may do 1 or more of the following:

9 (a) Require additional terms and conditions consistent with
10 the court's parenting time order.

11 (b) After notice to both parties and a hearing, if requested
12 by a party, on a proposed modification of parenting time, modify
13 the parenting time order to meet the best interests of the child.

14 (c) Order that makeup parenting time be provided for the
15 wrongfully denied parent to take the place of wrongfully denied
16 parenting time.

17 (d) Order the parent to pay a fine of not more than \$100.00.

18 (e) Commit the parent to the county jail **OR AN ALTERNATIVE TO**
19 **JAIL.**

20 (f) Commit the parent to the county jail **OR AN ALTERNATIVE TO**
21 **JAIL** with the privilege of leaving the jail **OR OTHER PLACE OF**
22 **DETENTION** during the hours the court determines necessary, and
23 under the supervision the court considers necessary, for the
24 purpose of allowing the parent to go to and return from his or her
25 place of employment.

26 (g) If the parent holds an occupational license, driver's
27 license, or recreational or sporting license, condition the

1 suspension of the license, or any combination of the licenses, upon
2 noncompliance with an order for makeup and ongoing parenting time.

3 (h) If available within the court's jurisdiction, order the
4 parent to participate in a community corrections program
5 established as provided in the community corrections act, 1988 PA
6 511, MCL 791.401 to 791.414.

7 (I) PLACE THE PARENT UNDER THE SUPERVISION OF THE OFFICE FOR A
8 TERM FIXED BY THE COURT WITH REASONABLE CONDITIONS, INCLUDING 1 OR
9 MORE OF THE FOLLOWING:

10 (i) PARTICIPATING IN A PARENTING PROGRAM.

11 (ii) PARTICIPATING IN DRUG OR ALCOHOL COUNSELING.

12 (iii) PARTICIPATING IN A WORK PROGRAM.

13 (iv) SEEKING EMPLOYMENT.

14 (v) PARTICIPATING IN OTHER COUNSELING.

15 (vi) CONTINUING COMPLIANCE WITH A CURRENT SUPPORT OR PARENTING
16 TIME ORDER.

17 (vii) ENTERING INTO AND COMPLIANCE WITH AN ARREARAGE PAYMENT
18 PLAN.

19 (viii) FACILITATING MAKEUP PARENTING TIME.

20 (3) The court shall state on the record the reason the court
21 is not ordering a sanction listed in subsection ~~(2)(a) to (h)~~ (2).
22 For the purpose of subsection (2), "good cause" includes, but is
23 not limited to, consideration of the safety of a child or party who
24 is governed by the parenting time order.

25 (4) A commitment under subsection (2)(e) or (f) shall not
26 exceed 45 days for the first finding of contempt or 90 days for
27 each subsequent finding of contempt. A parent committed under

1 subsection (2)(e) or (f) shall be released if the court has
2 reasonable cause to believe that the parent will comply with the
3 parenting time order.

4 (5) If a parent fails to appear in response to an order to
5 show cause, the court may issue a bench warrant requiring that the
6 parent be brought before the court without unnecessary delay to
7 show cause why the parent should not be held in contempt. Except
8 for good cause shown on the record, the court shall further order
9 the parent to pay the costs of the hearing, the issuance of the
10 warrant, the arrest, and ~~further~~ **ANY LATER** hearings, which costs
11 shall be transmitted to the county treasurer for distribution as
12 provided in section 31. **IF THE HEARING CANNOT BE HELD IMMEDIATELY**
13 **AFTER THE PARENT'S ARREST, THE PARENT MAY BE RELEASED IF A BOND IN**
14 **THE AMOUNT OF THE FINES, COSTS, AND SANCTIONS IMPOSED UNDER THIS**
15 **SECTION AND ANY ADDITIONAL AMOUNT THE COURT DETERMINES IS NECESSARY**
16 **TO SECURE THE PARENT'S APPEARANCE IS DEPOSITED WITH THE COURT.**

17 (6) If the court finds that a party to a parenting time
18 dispute has acted in bad faith, the court shall order the party to
19 pay a sanction of not more than \$250.00 for the first time the
20 party is found to have acted in bad faith, not more than \$500.00
21 for the second time, and not more than \$1,000.00 for the third or a
22 subsequent time. A sanction ordered under this subsection shall be
23 deposited in the friend of the court fund created in section 2530
24 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530,
25 and shall be used to fund services that are not title IV-D
26 services.

27 (7) A fine ordered under subsection (2), costs ordered under

1 subsection (5), or a sanction ordered under subsection (6) ~~becomes~~
2 **IS** a judgment at the time ~~they are ordered~~ **THE ORDER IS ENTERED.**

3 (8) If the court finds that a party to a parenting time
4 dispute has acted in bad faith, the court shall order the party to
5 pay the other party's costs.

6 Sec. 45. (1) If the court enters an order under section
7 44(2)(g) and the parent fails to comply with the makeup and ongoing
8 parenting time schedule, the court shall find the parent in
9 contempt and, after notice and an opportunity for a hearing, may
10 ~~order suspension of~~ **SUSPEND** the parent's license or licenses with
11 respect to which the order under section 44(2)(g) was entered and
12 proceed under section 30.

13 (2) After entry of a suspension order under subsection (1), a
14 parent may agree to a makeup parenting time schedule. The court may
15 order a makeup parenting time schedule if the parent demonstrates a
16 good faith effort to comply with the parenting time order. If the
17 court orders a makeup parenting time schedule, the **COURT OR THE**
18 **FRIEND OF THE COURT, AS APPLICABLE, SHALL DO THE FOLLOWING:**

19 (A) **THE** court shall enter an order rescinding the suspension
20 order that is effective as provided in section 4 of the regulated
21 occupation support enforcement act, 1996 PA 236, MCL 338.3434,
22 ~~section 321e of the Michigan vehicle code, 1949 PA 300, MCL~~
23 ~~257.321e,~~ or section 43559 of the natural resources and
24 environmental protection act, 1994 PA 451, MCL 324.43559. Within 7
25 business days after entry of the order rescinding the suspension
26 order, the office of the friend of the court shall send a copy of
27 the order rescinding the suspension order to the licensing agency.

1 (B) THE FRIEND OF THE COURT, ON VERIFICATION BY THE CLERK OF
2 THE COURT THAT THE DRIVER'S LICENSE CLEARANCE FEE REQUIRED BY
3 SECTION 321C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
4 257.321C, HAS BEEN PAID, SHALL PROVIDE A CERTIFICATE TO THE PAYER
5 STATING THAT THE PAYER IS IN COMPLIANCE WITH THE SUPPORT ORDER.

6 (3) Within 21 days after the date of the notice under section
7 44, a parent who is notified of a petition to show cause under
8 section 44 may request a hearing on a proposed modification of
9 parenting time. The court shall hold the requested hearing unless
10 the parenting time dispute is resolved by other means. The court
11 shall combine the hearing prescribed by this subsection with the
12 hearing on the order to show cause unless the court finds for good
13 cause shown on the record that the hearings should be held
14 separately. If the court finds that the hearings should be held
15 separately, the hearing on a proposed modification of parenting
16 time shall be held before the hearing on the order to show cause.

17 Sec. 46. (1) If a custodial parent is committed to jail **OR AN**
18 **ALTERNATIVE TO JAIL** under section ~~44(2)(e)~~**44(2)(F)** and violates
19 the conditions ~~of~~**ORDERED BY** the court, the court shall commit the
20 person to the county jail without the privilege provided under
21 section ~~44(2)(e)~~**44(2)(F)** for the balance of the period of
22 commitment imposed by the court.

23 (2) If a custodial parent is committed to jail **OR AN**
24 **ALTERNATIVE TO JAIL** under section ~~44(2)(e)~~**44(2)(F)** and fails to
25 return to the place of confinement within the time prescribed, the
26 custodial parent shall be considered to have escaped from custody
27 and ~~shall be~~**IS** guilty of a misdemeanor, punishable by imprisonment

1 for not more than 1 year.

2 Sec. 48. ~~The department, the SDU, and each office of the~~
3 ~~friend of the court shall cooperate in the transition to the~~
4 ~~centralized receipt~~ **THE STATE DISBURSEMENT UNIT IS RESPONSIBLE FOR**
5 **THE COLLECTION** and disbursement of support. ~~and fees.~~ An office of
6 the friend of the court shall **MAY** continue to receive and disburse
7 support and fees. ~~through the transition, based on the schedule~~
8 ~~developed as required by section 6 of the office of child support~~
9 ~~act, 1971 PA 174, MCL 400.236, and modifications to that schedule~~
10 ~~as the department considers necessary.~~

11 Enacting section 1. Section 3d of the support and parenting
12 time enforcement act, 1982 PA 295, MCL 552.603d, is repealed.

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No.____ (request no.
15 04595'07 *) of the 94th Legislature is enacted into law.