

Act No. 238
Public Acts of 2009
Approved by the Governor
January 8, 2010
Filed with the Secretary of State
January 8, 2010
EFFECTIVE DATE: January 8, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Reps. Liss, Valentine, Byrnes, Robert Jones, Womack and Kurtz

ENROLLED HOUSE BILL No. 5502

AN ACT to amend 1971 PA 174, entitled "An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public and private agencies, and certain employers and former employers," by amending sections 3 and 3a (MCL 400.233 and 400.233a), section 3 as amended by 2002 PA 564 and section 3a as amended by 1998 PA 112; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 3. The office shall do all of the following:

- (a) Serve as a state agency authorized to administer title IV-D.
- (b) Assist a governmental agency or department in locating an adult responsible for the child for any of the following purposes:
 - (i) To establish parentage.
 - (ii) To establish, set the amount of, modify, or enforce support obligations.
 - (iii) To disburse support receipts.
 - (iv) To make or enforce child custody or parenting time orders.
- (c) Coordinate activity on a state level in a search for an adult responsible for the child.
- (d) Obtain information that directly relates to the identity or location of an adult responsible for the child.
- (e) Serve as the information agency as provided in the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183, and the uniform interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.
- (f) Develop guidelines for coordinating activities of a governmental department, board, commission, bureau, agency, or council, or a public or private agency, in providing information necessary for the location of an adult responsible for the child.
- (g) Develop, administer, and coordinate with the state and federal departments of treasury a procedure for offsetting the state tax refunds and federal income tax refunds of a parent who is obligated to support a child and who owes past due support. The procedure shall include a guideline that the office submit to the state department of treasury, not later than November 15 of each year, all requests for the offset of state tax refunds claimed on returns filed or to be filed for that tax year.
- (h) Develop and implement a statewide information system to facilitate the establishment and enforcement of child support obligations.
- (i) Publicize through regular and frequent, nonsexist public service announcements the availability of support establishment and enforcement services.

(j) Develop and implement in cooperation with financial institutions a data matching and lien and levy system to identify assets of and to facilitate the collection of support from the assets of individuals who have an account at a financial institution and who are obligated to pay support as provided in this act.

(k) Provide discovery and support for support enforcement activities as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(l) Have in effect safeguards against the unauthorized use or disclosure of case record information that are designed to protect the privacy rights of the parties as specified in sections 454 and 454a of title IV-D, 42 USC 654 and 654a, and that are consistent with the use and disclosure standards provided under section 64 of the social welfare act, 1939 PA 280, MCL 400.64.

(m) As provided in section 10 for friend of the court cases, centralize administrative enforcement remedies and develop and implement a centralized enforcement program to facilitate the collection of support.

(n) Coordinate, through the friend of the court bureau created in section 19 of the friend of the court act, 1982 PA 294, MCL 552.519, the provision of services under title IV-D by friend of the court offices.

(o) Pursuant to federal law, determine a method to calculate a maximum obligation for reimbursement of medical expenses in connection with a mother's pregnancy and the birth of a child. The method shall be based on each parent's ability to pay and on any other relevant factor, and apportion the expenses in the same manner as health care expenses are divided under the child support formula established under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519.

Sec. 3a. (1) Upon receipt of a request from the office of the friend of the court under section 24 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.624, or as required by federal regulations adopted under title IV-D, the office of child support shall initiate offset proceedings against the state tax refunds and federal income tax refunds of a parent who is obligated to support a child and who owes past due support.

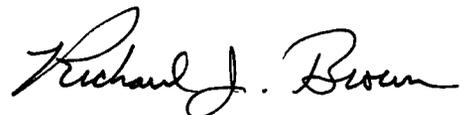
(2) The office shall send to a parent who is the subject of a request under subsection (1) advance written notice of the proposed offset. The notice shall inform the parent of the opportunity to contest the offset of his or her state income tax refund on the grounds that the offset is not proper because of a mistake of fact concerning the amount of overdue support or the identity of the parent.

(3) The office shall provide for the prompt reimbursement of an amount withheld in error or an amount found to exceed the amount of overdue support.

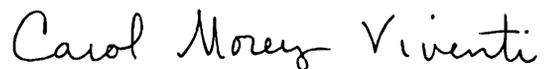
Enacting section 1. Section 6a of the office of child support act, 1971 PA 174, MCL 400.236a, is repealed.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 99 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: Senate Bill No. 99, referred to in enacting section 2, was filed with the Secretary of State January 8, 2010, and became 2009 PA 233, Imd. Eff. Jan. 8, 2010.