

SUBSTITUTE FOR
HOUSE BILL NO. 5850

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 28 (MCL 552.628), as amended by 2009 PA 193.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) For a friend of the court case, a payer's
2 occupational license, ~~driver's~~**driver** license, or recreational or
3 sporting license, or any combination of the licenses ~~may~~ be
4 suspended if all of the following circumstances are true:

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

8 (b) An order of income withholding is not applicable or has
9 been unsuccessful in assuring regular payments on the support



1 obligation and regular payments on the arrearage.

2 (c) The court has conducted an ability to pay assessment and
3 determined that the payer has an ability to pay the support but is
4 willfully not making his or her support payments.

5 (d) The office of the friend of the court has exhausted all
6 other enforcement mechanisms before seeking the suspension of a
7 driver license.

8 (2) Before seeking the suspension of a license described in
9 subsection (1), ~~an~~**the** office of the friend of the court shall send
10 the payer a notice that includes all of the following information:

11 (a) The amount of the arrearage.

12 (b) That the payer's occupational license, ~~driver's~~**driver**
13 license, or recreational or sporting license, or any combination of
14 the licenses ~~may~~ be subject to suspension.

15 (c) That a suspension order or notice will be sent to the
16 licensing agency unless the payer responds by paying the arrearage
17 or requesting a hearing within 21 days after the date of mailing
18 the notice.

19 (d) That, if a hearing is requested, the payer may do either
20 of the following at the hearing:

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

23 (ii) Ask the court to order a schedule for the payment of the
24 arrearage.

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

