

Act No. 379
Public Acts of 2020
Approved by the Governor
January 4, 2021
Filed with the Secretary of State
January 4, 2021
EFFECTIVE DATE: October 1, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Warren, Yancey, Stone, Lasinski, Bolden, Hood, Brenda Carter, Tyrone Carter, Hope, Whitsett, Sneller, Sabo, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kupp, Hoadley, Gay-Dagnogo, Guerra, Brann, O'Malley, Kahle, Wozniak, Brixie, Peterson, Meerman, Ellison, Wittenberg, Hammoud, Kennedy, Chirkun and Cynthia Johnson

ENROLLED HOUSE BILL No. 5850

AN ACT to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 28 (MCL 552.628), as amended by 2009 PA 193.

The People of the State of Michigan enact:

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

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

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

(2) For a friend of the court case, a payer's driver license may be suspended if both of the circumstances in subsection (1) are true and both of the following additional circumstances are true:

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

(b) The office of the friend of the court determines that no other sanction would be effective in assuring regular payments on the support obligation and regular payments on the arrearage.

(3) Before seeking the suspension of a license described in subsection (1) or (2), the office of the friend of the court shall send the payer a notice that includes all of the following information:

(a) The amount of the arrearage.

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

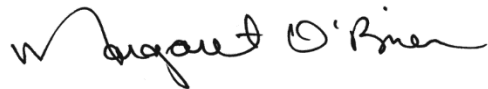
(c) That a suspension order or notice will be sent to the licensing agency unless the payer responds by paying the arrearage or requesting a hearing within 21 days after the date of mailing the notice.

- (d) That, if a hearing is requested, the payer may do either of the following at the hearing:
- (i) Object to the proposed suspension based on a mistake of fact concerning the overdue support amount or the payer's identity.
 - (ii) Ask the court to order a schedule for the payment of the arrearage.
- (e) That, if the payer believes that the amount of support ordered should be modified due to a change in circumstances, the payer may file a petition with the court for modification of the support order.

Enacting section 1. This amendatory act takes effect October 1, 2021.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor