

OFFICE OF CHILD SUPPORT ACT (EXCERPT)
Act 174 of 1971

400.233b Child support arrearage amnesty period; designation; terms and conditions; administration; notification.

Sec. 3b. (1) The director of the department shall direct the office to designate a period of not less than 90 days that ends not more than 7 months after the effective date of this section as a child support arrearage amnesty period. Under the terms and conditions set forth in subsection (2), the director, or the director's designee, shall grant a payer amnesty, waiving all criminal and civil penalties provided by law for the payer's failure or refusal to pay past due child support. Amnesty granted under this section waives criminal and civil penalties for failure or refusal to pay child support only in regard to the child support arrearage that the payer pays in total to qualify for amnesty.

(2) To qualify for amnesty under this section, a payer shall pay his or her child support arrearage amount either in total with the submission of the written amnesty request or by paying not less than 50% of the total amount with the submission of the written amnesty request and the balance before the amnesty period ends. A payer's amnesty is effective on the date the director, or the director's designee, receives the payer's written amnesty request with the payment of not less than 50% of the total child support arrearage amount. If a payer pays less than 100% of the total child support arrearage amount with the amnesty request, the payer's amnesty terminates at the end of the amnesty period unless the balance is paid before the amnesty period ends.

(3) A payer is not eligible to qualify for amnesty under this section if, before the payer submits the written request for amnesty and a payment as required by subsection (2), 1 or more of the following occur:

(a) Prosecution is initiated against the payer under section 161, 165, or 167(1)(a) or (2) of the Michigan penal code, 1931 PA 328, MCL 750.161, 750.165, and 750.167.

(b) The payer is arrested on a criminal warrant or bench warrant related to the payer's failure or refusal to pay past due child support.

(4) The office shall administer the amnesty program established by this section. As part of its administrative duties, at least 60 days before the start of the amnesty period, the office shall notify payers who may be eligible for amnesty under this section because they owe a child support arrearage. A description of the amnesty program included in scheduled notices and posted on the department's website is sufficient compliance with this notification requirement.

History: Add. 2004, Act 564, Eff. June 1, 2005.