

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.611a More than 1 order of income withholding against payer or parent; compliance with source of income; liability; identification of withholding; combining amounts in single payment; identifying portion of single payment attributable to each payer.

Sec. 11a. (1) If there is more than 1 order to withhold income for support, fees, or health care coverage premiums against a payer or parent under this act, the source of income shall comply with all of the notices to withhold income to the extent that the total amount withheld from the payer's or parent's income does not exceed 50% of the payer's disposable income as that term is defined in 15 USC 1672. The source of income shall comply with the notices as follows:

(a) If all orders to withhold income are from this state and the total amount designated in the notices to withhold income for current and past due support exceeds 50% of the payer's disposable earnings, the source of income shall withhold an amount equal to 50% of the payer's disposable earnings.

(b) If 1 or more of the orders to withhold income are from another state, the source of income shall give priority to amounts designated in each notice as current support, as follows:

(i) If the total of the amounts designated in the notices as current support exceeds 50% of the payer's disposable earnings, then the source of income shall allocate to each order an amount for current support equal to the amount designated in the notice as current support, divided by the total of the amounts designated in the notices as current support, multiplied by the amount of income available for income withholding.

(ii) If the total of the amounts designated in the notices as current support does not exceed 50% of the payer's disposable earnings, then the source of income shall pay the amounts designated as current support, and in addition shall proportionately allocate to each order an amount for past due support not to exceed the amount designated in the notice as past due support. This subdivision does not require the maximum withholding to satisfy past due child or spousal support.

(c) If the total amounts allocated to current and past due support do not exceed 50% of the payer's disposable earnings, then the source of income shall allocate the remaining income to the parent's portion of health care coverage premiums attributable to coverage of the children specified in the order if remaining income is sufficient to cover the cost of the premium. This subdivision does not require a source of income to pay the parent's portion of health care coverage premiums.

(2) A source of income is liable for an amount that the source knowingly and intentionally fails to withhold from the payer's income following service on the source of income of a notice of income withholding, except to the extent that the amount is limited by subsection (1).

(3) A source of income shall identify each withholding by payer, payer's social security number, case numbers, amount withheld, and the date on which support was withheld from the payer's income. If the source of income is an employer, it shall also provide its federal employer identification number. A source of income may meet the requirements of this subsection through the use of an automated reporting system established by the SDU.

(4) A source of income may combine amounts withheld from payers' incomes in a single payment and separately identify by payer, social security number, and case number the portion of the single payment that is attributable to each individual payer.

History: Add. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 296, Imd. Eff. Dec. 14, 1990;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 193, Eff. Mar. 28, 2010.