

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

552.629 Suspension hearing; consolidation with modification hearing; order to pay arrearage in installments; suspension order; failure of payer to comply with order.

Sec. 29. (1) Within 21 days after the date on which a notice described in section 28 is mailed to a payer, the payer may request a hearing on the proposed suspension. If the payer requests a hearing within that time, a suspension order shall not be entered and a suspension notice shall not be sent pending the outcome of the hearing.

(2) If a payer files a petition for modification of the support order and the petition is pending at the date scheduled for a hearing under this section, the court shall consolidate the hearing under this section and a hearing on the petition for modification unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on the petition for modification shall be held before the hearing scheduled under this section.

(3) If, after a hearing under this section, the court determines that the payer has accrued an arrearage on his or her support order and that the payer has, or could by the exercise of due diligence have, the capacity to pay all or some portion of the amount due, the court shall order the payment of the arrearage, as reasonable, in 1 or more scheduled installments of a sum certain.

(4) After 21 days after the date on which a notice described in section 28 is sent, the friend of the court shall notify the secretary of state if the payer has failed to request or attend a hearing on the proposed suspension or pay the arrearage in full. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

(5) The court may order the suspension of the payer's occupational license or recreational or sporting license, or any combination of the licenses included in the notice under section 28, under either of the following circumstances:

(a) The payer fails to pay the arrearage and fails to either request a hearing as provided in subsection (1) or appear for a hearing scheduled after such a request.

(b) The court determines after a hearing that the payer has failed to comply with an arrearage payment schedule ordered under this section.

(6) If a court determines that a payer has failed to comply with an arrearage payment schedule ordered under this section, the court may direct the friend of the court to notify the secretary of state of the failure. On receiving the notice from the friend of the court, the secretary of state shall suspend the payer's driver's license as provided in section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c.

History: Add. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009.