

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6004**

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending sections 2, 25a, 25b, and 28 (MCL 552.602, 552.625a,  
552.625b, and 552.628), section 2 as amended by 1999 PA 160 and  
sections 25a and 25b as added and section 28 as amended by 1998  
PA 334, and by adding sections 5c, 25c, 25d, 25e, 25f, 25g, 25h,  
and 25i.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 2. As used in this act:
- 2       (a) "Account" means any of the following:
- 3       (i) A demand deposit account.
- 4       (ii) A draft account.
- 5       (iii) A checking account.
- 6       (iv) A negotiable order of withdrawal account.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004 2

- 1 (v) A share account.
- 2 (vi) A savings account.
- 3 (vii) A time savings account.
- 4 (viii) A mutual fund account.
- 5 (ix) A securities brokerage account.
- 6 (x) A money market account.
- 7 (xi) A retail investment account.
- 8 (b) "Account" does not mean any of the following:
- 9 (i) A trust.
- 10 (ii) An annuity.
- 11 (iii) A qualified individual retirement account.
- 12 (iv) An account covered by the employee retirement income
- 13 security act of 1974, Public Law 93-406, 88 Stat. 829.
- 14 (v) A pension or retirement plan.
- 15 (vi) An insurance policy.
- 16 (c) "Address" means the primary address shown on the records
- 17 of a financial institution used by the financial institution to
- 18 contact the account holder.
- 19 (D) "CASH" MEANS MONEY OR THE EQUIVALENT OF MONEY, SUCH AS A
- 20 MONEY ORDER, CASHIER'S CHECK, OR NEGOTIABLE CHECK OR A PAYMENT BY
- 21 DEBIT OR CREDIT CARD, WHICH EQUIVALENT IS ACCEPTED AS CASH BY THE
- 22 AGENCY ACCEPTING THE PAYMENT.
- 23 (E) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
- 24 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
- 25 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
- 26 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

3

1 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH  
2 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

3 (F) ~~(d)~~ "Department" means the family independence  
4 agency.

5 (G) "DOMESTIC RELATIONS MATTER" MEANS A CIRCUIT COURT PRO-  
6 CEEDING AS TO CHILD CUSTODY OR PARENTING TIME, OR CHILD OR SPOU-  
7 SAL SUPPORT, THAT ARISES OUT OF LITIGATION UNDER A STATUTE OF  
8 THIS STATE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

9 (i) 1846 RS 84, MCL 552.1 TO 552.45.

10 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO  
11 552.459.

12 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO  
13 722.31.

14 (iv) 1968 PA 293, MCL 722.1 TO 722.6.

15 (v) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

16 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,  
17 1952 PA 8, MCL 780.151 TO 780.183.

18 (vii) UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA 310,  
19 MCL 552.1101 TO 552.1901.

20 (H) ~~(e)~~ "Driver's license" means license as that term is  
21 defined in section 25 of the Michigan vehicle code, 1949 PA 300,  
22 MCL 257.25.

23 (I) ~~(f)~~ "Employer" means an individual, sole proprietor-  
24 ship, partnership, association, or private or public corporation,  
25 the United States or a federal agency, this state or a political  
26 subdivision of this state, another state or a political

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

4

1 subdivision of another state, or another legal entity that hires  
2 and pays an individual for his or her services.

3 (J) ~~(g)~~ "Financial asset" means a deposit, account, money  
4 market fund, stock, bond, or similar instrument.

5 (K) ~~(h)~~ "Financial institution" means any of the  
6 following:

7 (i) A state or national bank.

8 (ii) A state or federally chartered savings and loan  
9 association.

10 (iii) A state or federally chartered savings bank.

11 (iv) A state or federally chartered credit union.

12 (v) An insurance company.

13 (vi) An entity that offers any of the following to a resi-  
14 dent of this state:

15 (A) A mutual fund account.

16 (B) A securities brokerage account.

17 (C) A money market account.

18 (D) A retail investment account.

19 (vii) An entity regulated by the securities and exchange  
20 commission that collects funds from the public.

21 (viii) An entity that is a member of the national associa-  
22 tion of securities dealers and that collects funds from the  
23 public.

24 (ix) Another entity that collects funds from the public.

25 (l) ~~(i)~~ "Friend of the court act" means 1982 PA 294, MCL  
26 552.501 to 552.535.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

5

1 (M) "FRIEND OF THE COURT CASE" MEANS THAT TERM AS DEFINED IN  
2 SECTION 2 OF THE FRIEND OF THE COURT ACT, MCL 552.502. THE TERM  
3 "FRIEND OF THE COURT CASE", WHEN USED IN A PROVISION OF THIS ACT,  
4 IS NOT EFFECTIVE UNTIL ON AND AFTER THE EFFECTIVE DATE OF SECTION  
5 5A OF THE FRIEND OF THE COURT ACT, MCL 552.505A.

6 (N) ~~(j)~~ "Income" means any of the following:

7 (i) Commissions, earnings, salaries, wages, and other income  
8 due or to be due in the future to an individual from his or her  
9 employer and successor employers.

10 (ii) A payment due or to be due in the future to an individ-  
11 ual from a profit-sharing plan, a pension plan, an insurance con-  
12 tract, an annuity, social security, unemployment compensation,  
13 supplemental unemployment benefits, or worker's compensation.

14 (iii) An amount of money that is due to an individual as a  
15 debt of another individual, partnership, association, or private  
16 or public corporation, the United States or a federal agency,  
17 this state or a political subdivision of this state, another  
18 state or a political subdivision of another state, or another  
19 legal entity that is indebted to the individual.

20 (O) ~~(k)~~ "Insurer" means an insurer, health maintenance  
21 organization, health care corporation, or other group, plan, or  
22 entity that provides health care coverage in accordance with any  
23 of the following acts:

24 (i) ~~The public~~ PUBLIC health code, 1978 PA 368, MCL  
25 333.1101 to 333.25211.

26 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to  
27 500.8302.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

6

1           (iii) The nonprofit health care corporation reform act, 1980  
2 PA 350, MCL 550.1101 to 550.1704.

3           (P) ~~(t)~~ "Medical assistance" means medical assistance as  
4 established under title XIX of the social security act, chapter  
5 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6  
6 ~~—~~ and 1396r-8 to 1396v.

7           (Q) ~~(m)~~ "Occupational license" means a certificate, regis-  
8 tration, or license issued by a state department, bureau, or  
9 agency that has regulatory authority over an individual that  
10 allows an individual to legally engage in a regulated occupation  
11 or that allows the individual to use a specific title in the  
12 practice of an occupation, profession, or vocation.

13           (R) ~~(n)~~ "Office of child support" means the office of  
14 child support established in section 2 of the office of child  
15 support act, 1971 PA 174, MCL 400.232.

16           (S) ~~(o)~~ "Office of the friend of the court" means an  
17 agency created in section 3 of the friend of the court act, MCL  
18 552.503.

19           (T) ~~(p)~~ "Order of income withholding" means an order  
20 entered by the circuit court providing for the withholding of a  
21 payer's income to enforce a support order under this act.

22           (U) ~~(q)~~ "Payer" means an individual who is ordered by the  
23 circuit court to pay support.

24           (V) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
25 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

26           (W) ~~(r)~~ "Plan administrator" means that term as used in  
27 relation to a group health plan under section 609 of part 6 of

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

7

1 subtitle B of title I of the employee retirement income security  
2 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health  
3 care coverage plan of the individual who is responsible for pro-  
4 viding a child with health care coverage is subject to that act.

5 (X) ~~(s)~~ "Political subdivision" means a county, city, vil-  
6 lage, township, educational institution, school district, or spe-  
7 cial district or authority of the state or of a local unit of  
8 government.

9 (Y) ~~(t)~~ "Recipient of support" means the following:

10 (i) The spouse, if the support order orders spousal  
11 support.

12 (ii) The custodial parent or guardian, if the support order  
13 orders support for a minor child or a child who is 18 years of  
14 age or older.

15 (iii) The department, if support has been assigned to that  
16 department.

17 (Z) ~~(u)~~ "Recreational or sporting license" means a hunt-  
18 ing, fishing, or fur harvester's license issued under the natural  
19 resources and environmental protection act, 1994 PA 451, MCL  
20 324.101 to 324.90106, but does not include a commercial fishing  
21 license or permit issued under part 473 of the natural resources  
22 and environmental protection act, 1994 PA 451, MCL 324.47301 to  
23 324.47362.

24 (AA) ~~(v)~~ "Referee" means a person who is designated as a  
25 referee under the friend of the court act.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

8

1           (BB) ~~(w)~~ "Source of income" means an employer or successor  
2 employer or another individual or entity that owes or will owe  
3 income to the payer.

4           (CC) ~~(x)~~ "State disbursement unit" or "SDU" means the  
5 entity established in section 6 of the office of child support  
6 act, 1971 PA 174, MCL 400.236.

7           (DD) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS  
8 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19  
9 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

10          (EE) ~~(y)~~ "Support" means all of the following:

11           (i) The payment of money for a child or a spouse ordered by  
12 the circuit court, whether the order is embodied in an interim,  
13 temporary, permanent, or modified order or judgment. Support may  
14 include payment of the expenses of medical, dental, and other  
15 health care, child care expenses, and educational expenses.

16           (ii) The payment of money ordered by the circuit court under  
17 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the  
18 necessary expenses incurred by or for the mother in connection  
19 with her confinement, for other expenses in connection with the  
20 pregnancy of the mother, or for the repayment of genetic testing  
21 expenses.

22           (iii) A surcharge accumulated under section 3a.

23          (FF) ~~(z)~~ "Support order" means an order entered by the  
24 circuit court for the payment of support, whether or not a sum  
25 certain.



**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

9

1 (GG) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL  
2 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,  
3 656 TO 657, 658a TO 660, AND 663 TO 669b.

4 (HH) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PER-  
5 FORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON PER-  
6 FORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF THE  
7 FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

8 (II) ~~(aa)~~ "Work activity" means any of the following:

9 (i) Unsubsidized employment.

10 (ii) Subsidized private sector employment.

11 (iii) Subsidized public sector employment.

12 (iv) Work experience, including work associated with the  
13 refurbishing of publicly assisted housing, if sufficient private  
14 sector employment is not available.

15 (v) On-the-job training.

16 (vi) ~~Job~~ REFERRAL TO AND PARTICIPATION IN THE WORK FIRST  
17 PROGRAM PRESCRIBED IN THE SOCIAL WELFARE ACT, 1939 PA 280, MCL  
18 400.1 TO 400.119B, OR OTHER JOB search and job readiness  
19 assistance.

20 (vii) Community service programs.

21 (viii) Vocational educational training, not to exceed 12  
22 months with respect to an individual.

23 (ix) Job skills training directly related to employment.

24 (x) Education directly related to employment, in the case of  
25 an individual who has not received a high school diploma or a  
26 certificate of high school equivalency.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

10

1           (xi) Satisfactory attendance at secondary school or in a  
2 course of study leading to a certificate of general equivalence,  
3 in the case of an individual who has not completed secondary  
4 school or received such a certificate.

5           (xii) The provisions of child care services to an individual  
6 who is participating in a community service program.

7           SEC. 5C. (1) ALL SUPPORT ORDERS SHALL BE STATED IN MONTHLY  
8 AMOUNTS PAYABLE ON THE FIRST OF EACH MONTH IN ADVANCE. A SUPPORT  
9 OBLIGATION NOT PAID BY THE LAST DAY OF THE MONTH IN WHICH IT  
10 ACCRUES IS PAST DUE. IF A SUPPORT ORDER DOES NOT STATE THE  
11 AMOUNT OF SUPPORT AS A MONTHLY AMOUNT, THE SUPPORT AMOUNT STATED  
12 IN THE ORDER SHALL BE CONVERTED TO A MONTHLY AMOUNT USING THE  
13 FORMULA ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE.

14           (2) IF PAYMENTS UNDER A SUPPORT ORDER ARE BEING MADE IN THE  
15 AMOUNT REQUIRED, THROUGH INCOME WITHHOLDING, PURSUANT TO AN  
16 INSTALLMENT PAYMENT ORDER, OR OTHERWISE, AND THERE ARE NO PREEX-  
17 ISTING ARREARAGES, THE FRIEND OF THE COURT SHALL NOT CONSIDER THE  
18 PAYER AS HAVING AN ARREARAGE IF A PERIODIC TEMPORARY ARREARAGE IS  
19 CREATED BASED UPON THE CONVERSION OF THE MONTHLY SUPPORT ORDER TO  
20 AN INCOME WITHHOLDING ORDER OR OTHER PAYMENT SCHEDULE AND WHICH  
21 RESULTS FROM A DIVERGENCE BETWEEN THE CYCLE OF PAYMENTS UNDER THE  
22 INCOME WITHHOLDING OR PAYMENT SCHEDULE AND THE CYCLE OF CHARGES.

23           (3) IF A SUPPORT ORDER TAKES EFFECT ON OTHER THAN THE FIRST  
24 DAY OF A MONTH, THE MONTHLY AMOUNT IS PRORATED BASED ON THE DAILY  
25 AMOUNT FOR THAT MONTH. A MONTHLY SUPPORT ORDER AMOUNT SHALL BE  
26 PRORATED FOR THE LAST MONTH IN WHICH THE ORDER IS IN EFFECT.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

11

1 (4) IF THE TITLE IV-D AGENCY RECEIVES A SUPPORT PAYMENT  
2 THAT, AT THE TIME OF ITS RECEIPT, EXCEEDS A PAYER'S SUPPORT  
3 AMOUNT PAYABLE PLUS AN AMOUNT PAYABLE UNDER AN ARREARAGE PAYMENT  
4 SCHEDULE, THE TITLE IV-D AGENCY SHALL APPLY THE EXCESS AGAINST  
5 THE PAYER'S TOTAL ARREARAGE ACCRUED UNDER ALL SUPPORT ORDERS  
6 UNDER WHICH THE PAYER IS OBLIGATED. IF A BALANCE REMAINS AFTER  
7 APPLICATION AGAINST THE TOTAL ARREARAGE, THE TITLE IV-D AGENCY  
8 SHALL DO 1 OF THE FOLLOWING:

9 (A) IF THE PAYER DESIGNATES THE BALANCE AS ADDITIONAL SUP-  
10 PORT, IMMEDIATELY DISBURSE THAT AMOUNT TO THE RECIPIENT OF  
11 SUPPORT.

12 (B) IF, AT THE TIME THE PAYMENT IS RECEIVED, THE PAYER IS  
13 OBLIGATED UNDER A SUPPORT ORDER FOR A FUTURE SUPPORT PAYMENT AND  
14 THE BALANCE IS LESS THAN OR EQUAL TO THE MONTHLY SUPPORT ORDER  
15 AMOUNT, RETAIN THE BALANCE AND DISBURSE IT TO THE RECIPIENT OF  
16 SUPPORT IMMEDIATELY WHEN THE AMOUNT IS PAYABLE AS SUPPORT.

17 (C) IF, AT THE TIME THE PAYMENT IS RECEIVED, THE PAYER IS  
18 NOT OBLIGATED FOR A FUTURE SUPPORT PAYMENT, OR THE PAYER IS OBLI-  
19 GATED UNDER A SUPPORT ORDER FOR A FUTURE SUPPORT PAYMENT BUT THE  
20 BALANCE IS GREATER THAN THE MONTHLY SUPPORT ORDER AMOUNT, RETURN  
21 THE BALANCE TO THE PAYER.

22 Sec. 25a. (1) The amount of past due support that accrues  
23 under a judgment ~~pursuant to~~ AS PROVIDED IN section 3 or under  
24 the law of another state constitutes a lien in favor of the  
25 recipient of support against the real and personal property of a  
26 payer, other than financial assets pledged to a financial  
27 institution as collateral or financial assets to which a

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

12

1 financial institution has a prior right of setoff or other lien.  
2 The lien is effective at the time that the support is due and  
3 unpaid and shall continue until the amount of past due support is  
4 paid in full or the lien is terminated by the ~~support~~  
5 ~~enforcement~~ IV-D agency.

6 (2) Liens that arise in other states shall be accorded full  
7 faith and credit when the requirements of section 25b OR 25C are  
8 met.

9 (3) A LIEN CREATED UNDER SUBSECTION (1) IS SUBORDINATE TO A  
10 PRIOR PERFECTED LIEN. ALL LIENS CREATED UNDER SUBSECTION (1) AND  
11 DESCRIBED IN SUBSECTION (2) HAVE EQUAL PRIORITY.

12 (4) BEFORE A LIEN IS PERFECTED OR LEVIED UNDER THIS ACT, THE  
13 TITLE IV-D AGENCY SHALL SEND A NOTICE TO THE PAYER SUBJECT TO THE  
14 SUPPORT ORDER INFORMING THE PAYER OF THE IMPOSITION OF LIENS BY  
15 OPERATION OF LAW AND THAT THE PAYER'S REAL AND PERSONAL PROPERTY  
16 CAN BE ENCUMBERED OR SEIZED IF AN ARREARAGE ACCRUES IN AN AMOUNT  
17 THAT EXCEEDS THE AMOUNT OF PERIODIC SUPPORT PAYMENTS PAYABLE  
18 UNDER THE PAYER'S SUPPORT ORDER FOR THE TIME PERIOD SPECIFIED IN  
19 THIS ACT.

20 (5) THE TITLE IV-D AGENCY OR ANOTHER PERSON REQUIRED TO PRO-  
21 VIDE NOTICE UNDER THIS SECTION OR SECTIONS 25B TO 25I SHALL PRO-  
22 VIDE NOTICE BY PAPER, UNLESS THE PERSON TO BE NOTIFIED AGREES TO  
23 NOTICE BY OTHER MEANS. THE TITLE IV-D AGENCY OR OTHER PERSON  
24 PROVIDING NOTICE UNDER THIS SECTION OR SECTIONS 25B TO 25I SHALL  
25 COMPLETE AND PRESERVE PROOF OF SERVICE OF THE NOTICE IN A FORM  
26 SUBSTANTIALLY CONFORMING TO THE REQUIREMENTS FOR PROOF OF SERVICE  
27 UNDER THE MICHIGAN COURT RULES.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

13

1           Sec. 25b. (1) ~~The office of the friend of the court~~ A  
2 REMEDY PROVIDED BY THIS SECTION IS CUMULATIVE AND DOES NOT AFFECT  
3 THE AVAILABILITY OF ANOTHER REMEDY UNDER THIS ACT OR OTHER LAW.

4           (2) EXCEPT FOR A FINANCIAL ASSET TO WHICH SECTION 25C  
5 APPLIES, THE TITLE IV-D AGENCY may perfect a lien created under  
6 section 25a upon the real or personal property of the payer when  
7 an arrearage has accrued in an amount that exceeds 2 TIMES the  
8 MONTHLY amount of periodic support payments payable ~~for 1 year~~  
9 under the payer's support order.

10         ~~(2) Before a lien is perfected in a case in which a support~~  
11 ~~order was issued before the effective date of this section, the~~  
12 ~~office of the friend of the court shall send a notice to the~~  
13 ~~payer subject to the support order informing the payer of the~~  
14 ~~imposition of liens by operation of law and that the payer's real~~  
15 ~~and personal property can be encumbered or seized if an arrearage~~  
16 ~~accrues in an amount that exceeds the amount of periodic support~~  
17 ~~payments payable for 1 year under the payer's support order.~~

18           (3) If the arrearage under subsection (2) is reached and the  
19 ~~office of the friend of the court~~ TITLE IV-D AGENCY has deter-  
20 mined that the delinquent payer holds real or personal property,  
21 OTHER THAN A FINANCIAL ASSET TO WHICH SECTION 25C APPLIES, the  
22 ~~office of the friend of the court~~ TITLE IV-D AGENCY may perfect  
23 the lien. THE TITLE IV-D AGENCY SHALL PERFECT A LIEN ON PROPERTY  
24 TO WHICH THIS SECTION APPLIES IN THE SAME MANNER IN WHICH ANOTHER  
25 LIEN ON PROPERTY OF THE SAME TYPE IS PERFECTED.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

14

1       ~~-(4) The office of the friend of the court shall provide a~~  
2 ~~copy of the notice under subsection (2) to each of the~~  
3 ~~following:~~

4       ~~(a) A financial institution doing business in this state if~~  
5 ~~the payer has 1 or more accounts at that financial institution.~~

6       ~~(b) The appropriate agency of another state if the payer~~  
7 ~~holds assets in that other state.~~

8       ~~(5) The office of the friend of the court may provide notice~~  
9 ~~of the lien and subsequent notices by paper or automated means.~~

10       ~~-(6) To perfect a lien created by section 25a, the office of~~  
11 ~~the friend of the court must record the lien with the register of~~  
12 ~~deeds in the county where the real property is located, or for~~  
13 ~~personal property, in the appropriate state or county office. A~~  
14 ~~lien recorded as provided in this subsection takes effect on the~~  
15 ~~date and at the time of that recording.~~

16       (4) ~~-(7)~~ The ~~office of the friend of the court~~ TITLE IV-D  
17 AGENCY shall notify the payer when the ~~office of the friend of~~  
18 ~~the court~~ TITLE IV-D AGENCY has perfected a lien against real or  
19 personal property of the payer. The notice shall be sent by  
20 ordinary mail to the payer's last known address, ~~—A~~ AND A  
21 copy of the notice shall be sent by ordinary mail to the recipi-  
22 ent of support. ~~The~~ A notice UNDER THIS SUBSECTION shall  
23 include all of the following:

24       (a) The amount of the arrearage.

25       (b) That a lien is in effect on the real or personal prop-  
26 erty of the payer.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

15

1 (c) That the property is subject to seizure unless the payer  
2 responds by paying the arrearage or requesting a review within 21  
3 days after the date of mailing the notice.

4 (d) That, at the review, the payer may object to the lien  
5 and TO proposed action based on a mistake of fact concerning the  
6 overdue support amount or the payer's identity.

7 (e) That, if the payer believes that the amount of support  
8 ordered should be modified because of a change in circumstances,  
9 the payer may file a petition with the court for modification of  
10 the support order.

11 (5) ~~(8)~~ Within 21 days after the date on which the notice  
12 described in subsection ~~(7)~~ (4) is mailed to a payer, the payer  
13 may request a review on the lien and the proposed action. If the  
14 payer requests a review under this subsection, the ~~office of the~~  
15 ~~friend of the court~~ TITLE IV-D AGENCY shall ~~schedule~~ CONDUCT  
16 the review within 14 days after the date of the request.

17 (6) ~~(9)~~ If, at the review, the payer establishes that the  
18 lien is not proper because of a mistake of fact, the ~~office of~~  
19 ~~the friend of the court~~ TITLE IV-D AGENCY shall terminate the  
20 lien and, within 7 days, notify the applicable entity that the  
21 lien is terminated.

22 (7) ~~(10)~~ If the payer fails to request a review, to appear  
23 for a review, or to establish a mistake of fact, the ~~office of~~  
24 ~~the friend of the court~~ TITLE IV-D AGENCY may collect the  
25 arrearage by levy upon any property belonging to the payer as  
26 provided in this section. The ~~office of the friend of the~~

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

16

1 ~~court~~ TITLE IV-D AGENCY shall notify the payer at the review or  
2 by written notice of its intent to levy.

3 ~~(11) To enforce a lien under this section by levying~~  
4 ~~against an account at a financial institution, the office of the~~  
5 ~~friend of the court shall provide notice in the manner provided~~  
6 ~~by law for levying against an account at a financial~~  
7 ~~institution.~~

8 (8) ~~(12)~~ To enforce a lien on real property or personal  
9 property, ~~other than an account at a financial institution, the~~  
10 ~~office may order the sale of~~ THE TITLE IV-D AGENCY MAY SELL THE  
11 real property in the manner provided by law for the JUDICIAL  
12 foreclosure of mortgage liens; ~~order execution of~~ APPLY TO THE  
13 CIRCUIT COURT FOR AN ORDER TO EXECUTE the judgment, ~~+~~ TO  
14 appoint a receiver of the real and personal property subject to  
15 the lien, and TO order the property and its income to be applied  
16 to the amount of the judgment; or take any other appropriate  
17 action to enforce the judgment. The ~~office~~ TITLE IV-D AGENCY  
18 shall mail a copy of orders under this subsection to the payer  
19 and recipient of support at his or her last known address.

20 ~~(13) A lien created under section 25a is subordinate to any~~  
21 ~~prior perfected lien.~~

22 (9) ~~(14)~~ A payer may request that the ~~office of the~~  
23 ~~friend of the court~~ TITLE IV-D AGENCY terminate a lien against  
24 the real and personal property of the payer on the basis that the  
25 payer is no longer in arrears. If the payer is no longer in  
26 arrears, the ~~office of the friend of the court~~ TITLE IV-D



**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

17

1 AGENCY shall terminate the lien ~~pursuant to~~ IN ACCORDANCE WITH  
2 law.

3 (10) ~~(15)~~ An entity is not liable under any federal or  
4 state law to any person for any disclosure of information to the  
5 ~~office or the designee of the office~~ TITLE IV-D AGENCY under  
6 this section or for any other action taken in good faith to  
7 comply with the requirements of this section.

8 SEC. 25C. (1) A REMEDY PROVIDED BY THIS SECTION IS CUMULA-  
9 TIVE AND DOES NOT AFFECT THE AVAILABILITY OF ANOTHER REMEDY UNDER  
10 THIS ACT OR OTHER LAW.

11 (2) IF A PAYER'S FINANCIAL ASSETS HELD BY A FINANCIAL INSTI-  
12 TUTION ARE SUBJECT TO A LIEN UNDER SECTION 25A AND AN ARREARAGE  
13 HAS ACCRUED IN AN AMOUNT THAT EXCEEDS 2 TIMES THE MONTHLY AMOUNT  
14 OF PERIODIC SUPPORT PAYMENTS PAYABLE UNDER THE PAYER'S SUPPORT  
15 ORDER, THE TITLE IV-D AGENCY MAY LEVY AGAINST THE PAYER'S FINAN-  
16 CIAL ASSETS HELD BY A FINANCIAL INSTITUTION. TO LEVY AGAINST A  
17 PAYER'S FINANCIAL ASSETS, THE TITLE IV-D AGENCY SHALL SERVE THE  
18 FINANCIAL INSTITUTION HOLDING THE FINANCIAL ASSETS WITH A NOTICE  
19 OF THE LIEN AND LEVY, DIRECTING THE FINANCIAL INSTITUTION TO  
20 FREEZE THE PAYER'S FINANCIAL ASSETS HELD BY THE FINANCIAL  
21 INSTITUTION.

22 (3) THE OFFICE OF CHILD SUPPORT, IN CONSULTATION WITH THE  
23 STATE COURT ADMINISTRATIVE OFFICE, SHALL CREATE THE FORM THAT IS  
24 REQUIRED FOR THE NOTICE TO A FINANCIAL INSTITUTION UNDER SUBSEC-  
25 TION (2). THE FORM SHALL INCLUDE, OR PROVIDE FOR INCLUSION OF,  
26 AT LEAST ALL OF THE FOLLOWING:

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

18

1 (A) THE LEVY AMOUNT.

2 (B) INFORMATION THAT ENABLES THE FINANCIAL INSTITUTION TO  
3 LINK THE PAYER WITH HIS OR HER FINANCIAL ASSETS AND TO NOTIFY THE  
4 PAYER.

5 (C) INFORMATION ON HOW TO CONTACT THE TITLE IV-D AGENCY.

6 (D) STATEMENTS SETTING FORTH THE RIGHTS AND RESPONSIBILITIES  
7 OF THE FINANCIAL INSTITUTION AND PAYER.

8 (4) A TITLE IV-D AGENCY MAY WITHDRAW A LEVY UNDER THIS SEC-  
9 TION AT ANY TIME BEFORE THE CIRCUIT COURT CONSIDERS OR HEARS THE  
10 MATTER IN AN ACTION FILED UNDER SECTION 25F. THE TITLE IV-D  
11 AGENCY SHALL GIVE NOTICE OF THE WITHDRAWAL TO THE PAYER AND  
12 FINANCIAL INSTITUTION. UPON RECEIVING NOTICE OF A WITHDRAWAL OF  
13 A LEVY, THE FINANCIAL INSTITUTION SHALL RELEASE THE PAYER'S  
14 FINANCIAL ASSETS BY THE CLOSE OF BUSINESS ON 1 OF THE FOLLOWING  
15 DAYS:

16 (A) IF THE NOTICE IS RECEIVED BEFORE NOON, THE FIRST BUSI-  
17 NESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS RECEIVED.

18 (B) IF THE NOTICE IS RECEIVED AT NOON OR LATER, THE SECOND  
19 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS  
20 RECEIVED.

21 SEC. 25D. (1) A FINANCIAL INSTITUTION INCURS NO OBLIGATION  
22 OR LIABILITY TO A DEPOSITOR, ACCOUNT HOLDER, OR OTHER PERSON  
23 ARISING FROM THE FURNISHING OF INFORMATION UNDER SECTIONS 25C TO  
24 25I OR FROM THE FAILURE TO DISCLOSE TO A DEPOSITOR, ACCOUNT  
25 HOLDER, OR OTHER PERSON THAT THE PERSON'S NAME AS A PERSON WITH  
26 AN INTEREST IN THE FINANCIAL ASSETS WAS INCLUDED IN THE  
27 INFORMATION PROVIDED.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

19

1           (2) A FINANCIAL INSTITUTION INCURS NO OBLIGATION OR  
2 LIABILITY TO THE TITLE IV-D AGENCY OR ANOTHER PERSON FOR AN ERROR  
3 OR OMISSION MADE IN GOOD FAITH COMPLIANCE WITH SECTIONS 25C TO  
4 25I.

5           (3) A FINANCIAL INSTITUTION INCURS NO OBLIGATION OR LIABIL-  
6 ITY FOR BLOCKING, FREEZING, PLACING A HOLD UPON, FORWARDING, OR  
7 OTHERWISE DEALING WITH A PERSON'S FINANCIAL ASSETS IN RESPONSE TO  
8 A LIEN OR LEVY IMPOSED OR INFORMATION PROVIDED UNDER SECTIONS 25C  
9 TO 25I.

10           (4) A FINANCIAL INSTITUTION IS NOT OBLIGATED TO BLOCK,  
11 FREEZE, PLACE A HOLD UPON, FORWARD, OR OTHERWISE DEAL WITH A  
12 PERSON'S FINANCIAL ASSETS UNTIL SERVED WITH THE NOTICE OF LEVY IN  
13 ACCORDANCE WITH SECTION 25C. A FINANCIAL INSTITUTION THAT FOR-  
14 WARDS FINANCIAL ASSETS TO THE TITLE IV-D AGENCY IN RESPONSE TO A  
15 LEVY UNDER SECTION 25C IS DISCHARGED FROM ANY OBLIGATION OR  
16 LIABILITY TO THE DEPOSITOR, ACCOUNT HOLDER, OR OTHER PERSON WITH  
17 AN INTEREST IN THE FINANCIAL ASSETS THAT ARE FORWARDED TO THE  
18 TITLE IV-D AGENCY.

19           SEC. 25E. (1) WHEN A FINANCIAL INSTITUTION RECEIVES A  
20 NOTICE OF LEVY ON A PAYER'S FINANCIAL ASSETS HELD BY THE FINAN-  
21 CIAL INSTITUTION UNDER SECTION 25C, THE FINANCIAL INSTITUTION  
22 SHALL FREEZE THOSE FINANCIAL ASSETS. IF THE PAYER'S FINANCIAL  
23 ASSETS HELD BY A FINANCIAL INSTITUTION EXCEED THE LEVY AMOUNT,  
24 THE FINANCIAL INSTITUTION SHALL FREEZE THOSE FINANCIAL ASSETS UP  
25 TO THE LEVY AMOUNT. A FINANCIAL INSTITUTION SHALL EXECUTE THE  
26 FREEZE OF A PAYER'S FINANCIAL ASSETS UNDER THIS SECTION BY THE  
27 CLOSE OF BUSINESS ON 1 OF THE FOLLOWING DAYS:

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

20

1           (A) IF THE NOTICE IS RECEIVED BEFORE NOON, THE FIRST  
2 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS  
3 RECEIVED.

4           (B) IF THE NOTICE IS RECEIVED AT NOON OR LATER, THE SECOND  
5 BUSINESS DAY AFTER THE BUSINESS DAY ON WHICH THE NOTICE IS  
6 RECEIVED.

7           (2) AFTER COMPLYING WITH SUBSECTION (1), A FINANCIAL INSTI-  
8 TUTION SHALL GIVE NOTICE OF THAT COMPLIANCE TO THE TITLE IV-D  
9 AGENCY, THE PAYER, AND EACH OTHER PERSON WITH AN INTEREST IN THE  
10 FINANCIAL ASSETS AS SHOWN IN THE FINANCIAL INSTITUTION'S  
11 RECORDS. A FINANCIAL INSTITUTION'S NOTICE TO A PAYER UNDER THIS  
12 SUBSECTION SHALL INCLUDE A COPY OF THE TITLE IV-D AGENCY NOTICE  
13 TO THE FINANCIAL INSTITUTION.

14           SEC. 25F. (1) A PAYER WHOSE FINANCIAL ASSETS ARE LEVIED ON  
15 UNDER SECTION 25C OR A PERSON WITH AN INTEREST IN THOSE ASSETS  
16 MAY CHALLENGE THE LEVY BY SUBMITTING A WRITTEN CHALLENGE WITH THE  
17 TITLE IV-D AGENCY AT THE LOCATION SPECIFIED IN THE TITLE IV-D  
18 AGENCY NOTICE. A PAYER OR OTHER PERSON WITH AN INTEREST MUST  
19 SUBMIT A WRITTEN CHALLENGE UNDER THIS SECTION WITHIN 21 DAYS  
20 AFTER THE FINANCIAL INSTITUTION SENDS THE PAYER A COPY OF THE  
21 TITLE IV-D AGENCY NOTICE AS REQUIRED BY SECTION 25E. A CHALLENGE  
22 TO A LEVY UNDER SECTION 25C IS GOVERNED BY THIS ACT AND IS NOT  
23 SUBJECT TO CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF  
24 1969, 1969 PA 306, MCL 24.271 TO 24.287. A PAYER OR OTHER PERSON  
25 WITH AN INTEREST WHO SUBMITS A CHALLENGE UNDER THIS SUBSECTION  
26 MAY WITHDRAW THE CHALLENGE AT ANY TIME BY GIVING NOTICE OF THE  
27 WITHDRAWAL TO THE TITLE IV-D AGENCY.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

21

1           (2) IF THE TITLE IV-D AGENCY RECEIVES A WRITTEN CHALLENGE  
2 FROM A PAYER OR OTHER PERSON WITH AN INTEREST WITHIN THE TIME  
3 LIMIT REQUIRED BY SUBSECTION (1), THE TITLE IV-D AGENCY SHALL  
4 NOTIFY THE FINANCIAL INSTITUTION ABOUT THE CHALLENGE AND, WITHIN  
5 7 DAYS, SHALL REVIEW THE CASE WITH THE CHALLENGER. THE TITLE  
6 IV-D AGENCY SHALL CONSIDER ONLY A MISTAKE IN THE PAYER'S IDENTITY  
7 OR IN THE AMOUNT OF THE PAYER'S PAST DUE SUPPORT, OR ANOTHER MIS-  
8 TAKE OF FACT, AS CAUSE TO RELEASE OR MODIFY THE LEVY. IF THE  
9 TITLE IV-D AGENCY DETERMINES THAT A MISTAKE OF FACT OCCURRED, THE  
10 TITLE IV-D AGENCY SHALL DO 1 OF THE FOLLOWING:

11           (A) IF THE MISTAKE IS THE PAYER'S IDENTITY OR THAT THE PAYER  
12 DOES NOT OWE PAST DUE SUPPORT IN AN AMOUNT EQUAL TO OR GREATER  
13 THAN 2 TIMES THE PAYER'S MONTHLY SUPPORT AMOUNT UNDER A SUPPORT  
14 ORDER, NOTIFY THE FINANCIAL INSTITUTION AND THE PAYER THAT THE  
15 LEVY IS RELEASED.

16           (B) IF THE PAYER DOES OWE PAST DUE SUPPORT IN AN AMOUNT  
17 EQUAL TO OR GREATER THAN 2 TIMES THE PAYER'S MONTHLY SUPPORT  
18 AMOUNT UNDER A SUPPORT ORDER, BUT THE AMOUNT IN THE NOTICE TO  
19 LEVY IS MORE THAN THE PAYER OWES, NOTIFY THE PAYER OF THE COR-  
20 RECTED AMOUNT.

21           (C) IF THE MISTAKE CONCERNS A FACT OTHER THAN THOSE  
22 DESCRIBED IN SUBDIVISIONS (A) AND (B), TAKE ACTION APPROPRIATE TO  
23 THE MISTAKE.

24           (3) IF THE TITLE IV-D AGENCY FINDS NO MISTAKE OF FACT, THE  
25 TITLE IV-D AGENCY SHALL NOTIFY THE PAYER OR OTHER PERSON WITH AN  
26 INTEREST OF THAT FINDING.

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

22

1           (4) IF THE PAYER OR OTHER PERSON WITH AN INTEREST DISAGREES  
2 WITH THE TITLE IV-D AGENCY REVIEW DETERMINATION UNDER THIS  
3 SECTION, THE PAYER OR OTHER PERSON WITH AN INTEREST MAY CHALLENGE  
4 THE LEVY UNDER SECTION 25C BY FILING AN ACTION IN THE CIRCUIT  
5 COURT THAT ISSUED A SUPPORT ORDER THAT IS AN UNDERLYING BASIS FOR  
6 THE LEVY. A PAYER OR OTHER PERSON WITH AN INTEREST MUST FILE AN  
7 ACTION UNDER THIS SUBSECTION WITHIN 21 DAYS AFTER THE TITLE IV-D  
8 AGENCY SENDS NOTICE OF ITS REVIEW DETERMINATION AND SHALL GIVE  
9 THE TITLE IV-D AGENCY NOTICE OF THE ACTION.

10           (5) IF AN ACTION IS NOT FILED IN THE CIRCUIT COURT WITHIN  
11 THE TIME LIMIT REQUIRED BY SUBSECTION (4), THE TITLE IV-D AGENCY  
12 SHALL NOTIFY THE FINANCIAL INSTITUTION, DIRECTING THE FINANCIAL  
13 INSTITUTION TO ACT IN ACCORDANCE WITH THE TITLE IV-D AGENCY  
14 REVIEW DETERMINATION UNDER THIS SECTION. IF AN ACTION IS FILED  
15 IN THE CIRCUIT COURT WITHIN THE TIME LIMIT PRESCRIBED IN SUBSEC-  
16 TION (4), THE TITLE IV-D AGENCY SHALL NOTIFY THE FINANCIAL INSTI-  
17 TUTION, DIRECTING THE FINANCIAL INSTITUTION TO ACT IN ACCORDANCE  
18 WITH THE COURT DECISION.

19           SEC. 25G. (1) A FINANCIAL INSTITUTION THAT RECEIVES A  
20 NOTICE OF LEVY UNDER SECTION 25C SHALL FORWARD MONEY IN THE  
21 AMOUNT OF PAST DUE SUPPORT AS STATED IN THE NOTICE, OR IN THE  
22 CORRECTED AMOUNT IF NOTIFIED OF A CORRECTED AMOUNT, TO THE STATE  
23 DISBURSEMENT UNIT, ALONG WITH INFORMATION NECESSARY TO IDENTIFY  
24 THE PAYER AS REQUIRED BY THE NOTICE.

25           (2) A FINANCIAL INSTITUTION SHALL FORWARD MONEY AS REQUIRED  
26 BY SUBSECTION (1) NO SOONER THAN THE NEXT DAY AND NO LATER THAN  
27 THE SEVENTH DAY AFTER 1 OF THE FOLLOWING TAKES PLACE:

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

23

1 (A) THE FINANCIAL INSTITUTION NOTIFIES THE PAYER AND THE  
2 TITLE IV-D AGENCY THAT THE PAYER'S FINANCIAL ASSETS ARE FROZEN AS  
3 REQUIRED BY SECTION 25E AND HAS NOT RECEIVED, WITHIN 28 DAYS  
4 AFTER THE DAY ON WHICH THE FINANCIAL INSTITUTION SENT THE  
5 NOTICES, A NOTICE FROM THE TITLE IV-D AGENCY THAT THE PAYER OR  
6 ANOTHER PERSON WITH AN INTEREST IN THE FINANCIAL ASSETS HAS SUB-  
7 MITTED A CHALLENGE TO THE LEVY UNDER SECTION 25F.

8 (B) THE FINANCIAL INSTITUTION RECEIVES, WITHIN THE TIME  
9 LIMIT PRESCRIBED IN SUBDIVISION (A), A NOTICE FROM THE TITLE IV-D  
10 AGENCY THAT THE PAYER OR ANOTHER PERSON WITH AN INTEREST IN THE  
11 FINANCIAL ASSETS SUBMITTED A CHALLENGE TO THE LEVY AND RECEIVES  
12 THE SUBSEQUENT TITLE IV-D AGENCY NOTICE REQUIRED BY SECTION 25F,  
13 DIRECTING THE FINANCIAL INSTITUTION TO ACT IN ACCORDANCE WITH  
14 EITHER THE TITLE IV-D AGENCY REVIEW DETERMINATION OR THE CIRCUIT  
15 COURT DECISION.

16 (3) IF, IN ORDER TO FORWARD SUFFICIENT MONEY TO THE SDU, THE  
17 FINANCIAL INSTITUTION MUST CONVERT 1 OR MORE FINANCIAL ASSETS TO  
18 CASH, THE FINANCIAL INSTITUTION SHALL EXECUTE THE CONVERSION,  
19 ASSESSING A RESULTING FEE OR OTHER COST OR PENALTY AGAINST THE  
20 PAYER. IF THE PAYER'S FINANCIAL ASSETS ARE INSUFFICIENT TO PAY  
21 THE PAST DUE SUPPORT AMOUNT PLUS RESULTING FEES AND OTHER COSTS  
22 OR PENALTIES, THE FINANCIAL INSTITUTION MAY DEDUCT THE FEES,  
23 COSTS, AND PENALTIES BEFORE FORWARDING THE BALANCE OF THE MONEY.

24 SEC. 25H. (1) IF AN ACTION IS FILED IN CIRCUIT COURT WITHIN  
25 THE TIME LIMIT PRESCRIBED IN SECTION 25F, THE CIRCUIT COURT SHALL  
26 REVIEW THE MATTER DE NOVO. THE ACTION IS GOVERNED BY THIS

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004 as amended July 9, 2002

24

1 SECTION AND THE MICHIGAN COURT RULES. THE CIRCUIT COURT REVIEW  
2 IS NOT LIMITED TO MISTAKES OF FACT.

3 (2) ALL OF THE FOLLOWING APPLY IN AN ACTION GOVERNED BY THIS  
4 SECTION:

5 (A) THE CIRCUIT COURT SHALL ONLY ADDRESS THE ISSUES OF THE  
6 PROPRIETY OF THE LEVY AND WHETHER THE LEVY AMOUNT IS CORRECT.

7 (B) THE CIRCUIT COURT SHALL NOT ADMIT EVIDENCE OR CONSIDER  
8 AN ISSUE THAT IS RELATED TO CUSTODY, PARENTING TIME, OR THE  
9 AMOUNT OF SUPPORT UNDER A SUPPORT ORDER UNLESS THAT EVIDENCE IS  
10 RELATED TO THE LEVY AGAINST A PAYER'S FINANCIAL ASSETS.

11 (C) THE CIRCUIT COURT SHALL NOT MODIFY A SUPPORT ORDER. A  
12 COURT FINDING REGARDING A MONTHLY OR PAST DUE SUPPORT AMOUNT DOES  
13 NOT MODIFY THE UNDERLYING SUPPORT ORDER.

14 SEC. 25I. (1) IF, AFTER A FINANCIAL INSTITUTION FORWARDS  
15 MONEY TO THE STATE DISBURSEMENT UNIT, ALL OF THE FORWARDED MONEY  
16 IS RETURNED TO THE PAYER DUE TO A MISTAKE OF FACT OR COURT ORDER,  
17 THE TITLE IV-D AGENCY SHALL REIMBURSE THE PAYER FOR A FEE, COST,  
18 OR PENALTY THAT THE FINANCIAL INSTITUTION ASSESSED AGAINST THE  
19 PAYER UNDER SECTION 25G. IN ADDITION, THE IV-D AGENCY SHALL  
20 COMPENSATE THE PAYER FOR THE AMOUNT OF INTEREST THAT THE FINANCIAL  
ASSETS WOULD HAVE EARNED HAD THEY NOT BEEN CONVERTED AND FORWARDED  
TO THE SDU, TO THE EXTENT THAT THE INTEREST CAN BE DETERMINED WITH  
A REASONABLE DEGREE OF CERTAINTY.

21 (2) IF THE TOTAL AMOUNT OF PAST DUE SUPPORT THE PAYER OWES  
22 UNDER ALL SUPPORT ORDERS SUBJECT TO LEVY UNDER SECTION 25C IS  
23 MORE THAN THE AMOUNT OF MONEY A FINANCIAL INSTITUTION FORWARDS  
24 THE SDU UNDER SECTION 25G, THE SDU SHALL ALLOCATE THE MONEY AMONG  
25 THOSE SUPPORT ORDERS BY MULTIPLYING THE TOTAL AMOUNT OF MONEY  
26 FORWARDED BY THE PERCENTAGES ARRIVED AT BY DIVIDING THE PAST DUE  
27 SUPPORT AMOUNT UNDER EACH OF THOSE SUPPORT ORDERS BY THE TOTAL OF  
THE PAST DUE SUPPORT AMOUNTS UNDER ALL OF THOSE SUPPORT ORDERS.



**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

25

1           Sec. 28. (1) ~~The~~ FOR A FRIEND OF THE COURT CASE, THE  
2 office of the friend of the court may petition the court for an  
3 order to suspend a payer's occupational license, driver's  
4 license, or recreational or sporting license, or any combination  
5 of the licenses, if all of the following circumstances are true:

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

9           (b) The payer holds an occupational license, driver's  
10 license, or recreational or sporting license or the payer's occu-  
11 pation requires an occupational license.

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

15           (2) An office of the friend of the court shall not file a  
16 petition as authorized under subsection (1) unless the office  
17 sends the payer a notice that includes all of the following  
18 information:

19           (a) The amount of the arrearage.

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

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

**HB 6004, As Passed Senate, July 9, 2002**

House Bill No. 6004

26

1           (d) That, at the hearing, the payer may do either of the  
2 following:

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

6           (ii) Suggest to the court a schedule for the payment of the  
7 arrearage.

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

12           Enacting section 1. This amendatory act takes effect  
13 December 1, 2002.

14           Enacting section 2. This amendatory act does not take  
15 effect unless House Bill No. 6012 of the 91st Legislature is  
16 enacted into law.