

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

552.603a Failure to pay support; surcharge; calculation; assessment; collection; enforcement.

Sec. 3a.

(1) Subject to subsection (6), for a friend of the court case, if the court determines that the payer has failed to pay support under a support order and the failure was willful, the court may order that on January 1 and July 1 of each year, a surcharge be added to support payments that are past due as of those dates. The surcharge shall be calculated at 6-month intervals at an annual rate of interest equal to 1% plus the average interest rate paid at auctions of 5-year United States treasury notes during the 6 months immediately preceding July 1 and January 1, as certified by the state treasurer. The amount of the surcharge shall not compound. The amount shown as due and owing on the records of the friend of the court as of January 1 and July 1 of each year shall be reduced by an amount equal to 1 month's support for purposes of assessing the surcharge. Except as provided in subsection (5), a surcharge ordered by the court applies until abated by the court.

(2) A surcharge ordered under subsection (1) shall be assessed on a semiannual cycle on January 1 and July 1 of each year except as otherwise provided under subsection (3).

(3) A surcharge shall not be assessed for the current semiannual cycle in any of the following circumstances:

(a) Beginning on July 1, 2005, in a case in which the friend of the court is collecting on a current child support obligation and the payer has paid 90% or more of the most recent semiannual obligation during the semiannual cycle.

(b) In a case in which a support order is entered after July 14, 2004, for any period of time a support order did not exist if support is later ordered for that period.

(c) If the surcharge is waived or abated under a court order under section 3d.

(4) A surcharge added under this section shall be collected and enforced by any means authorized under this act, the friend of the court act, or another appropriate federal or state law for the enforcement and collection of child support and paid through the state disbursement unit.

(5) A surcharge ordered under this section in an order entered before the effective date of the amendatory act that added this subsection is terminated on the effective date of the amendatory act that added this subsection. Another surcharge shall not be ordered in the action unless the surcharge is ordered by the court under subsection (1).

(6) After the effective date of the amendatory act that added this subsection, a court shall not order that a surcharge under subsection (1) be added before January 1, 2011.

History: Add. 1995, Act 141, Eff. Jan. 1, 1996 ;-- Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2003, Act 276, Eff. Jan. 15, 2004 ;-- Am. 2004, Act 208, Imd. Eff. July 14, 2004 ;-- Am. 2009, Act 193, Eff. Dec. 31, 2009