

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

552.603 Support order; enforcement; information to be included; notice of new information; service of notices or other papers; accrued interest prohibited; failure to comply with requirements; fee; admission into evidence.

Sec. 3.

(1) A support order issued by a court of this state shall be enforced as provided in this act.

(2) Except as otherwise provided in this section, a support order that is part of a judgment or is an order in a domestic relations matter is a judgment on and after the date the support amount is due as prescribed in section 5c, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. No additional action is necessary to reduce support to a final judgment. Retroactive modification of a support payment due under a support order is permissible with respect to a period during which there is pending a petition for modification, but only from the date that notice of the petition was given to the payer or recipient of support.

(3) This section does not apply to an ex parte interim support order or a temporary support order entered under supreme court rule.

(4) The office of the friend of the court shall make available to a payer or payee the forms and instructions described in section 5 of the friend of the court act, MCL 552.505.

(5) This section does not prohibit a court approved agreement between the parties to retroactively modify a support order. This section does not limit other enforcement remedies available under this or another act.

(6) Every support order that is part of a judgment issued by a court of this state or that is an order in a domestic relations matter shall include all of the following:

(a) Substantially the following statement: "Except as otherwise provided in section 3 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603, a support order that is part of a judgment or that is an order in a domestic relations matter as defined in section 2 of the friend of the court act, 1982 PA 294, MCL 552.502, is a judgment on and after the date each support payment is due, with the full force, effect, and attributes of a judgment of this state, and is not, on and after the date it is due, subject to retroactive modification. A surcharge may be added to support amounts that are past due as provided in section 3a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.603a."

(b) Notice informing the payer of the imposition of liens by operation of law and that the payer's real and personal property can be encumbered or seized if an arrearage accrues in an amount greater than the amount of periodic support payments payable under the payer's support order for the time period specified in this act.

(c) Notice that an order for dependent health care coverage takes effect immediately and that, in a friend of the court case, a national medical support notice will be sent to the parent's current and subsequent employers and insurers if appropriate. The notice shall inform the parent that he or she may contest the action by requesting a review or hearing concerning availability of health care coverage at a reasonable cost.

(7) A support order that is an order in a friend of the court case shall require each party to provide all of the following information to the friend of the court in writing:

(a) A single mailing address for the party, to which all notices and papers in the case will be served.

(b) The party's residential address.

(c) The party's telephone number.

(d) A statement of whether the payer or payee holds an occupational license, driver's license, or recreational license.

(e) The names, addresses, and telephone numbers of the payer's and payee's current sources of income.

(f) The payer's and payee's social security numbers and driver's license numbers. The requirement of this subdivision to provide a social security number does not apply to a payer or payee who demonstrates he or she is exempt under law from obtaining a social security number or to a payer or payee who for religious convictions is exempt under law from disclosure of his or her social security number under these circumstances. The court shall inform the payer and payee of this possible exemption.

(8) A support order that is an order in a friend of the court case shall include a requirement that if any of the information provided to the friend of the court under subsection (7) changes, each party shall notify the friend of the court of the new information within 21 days after the change and that a failure to provide the new information may subject the party to imposition of a fee under subsection (12). A notice of new information under this subsection shall be in writing or by any other method allowed under guidelines established by the state court administrative office under the supervision and direction of the supreme court.

(9) Except as provided in sections 11 and 25a, service of notices or other papers under this act and under the friend of the court act shall be made by first-class mail, postage prepaid. If mail is returned as undeliverable from

that address or the friend of the court or the department determines through use of an automated federal database that mail is not deliverable to that address, the friend of the court may change the address according to guidelines established by the state court administrative office or the supreme court.

(10) Unless federal law or regulation requires otherwise, if mail served under subsection (9) is returned from an address and a new address has not been established within 21 days after the mail is returned, the party waives his or her right to notice and the friend of the court is not obligated to serve any notice or other paper until the party submits a written change of address to the friend of the court or until the friend of the court has changed the address according to subsection (9).

(11) A support order shall not accrue interest.

(12) If a person fails to comply with the requirements of this section, the court may impose a fee set according to a policy established by the state court administrative office under the supervision and direction of the supreme court. A fee ordered under this subdivision shall be deposited in the friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(13) In a proceeding to enforce support, a report, record, or information from the Michigan child support enforcement system or the support disbursement unit that relates to paid or unpaid support is prima facie authentic and may be admitted into evidence without extrinsic evidence of authenticity.

History: Add. 1987, Act 97, Imd. Eff. July 6, 1987 ;-- Am. 1987, Act 198, Imd. Eff. Dec. 14, 1987 ;-- Am. 1993, Act 256, Imd. Eff. Nov. 29, 1993 ;-- Am. 1995, Act 141, Eff. Jan. 1, 1996 ;-- Am. 1996, Act 25, Eff. June 1, 1996 ;-- Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996 ;-- Am. 1996, Act 235, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015

Compiler's Notes: In the second sentence of subsection (12), the phrase "under this subdivision" evidently should read "under this subsection".