

1999 PUBLIC AND LOCAL ACTS

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[No. 154]

(HB 4824)

AN ACT to amend 1985 PA 216, entitled "An act to facilitate the interstate enforcement of support obligations through income withholding; to prescribe certain powers and duties of the circuit court and of certain agencies and persons; and to provide for remedies and penalties," by amending sections 3, 5, and 10 (MCL 552.673, 552.675, and 552.680), section 3 as amended by 1996 PA 11 and section 5 as amended by 1990 PA 354, and by adding section 10a.

*The People of the State of Michigan enact:*

552.673 Definitions. [M.S.A. 25.227(3)]

Sec. 3. As used in this act:

(a) "Agency" means the court or entity in another jurisdiction with functions similar to those assigned in this act to the office of the friend of the court and the office of child support relative to the issuance and enforcement of support orders.

(b) "Child" means a child, whether above or below the age of majority, with respect to whom a support order exists.

(c) "Court" means the circuit court of this state and, when the context requires, the court or entity of another jurisdiction with functions similar to those assigned in this act to the circuit court of this state relative to the issuance and enforcement of support orders.

(d) "Income" means income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

(e) "Income derived in this jurisdiction" means income, the source of income of which is subject to the jurisdiction of this state for the purpose of imposing and enforcing income withholding under the support and parenting time enforcement act.

(f) "Jurisdiction" means a state or political subdivision, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

(g) "Obligee" means a person or entity that is entitled to receive support under a support order, and includes an entity of another jurisdiction to which a person has assigned his or her right to support.

(h) "Obligor" means a person required to make payments under the terms of a support order for a child, spouse, or former spouse.

(i) "Office of child support" means the entity established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(j) "Office of the friend of the court" means an office created in section 3 of the friend of the court act, 1982 PA 294, MCL 552.503.

(k) "Order of income withholding" means order of income withholding as defined in section 2 of the support and parenting time enforcement act, MCL 552.602, or the equivalent document issued in another jurisdiction.

(l) "Source of income" means source of income as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

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

(n) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.

(o) "Support order" means an order or judgment for the support, or for the payment of arrearages on the support, of a child, spouse, or former spouse issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, separate maintenance, paternity, guardianship, or equivalent proceeding, or otherwise.

552.675 Requesting agency of another jurisdiction to enter order for purpose of obtaining income withholding; documentation; copy of subsequent modifications of support order; contesting income withholding; notice; monitoring payments. [M.S.A. 25.227(5)]

Sec. 5. On behalf of a client for whom the office of the friend of the court is already providing services, or on application of a resident of this state, an obligee or obligor of a support order issued by this state or an entity to whom the obligee has assigned support rights, or the office of the friend of the court in the county where the support order was entered or, if there is no such order, in the county where the obligee or obligor resides, shall promptly request the agency of another jurisdiction in which the obligor of a support order derives income to enter the order for the purpose of obtaining income withholding against that income. The office of the friend of the court shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order for this purpose and shall file the documentation with the clerk of the court. The office of the friend of the court also shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent modifications of the support order. If the office of the friend of the court receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend. The office of the friend of the court shall monitor payments made pursuant to an order of income withholding.

552.680 Payments made and received pursuant to order of income withholding; validity of support order; more than 1 support order in effect for support of 1 person by same obligor. [M.S.A. 25.227(10)]

Sec. 10. (1) An order of income withholding under this act shall direct payment to be made to the office of the friend of the court or the state disbursement unit, as appropriate. The office of the friend of the court or SDU shall promptly transmit payments received pursuant to an order of income withholding based on a support order of another jurisdiction entered under this act to the agency or person designated in section 6(2)(e)(*iii*).

(2) A support order entered pursuant to section 6 does not nullify and is not nullified by a support order entered by the court in this state pursuant to another law or a support order entered by a court of another state. If more than 1 support order is in effect for the support of 1 person by the same obligor, then amounts collected by income withholding and credited against an amount owing for a particular time period under any 1 order shall be credited against amounts owing for the same time period under all such orders.

552.680a Transition to centralized receipt and disbursement of support and fees. [M.S.A. 25.227(10a)]

Sec. 10a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

1999 PUBLIC AND LOCAL ACTS

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Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4816 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved November 3, 1999.

Filed with Secretary of State November 3, 1999.

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**Compiler's note:** House Bill No. 4816, referred to in enacting section 1, was filed with the Secretary of State November 3, 1999, and became P.A. 1999, No. 161, Imd. Eff. Nov. 3, 1999.

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