

HOUSE BILL No. 6021

May 7, 2002, Introduced by Reps. Hummel, Tabor, DeRossett, Howell, Newell, Voorhees, Vander Veen, Raczkowski, Caul, Patterson, Vear, Julian, George and Bisbee and referred to the Committee on Family and Children Services.

A bill to amend 1985 PA 216, entitled "Interstate income withholding act," by amending sections 3, 5, 6, 7, 9, 10, 10a, 11, and 12 (MCL 552.673, 552.675, 552.676, 552.677, 552.679, 552.680, 552.680a, 552.681, and 552.682), sections 3, 5, and 10 as amended and section 10a as added by 1999 PA 154 and sections 6, 7, and 9 as amended by 1996 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Agency" means the court or entity in another jurisdic-
3 tion with functions similar to those assigned in this act to the
4 ~~office of the friend of the court~~ COURT FAMILY SERVICES OFFICE
5 and the office of child support relative to the issuance and
6 enforcement of support orders.

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

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

8 (D) "COURT FAMILY SERVICES OFFICE" MEANS AN OFFICE CREATED
9 IN SECTION 3 OF THE COURT FAMILY SERVICES OFFICE ACT, 1982 PA
10 294, MCL 552.503.

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

13 (F) ~~(e)~~ "Income derived in this jurisdiction" means
14 income, the source of income of which is subject to the jurisdic-
15 tion of this state for the purpose of imposing and enforcing
16 income withholding under the support and parenting time enforce-
17 ment act.

18 (G) ~~(f)~~ "Jurisdiction" means a state or political subdivi-
19 sion, territory, or possession of the United States; the District
20 of Columbia; or the Commonwealth of Puerto Rico.

21 (H) ~~(g)~~ "Obligee" means a person or entity that is enti-
22 tled to receive support under a support order, and includes an
23 entity of another jurisdiction to which a person has assigned his
24 or her right to support.

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

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

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

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

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

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

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

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

26 Sec. 5. On behalf of a client for whom the ~~office of the~~
27 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE is already

1 providing services, or on application of a resident of this
2 state, an obligee or obligor of a support order issued by this
3 state or an entity to whom the obligee has assigned support
4 rights, or the ~~office of the friend of the court~~ COURT FAMILY
5 SERVICES OFFICE in the county where the support order was entered
6 or, if there is no such order, in the county where the obligee or
7 obligor resides, shall promptly request the agency of another
8 jurisdiction in which the obligor of a support order derives
9 income to enter the order for the purpose of obtaining income
10 withholding against that income. The ~~office of the friend of~~
11 ~~the court~~ COURT FAMILY SERVICES OFFICE shall compile and trans-
12 mit promptly to the agency of the other jurisdiction all documen-
13 tation required to enter a support order for this purpose and
14 shall file the documentation with the clerk of the court. The
15 ~~office of the friend of the court~~ COURT FAMILY SERVICES OFFICE
16 also shall transmit immediately to the agency of the other juris-
17 diction a certified copy of any subsequent modifications of the
18 support order. If the ~~office of the friend of the court~~ COURT
19 FAMILY SERVICES OFFICE receives notice that the obligor is con-
20 testing income withholding in another jurisdiction, it shall
21 immediately notify the individual obligee of the date, time, and
22 place of the hearings and of the obligee's right to attend. The
23 ~~office of the friend of the court~~ COURT FAMILY SERVICES OFFICE
24 shall monitor payments made ~~pursuant to~~ UNDER an order of
25 income withholding.

26 Sec. 6. (1) Upon receiving a support order of another
27 jurisdiction with the documentation specified in subsection (2)

1 from an agency, an obligee, an obligor, or an attorney for
2 either, the office of child support shall forward the documen-
3 tation to the ~~office of the friend of the court~~ COURT FAMILY
4 SERVICES OFFICE in the county in which withholding is being
5 sought and the ~~office of the friend of the court~~ COURT FAMILY
6 SERVICES OFFICE shall file the documents with the clerk of the
7 court in that county. The clerk of the court shall accept the
8 documents filed and the acceptance constitutes entry of the sup-
9 port order only for the purposes of this act.

10 (2) The following documentation is required for the entry of
11 a support order of another jurisdiction:

12 (a) A certified copy of the support order with all
13 modifications.

14 (b) A certified copy of an order of income withholding still
15 in effect, if any.

16 (c) A copy of the portion of the income withholding statute
17 of the jurisdiction that issued the support order that states the
18 amount of arrearages necessary to mandate income withholding
19 under the law of that jurisdiction.

20 (d) A sworn statement of the obligee or certified statement
21 of the agency of the amount of arrearages, including the approxi-
22 mate dates the arrearages accrued, and the assignment of support
23 rights, if any.

24 (e) A statement of all of the following:

25 (i) The name, address, and social security number of the
26 obligor, if known.

1 (ii) The name and address of the obligor's employer or of
2 any other source of income of the obligor derived in this state
3 against which income withholding is sought.

4 (iii) The name and address of the agency or person to whom
5 support payments collected by income withholding shall be
6 transmitted.

7 (iv) The amount of income withholding requested.

8 (f) A statement of eligibility for services under part D of
9 title IV of the social security act, chapter 531, 49 Stat. 620,
10 42 U.S.C. 651 to ~~669~~ 655, 656 TO 660, AND 663 TO 669b, signed
11 by the obligee.

12 (g) A copy of proof of service or other evidence that the
13 court or agency that issued the support order had personal juris-
14 diction over the obligor.

15 (h) Notification of any known support orders involving the
16 same parties and the same children.

17 (3) If the documentation received by the office of child
18 support under subsection (1) does not conform to the requirements
19 of subsection (2), the office of child support shall remedy any
20 defect that it can without the assistance of the requesting
21 agency or party. If the office of child support is unable to
22 make ~~such~~ THE corrections, the office of child support shall
23 immediately notify the requesting agency or party of the neces-
24 sary additions or corrections. In neither case shall the docu-
25 mentation be returned. If the substantive requirements of sub-
26 section (2) are met, the office of child support and the clerk of
27 the court shall accept the documentation required by subsection

1 (2), even if the documentation is not in the usual form required
2 by this state.

3 (4) Except as otherwise provided in sections 7 to 13, a sup-
4 port order entered under subsection (1) is enforceable by income
5 withholding against income derived in this state in the same
6 manner and with the same effect as provided in sections 7 to 23
7 of the support and parenting time enforcement act, ~~being sec-~~
8 ~~tions 552.607 to 552.623 of the Michigan Compiled Laws~~
9 MCL 552.607 TO 552.623, for support orders entered in this
10 state. Entry of the order does not confer jurisdiction on the
11 courts of this state for any purpose other than income
12 withholding.

13 Sec. 7. (1) On the date a support order is entered under
14 section 6, the ~~office of the friend of the court~~ COURT FAMILY
15 SERVICES OFFICE shall send to the obligor, in the manner provided
16 in section 7 of the support and parenting time enforcement act,
17 ~~being section 552.507 of the Michigan Compiled Laws~~
18 MCL 552.607, a notice of the proposed income withholding. The
19 notice shall contain the same information required in that sec-
20 tion and shall also advise the obligor that the income withhold-
21 ing was requested on the basis of a support order of another
22 jurisdiction.

23 (2) If the obligor requests a hearing to contest the pro-
24 posed income withholding, the ~~office of the friend of the court~~
25 COURT FAMILY SERVICES OFFICE shall immediately notify the agency
26 or person that sent the documentation under ~~subsection (1)~~

1 SECTION 6 of the date, time, and place of the hearing and of the
2 obligee's right to attend the hearing.

3 Sec. 9. If the obligor does not request a hearing in the
4 time provided, or if a hearing is held and it is determined that
5 the obligee has or is entitled to income withholding under the
6 law of the jurisdiction that issued the support order, income
7 withholding shall be ordered and shall take effect in the manner
8 provided in section 7 of the support and parenting time enforce-
9 ment act, ~~being section 552.607 of the Michigan Compiled Laws~~
10 MCL 552.607. The ~~office of the friend of the court~~ COURT
11 FAMILY SERVICES OFFICE shall notify the agency or party that sent
12 the documentation under section 6 of the date upon which with-
13 holding will begin.

14 Sec. 10. (1) An order of income withholding under this act
15 shall direct payment to be made to the ~~office of the friend of~~
16 ~~the court~~ COURT FAMILY SERVICES OFFICE or the state disbursement
17 unit, as appropriate. The ~~office of the friend of the court~~
18 COURT FAMILY SERVICES OFFICE or SDU shall promptly transmit pay-
19 ments received ~~pursuant to~~ UNDER an order of income withholding
20 based on a support order of another jurisdiction entered under
21 this act to the agency or person designated in section
22 6(2)(e)(iii).

23 (2) A support order entered ~~pursuant to~~ UNDER section 6
24 does not nullify and is not nullified by a support order entered
25 by the court in this state ~~pursuant to~~ UNDER another law or a
26 support order entered by a court of another state. If more than
27 1 support order is in effect for the support of 1 person by the

1 same obligor, then amounts collected by income withholding and
2 credited against an amount owing for a particular time period
3 under any 1 order shall be credited against amounts owing for the
4 same time period under all such orders.

5 Sec. 10a. The department, the SDU, and each ~~office of the~~
6 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE shall cooperate
7 in the transition to the centralized receipt and disbursement of
8 support and fees. ~~An office of the friend of the court~~ A COURT
9 FAMILY SERVICES OFFICE shall continue to receive and disburse
10 support and fees through the transition, based on the schedule
11 developed as required by section ~~6~~ 7 of the office of child
12 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-
13 tions to that schedule as the department considers necessary.

14 Sec. 11. If the ~~office of the friend of the court~~ COURT
15 FAMILY SERVICES OFFICE determines that the obligor has obtained
16 employment in another state or has a new or additional source of
17 income in another state, it shall notify the person or agency
18 ~~which~~ THAT requested the income withholding of the changes
19 within 7 days after receiving that information and shall forward
20 to that person or agency all information it has or can obtain
21 with respect to the obligor's new address and the name and
22 address of the obligor's new employer or other source of income.

23 Sec. 12. A person who is the obligor on a support order of
24 another jurisdiction may obtain voluntary income withholding by
25 filing with the ~~office of the friend of the court~~ COURT FAMILY
26 SERVICES OFFICE in the county in which withholding is sought a
27 request for income withholding and a certified copy of the

1 support order of the other jurisdiction. The court shall enter
2 an order of income withholding and the order shall take effect
3 immediately. An order of income withholding entered under this
4 section shall be treated in all respects in the same manner as
5 other orders of income withholding entered ~~pursuant to~~ UNDER
6 this act.

7 Enacting section 1. This amendatory act does not take
8 effect unless Senate Bill No. _____ or House Bill No. 6011
9 (request no. 04605'01 *) of the 91st Legislature is enacted into
10 law.