

# HOUSE BILL No. 6312

September 17, 2002, Introduced by Rep. Wojno and referred to the Committee on Family and Children Services.

A bill to amend 1952 PA 8, entitled "Revised uniform reciprocal enforcement of support act," by amending the title and sections 3a, 12b, 13, 14, 14a, 17, 18, 29, 30, 31, and 31a (MCL 780.153a, 780.162b, 780.163, 780.164, 780.164a, 780.167, 780.168, 780.179, 780.180, 780.181, and 780.181a), the title and sections 3a, 12b, 13, and 30 as amended by 1990 PA 241, sections 14, 18, and 31a as amended and section 14a as added by 1999 PA 155, and section 17 as amended and sections 29 and 31 as added by 1985 PA 172.

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

TITLE

An act relative to the extradition of ~~persons~~ INDIVIDUALS charged with failure to provide support for dependents and to provide for the enforcement by THE circuit ~~courts in chancery~~ COURT of this state of the duty of ~~such persons~~ THOSE

1 INDIVIDUALS to support their dependents in accordance with the  
2 requirements of the laws of other states or ~~any~~ A foreign state  
3 having reciprocal legislation, and to grant to ~~such courts~~ THE  
4 CIRCUIT COURT power to enforce ~~such~~ THE SUPPORT obligations by  
5 procedures including contempt; ~~and~~ to prescribe the procedure  
6 to be followed by ~~such courts~~ THE COURT in case of proceedings  
7 to require enforcement of the duty to support residents of this  
8 state by those obligated to furnish ~~such~~ THAT support through  
9 proceedings in courts of other states or ~~any~~ A foreign state  
10 having reciprocal legislation; to prescribe certain powers and  
11 duties of the friend of the ~~court~~ CHILD; to prescribe certain  
12 powers and duties of certain state officers, agencies, and  
13 departments; and to prescribe rules of evidence in ~~such~~ THESE  
14 proceedings.

15 Sec. 3a. (1) "Court" means the appropriate circuit court of  
16 this state and, when the context requires, means the appropriate  
17 court of ~~any other~~ ANOTHER state as defined in a substantially  
18 similar reciprocal law.

19 (2) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

20 (3) ~~(2)~~ "Duty of support" means ~~any~~ A duty of support  
21 owed to an obligee whether imposed or imposable by law or by  
22 order, decree, or judgment of ~~any~~ A court, whether temporary or  
23 final or whether incidental to an action for divorce, separation,  
24 separate maintenance, or otherwise and includes the duty to pay  
25 arrearages of support past due and unpaid. ~~—~~ Duty of support  
26 ~~—~~ also includes the duty to reimburse a state or political  
27 subdivision for support furnished to an obligee.

1           (4) ~~(3)~~ "Foreign support order" means a support order  
2 issued by a state other than Michigan.

3           (5) ~~(4)~~ "Governor" means ~~any person~~ AN INDIVIDUAL per-  
4 forming the functions of governor or the executive authority of  
5 ~~any~~ A state covered by this or a substantially reciprocal law.

6           (6) ~~(5)~~ "Initiating court" means the court in which a pro-  
7 ceeding is commenced.

8           (7) ~~(6)~~ "Initiating state" means a state in which a pro-  
9 ceeding ~~pursuant to~~ UNDER this or a substantially similar  
10 reciprocal law is commenced.

11           (8) ~~(7)~~ "Interstate central registry" means the entity in  
12 a state that is established ~~pursuant to~~ UNDER federal regula-  
13 tion and that is responsible for receiving, reviewing, forward-  
14 ing, and responding to inquiries about interstate child support  
15 actions.

16           (9) ~~(8)~~ "Law" means both common and statutory law.

17           (10) ~~(9)~~ "Obligee" means a person, including a state or  
18 political subdivision, to whom a duty of support is owed or a  
19 person, including a state or political subdivision, who has com-  
20 menced a proceeding for enforcement of an alleged duty of support  
21 or for registration of a support order. It is immaterial if the  
22 person to whom a duty of support is owed is a recipient of public  
23 assistance.

24           (11) ~~(10)~~ "Obligor" means ~~any person~~ AN INDIVIDUAL owing  
25 a duty of support or against whom a proceeding for the enforce-  
26 ment of a duty of support or registration of a support order is  
27 commenced.

1           (12) ~~(11)~~ "Office of the friend of the ~~court~~ CHILD"  
2 means the agency created in section 3 of ~~Act No. 294 of the~~  
3 ~~Public Acts of 1982, being section 552.503 of the Michigan~~  
4 ~~Compiled Laws~~ THE FRIEND OF THE CHILD ACT, 1982 PA 294,  
5 MCL 552.503.

6           Sec. 12b. (1) The office of child support of the ~~state~~  
7 department ~~of social services~~ is designated as the state infor-  
8 mation agency and the interstate central registry under this act,  
9 and it shall do all of the following:

10           (a) Distribute copies of ~~any~~ amendments to the act and a  
11 statement of their effective date to all other state information  
12 agencies.

13           (b) Maintain a list of each interstate central registry in  
14 the United States and its address, and provide the list to every  
15 prosecutor's office and office of the friend of the ~~court~~ CHILD  
16 in this state.

17           (c) Maintain a supply of duplicated copies of this act, as  
18 amended, for the use of court officers in preparing cases to be  
19 forwarded to responding states.

20           (d) Act generally as a clearing center for information and  
21 maintain general liaison with the council of state governments,  
22 law enforcement agencies, the legislature, other governmental or  
23 private agencies concerned with this act, and the public.

24           (e) Forward to the court in this state ~~which~~ THAT has  
25 proper venue, as determined under section 10, the petitions, cer-  
26 tificates, and copies of the act it receives from courts or  
27 information agencies of other states.

1 (2) If the state information agency does not know the  
2 location of the obligor or the obligor's property, the agency  
3 shall use its state locator service to obtain this information.

4 Sec. 13. (1) When the court of this state, acting as a  
5 responding court, receives from the interstate central registry  
6 of this state copies of the petition, certificate, and act, the  
7 clerk of the court shall docket the case and notify the prosecut-  
8 ing attorney of the county, who shall be charged with the duty of  
9 carrying on the proceedings.

10 (2) The prosecuting attorney shall take all action necessary  
11 in accordance with the laws of this state to enable the court to  
12 obtain jurisdiction over the obligor or the obligor's property.  
13 He or she shall prosecute the case diligently.

14 (3) A prosecuting attorney petitioning for child support  
15 under this act shall utilize as a guideline the child support  
16 formula developed under section 19 of the friend of the ~~court~~  
17 CHILD act, ~~Act No. 294 of the Public Acts of 1982, being section~~  
18 ~~552.519 of the Michigan Compiled Laws~~ 1982 PA 294, MCL 552.519.

19 Sec. 14. (1) If the court of this state when acting as a  
20 responding court finds a duty of support, the court may order the  
21 obligor to furnish support and subject the property of the obli-  
22 gor to the order. The support order shall require that payments  
23 be made to the office of the friend of the ~~court~~ CHILD or the  
24 state disbursement unit, as appropriate.

25 (2) Except as otherwise provided in this section, the court  
26 shall order support in an amount determined by application of the  
27 child support formula developed by the state friend of the

1 ~~court~~ CHILD bureau. The court may enter an order that deviates  
2 from the formula if the court determines from the facts of the  
3 case that application of the child support formula would be  
4 unjust or inappropriate and sets forth in writing or on the  
5 record all of the following:

6 (a) The support amount determined by application of the  
7 child support formula.

8 (b) How the support order deviates from the child support  
9 formula.

10 (c) The value of property or other support awarded in lieu  
11 of the payment of child support, if applicable.

12 (d) The reasons why application of the child support formula  
13 would be unjust or inappropriate in the case.

14 (3) Subsection (2) does not prohibit the court from entering  
15 a support order that is agreed to by the parties and that devi-  
16 ates from the child support formula, if the requirements of sub-  
17 section (2) are met.

18 Sec. 14a. The department, the SDU, and each office of the  
19 friend of the ~~court~~ CHILD shall cooperate in the transition to  
20 the centralized receipt and disbursement of support and fees. An  
21 office of the friend of the ~~court~~ CHILD shall continue to  
22 receive and disburse support and fees through the transition,  
23 based on the schedule developed as required by section ~~6~~ 7 of  
24 the office of child support act, 1971 PA 174, MCL ~~400.236~~  
25 400.237, and modifications to that schedule as the department  
26 considers necessary.

1           Sec. 17. The court of this state, when acting as a  
2 responding court, has the following duties ~~which~~ THAT may be  
3 carried out through the office of the friend of the ~~court~~  
4 CHILD:

5           (a) To transmit to the initiating court ~~any~~ A payment made  
6 by the obligor ~~pursuant to any~~ UNDER AN order of the court or  
7 otherwise.

8           (b) To furnish to the initiating court upon request a certi-  
9 fied statement of all payments made by the obligor.

10          Sec. 18. (1) Except as provided in subsection (2), the  
11 court of this state, when acting as an initiating court, shall  
12 receive and disburse immediately all payments made by the obligor  
13 or sent by the responding court.

14          (2) If a valid prior and existing support order has been  
15 issued from a court of this state other than the initiating  
16 court, the initiating court shall transfer the order to furnish  
17 support to the court that issued the valid prior and existing  
18 court order and shall inform the court of the responding state of  
19 its action. The court that issued the valid prior and existing  
20 court order shall receive and disburse immediately all payments  
21 made by the obligor or sent by the responding court.

22          (3) The duties described in subsections (1) and (2) may be  
23 carried out through the office of the friend of the ~~court~~  
24 CHILD, the clerk of the court, or the state disbursement unit, as  
25 appropriate.

26          Sec. 29. (1) If this state is acting as a rendering state,  
27 the friend of the ~~court~~ CHILD upon the request of the court or

1 the ~~state~~ department ~~of social services~~ shall proceed to  
2 register a valid existing support order of this state in the  
3 state where the obligor or the property of the obligor can be  
4 located.

5 (2) Notwithstanding that this state is not the rendering  
6 state, the friend of the ~~court~~ CHILD upon the request of a res-  
7 ident obligee of a valid existing foreign support order shall  
8 proceed to register the foreign support order in the state where  
9 the obligor or the property of the obligor can be located.

10 (3) If this state is acting as a registering state, the  
11 friend of the ~~court~~ CHILD upon the request of the court or the  
12 ~~state~~ department ~~of social services~~ shall proceed to confirm  
13 a registered order.

14 Sec. 30. (1) An obligee seeking to register a foreign sup-  
15 port order in a court of this state shall transmit to the clerk  
16 of the court through the interstate central registry of this  
17 state 3 copies of the order, 1 of which shall be certified, with  
18 all modifications of the order, 1 copy of the reciprocal enforce-  
19 ment of support act of the state in which the order was made, and  
20 a statement verified and signed by the obligee, showing the  
21 post-office address of the obligee, the last known place of resi-  
22 dence and post-office address of the obligor, the amount of sup-  
23 port remaining unpaid, a description and the location of any  
24 property of the obligor available upon execution, and a list of  
25 the states in which the order is registered. Upon receipt of  
26 these documents the clerk of the court, without payment of a  
27 filing fee or other cost to the obligee, shall file them in the



1 registry of foreign support orders. The filing constitutes  
2 registration under this act.

3 (2) Promptly upon registration of the foreign support order,  
4 the clerk of the court shall docket the case and shall notify the  
5 friend of the ~~court~~ CHILD of the registration of the foreign  
6 support order. The friend of the ~~court~~ CHILD shall mail by  
7 certified or registered mail, return receipt requested, to the  
8 obligor at the address given, or serve upon the obligor under the  
9 Michigan court rules, a notice of the registration with a copy of  
10 the registered support order and the post office address of the  
11 obligee.

12 (3) Within 28 days after service, the obligor may petition  
13 the court to vacate the registration or to seek other relief. If  
14 the obligor does not petition the court within 28 days after  
15 service to vacate the registration or to seek other relief, the  
16 registered support order is confirmed. If the obligor does peti-  
17 tion the court to vacate the registration or seek other relief,  
18 the obligor shall send a copy of the petition to the friend of  
19 the ~~court~~ CHILD.

20 (4) If the obligor petitions the court to vacate the regis-  
21 tration or for other relief, a hearing shall be scheduled. At  
22 the hearing, the obligor may present only matters that would be  
23 available to the obligor as defenses in an action to enforce a  
24 foreign money judgment. If the obligor shows to the court that  
25 an appeal from the order is pending or will be taken or that a  
26 stay of execution has been granted, the court shall stay  
27 enforcement of the order until the appeal is concluded, the time

1 for appeal has expired, or the order is vacated, upon  
2 satisfactory proof that the obligor has furnished security for  
3 payment of the support ordered as required by the rendering  
4 state. If the obligor shows to the court ~~any~~ A ground upon  
5 which enforcement of a support order of this state may be stayed,  
6 the court shall stay enforcement of the order for an appropriate  
7 period if the obligor furnishes the same security for payment of  
8 the support ordered that is required for a support order of this  
9 state.

10 Sec. 31. (1) If a registered foreign support order has been  
11 confirmed, it shall be treated in the same manner as a support  
12 order issued by a court of this state. A registered foreign sup-  
13 port order has the same effect and is subject to the same proce-  
14 dures, defenses, and proceedings for reopening, modifying, vacat-  
15 ing, or staying as a support order of this state and may be  
16 enforced and satisfied in like manner.

17 (2) The friend of the ~~court~~ CHILD shall enforce a con-  
18 firmed order.

19 Sec. 31a. (1) If there is no Michigan support order but  
20 there is a foreign support order, upon request of the obligee or  
21 the ~~family independence agency~~ DEPARTMENT if support has been  
22 assigned to it, the friend of the ~~court~~ CHILD in the county  
23 where the obligee resides shall inform the source of support pay-  
24 ments to transmit the payments to the friend of the ~~court~~ CHILD  
25 or the state disbursement unit, as appropriate.

1           (2) The friend of the ~~court~~ CHILD or SDU shall receive,  
2 record, disburse, and monitor payments made ~~pursuant to the~~  
3 UNDER A foreign support order.

4           (3) A copy of the foreign support order shall be filed with  
5 the clerk of the court.

6           (4) The filing of a support order ~~pursuant to~~ UNDER this  
7 section is not a registration as described in section 30.

8           Enacting section 1. This amendatory act does not take  
9 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6317  
10 (request no. 07684'02) of the 91st Legislature is enacted into  
11 law.