

# HOUSE BILL No. 4785

May 28, 2003, Introduced by Reps. Elkins, Lipsey, Sak, Gillard, Meisner, Murphy, Byrum, Gaffney, Tobocman, Hager, Caul, Kolb, Anderson, Pumford, Spade, Vander Veen, McConico, Hune, Condino, Law, Plakas, Richardville, Hart, Garfield, Casperson and Ward and referred to the Committee on Family and Children Services.

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending sections 3 and 3a (MCL 400.233 and 400.233a), section 3 as amended by 2002 PA 564 and section 3a as amended by 1998 PA 112.

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

1       Sec. 3. The office shall do all of the following:

2       (a) Serve as a state agency authorized to administer  
3 title IV-D.

4       (b) Assist a governmental agency or department in locating an  
5 adult responsible for the child for any of the following  
6 purposes:

7       (i) To establish parentage.

8       (ii) To establish, set the amount of, modify, or enforce  
9 support obligations.

1 (iii) To disburse support receipts.

2 (iv) To make or enforce child custody or parenting time  
3 orders.

4 (c) Coordinate activity on a state level in a search for an  
5 adult responsible for the child.

6 (d) Obtain information that directly relates to the identity  
7 or location of an adult responsible for the child.

8 (e) Serve as the information agency as provided in the  
9 revised uniform reciprocal enforcement of support act, 1952 PA 8,  
10 MCL 780.151 to 780.183, and uniform interstate family support  
11 act, 1996 PA 310, MCL 552.1101 to 552.1901.

12 (f) Develop guidelines for coordinating activities of a  
13 governmental department, board, commission, bureau, agency, or  
14 council, or a public or private agency, in providing information  
15 necessary for the location of an adult responsible for the  
16 child.

17 (g) ~~Develop~~ **As provided in section 3a, develop**, administer,  
18 and coordinate with the state and federal departments of treasury  
19 ~~a procedure~~ **the tax refund offset program** for offsetting the  
20 state tax refunds and federal income tax refunds of a parent who  
21 is obligated to support a child and who owes past due support.  
22 The ~~procedure shall include a guideline that the~~ office **shall**  
23 submit to the state department of treasury, not later than  
24 November 15 of each year, all requests for the offset of state  
25 tax refunds claimed on returns filed or to be filed for that tax  
26 year.

27 (h) Develop and implement a statewide information system to

1 facilitate the establishment and enforcement of child support  
2 obligations.

3 (i) Publicize through regular and frequent, nonsexist public  
4 service announcements the availability of support establishment  
5 and enforcement services.

6 (j) Develop and implement in cooperation with financial  
7 institutions a data matching and lien and levy system to identify  
8 assets of and to facilitate the collection of support from the  
9 assets of individuals who have an account at a financial  
10 institution and who are obligated to pay support as provided in  
11 this act.

12 (k) Provide discovery and support for support enforcement  
13 activities as provided in the support and parenting time  
14 enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

15 (l) Have in effect safeguards against the unauthorized use or  
16 disclosure of case record information that are designed to  
17 protect the privacy rights of the parties as specified in  
18 sections 454 and 454a of title IV-D, 42 U.S.C. 654 and 654a, and  
19 that are consistent with the use and disclosure standards  
20 provided under section 64 of the social welfare act, 1939 PA 280,  
21 MCL 400.64.

22 (m) As provided in section 10 for friend of the court cases,  
23 centralize administrative enforcement remedies and develop and  
24 implement a centralized enforcement program to facilitate the  
25 collection of support.

26 Sec. 3a. **(1) The office shall develop and implement a tax**  
27 **refund offset program for friend of the court cases to provide**

1 for the collection of past due support from the state and federal  
2 income tax refunds of a parent who is obligated to support a  
3 child.

4 (2) ~~(1)~~ Upon receipt of a request from the office of the  
5 friend of the court under section 24 of the support and parenting  
6 time enforcement act, 1982 PA 295, MCL 552.624, the office of  
7 child support shall initiate offset proceedings against the state  
8 tax refunds and federal income tax refunds of a parent who is  
9 obligated to support a child and who owes past due support.

10 (3) ~~(2)~~ The office shall send to a parent who is the  
11 subject of a request under subsection ~~(1)~~ (2) advance written  
12 notice of the proposed offset. The notice shall ~~inform~~ do all  
13 of the following:

14 (a) Explain that the friend of the court has requested a tax  
15 refund offset.

16 (b) Provide the amount of past due support.

17 (c) Provide joint tax return options.

18 (d) Provide information about the administrative review  
19 procedure.

20 (e) Inform the parent of the opportunity to contest the  
21 offset of his or her state income tax refund on the grounds that  
22 the offset is not proper because of a mistake of fact concerning  
23 the amount of overdue support or the identity of the parent.

24 (4) If the friend of the court case involves a party  
25 receiving public assistance under title IV-D, the office shall  
26 seek federal and state tax refund offsets if \$150.00 or more is  
27 owed in past due child support. If the friend of the court case

1 involves a party eligible for title IV-D services because the  
2 party received public assistance under title IV-D, the office  
3 shall seek federal tax refund offsets if \$500.00 or more is owed  
4 in past due child support and the child for whom support is owed  
5 is under the age of 18, unless the child over age 18 was disabled  
6 before age 18, continues to be disabled, and has a support order  
7 in effect.

8 (5) Approximately every 2 weeks, the office shall report to  
9 the state department of treasury all parents who are obligated to  
10 support a child and who have a balance of at least \$150.00 of  
11 past due child support. This subsection applies whether or not  
12 the parent has a history of regular support payments.

13 (6) If past due support is owed to this state, money received  
14 from federal tax refunds is first paid to eliminate that past due  
15 support. Remaining money from a federal tax refund is paid on  
16 past due support owed to an adult responsible for a child. If  
17 the adult responsible for a child is not receiving title IV-D  
18 services, money received from state tax refunds is first paid to  
19 eliminate current support and past due support owed to the adult  
20 responsible for a child.

21 (7) ~~-(3)-~~ The office shall provide for the prompt  
22 reimbursement of an amount withheld in error or an amount found  
23 to exceed the amount of overdue support.