

UNIFORM INTERSTATE FAMILY SUPPORT ACT (EXCERPT)
Act 255 of 2015
PART 2

CONTEST OF VALIDITY OR ENFORCEMENT

552.2605 Notice.

Sec. 605.

(1) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this state shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(2) A notice must inform the nonregistering party of the following:

(a) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state.

(b) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice unless the registered order is under section 707.

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages.

(d) The amount of any alleged arrearages.

(3) If the registering party asserts that 2 or more orders are in effect, a notice must also do the following:

(a) Identify the 2 or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any.

(b) Notify the nonregistering party of the right to a determination of which is the controlling order.

(c) State that the procedures provided in subsection (2) apply to the determination of which is the controlling order.

(d) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(4) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer according to the income-withholding law of this state.

History: 2015, Act 255, Eff. Jan. 1, 2016

552.2606 Nonregistering party; hearing.

Sec. 606.

(1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within the time required by section 605. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages according to section 607.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(3) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

History: 2015, Act 255, Eff. Jan. 1, 2016

552.2607 Burden of proof; defense; remedies.

Sec. 607.

(1) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving 1 or more of the following defenses:

- (a) The issuing tribunal lacked personal jurisdiction over the contesting party.
- (b) The order was obtained by fraud.
- (c) The order has been vacated, suspended, or modified by a later order.
- (d) The issuing tribunal has stayed the order pending appeal.
- (e) There is a defense under the law of this state to the remedy sought.
- (f) Full or partial payment has been made.
- (g) The statute of limitation under section 604 precludes enforcement of some or all of the alleged arrearages.
- (h) The alleged controlling order is not the controlling order.

(2) If a party presents evidence establishing a full or partial defense under subsection (1), a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.

(3) If the contesting party does not establish a defense under subsection (1) to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.

History: 2015, Act 255, Eff. Jan. 1, 2016

552.2608 Registered support order; effect of confirmation.

Sec. 608.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

History: 2015, Act 255, Eff. Jan. 1, 2016