

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

552.626 Notice of income withholding; failure of parent to obtain or maintain health care coverage for child; duties of friend of the court.

Sec. 26.

(1) For a friend of the court case, if a parent is ordered to pay support or obtain or maintain health care coverage through an employer, or both, the office will, when appropriate and within 2 business days after a new hire report is entered into the state directory of new hires, as created under section 453A of title IV-D, 42 USC 653a, or a payer's or parent's employer is otherwise identified, provide the new employer with a notice of income withholding or a notice of the order for dependent health care coverage, or both, on behalf of the parent who is subject to income withholding or a parent or payer who is required to provide dependent health care coverage.

(2) If the order for dependent health care coverage does not specify whether the health care coverage must be private health care coverage or public health care coverage, the office shall, when appropriate, provide an employer with the notice specified in subsection (1) unless 1 of the following applies:

(a) The parent or payer who is required to obtain health care coverage provides proof that health care coverage available through the employer is not accessible to the child or not available at a reasonable cost. Health care coverage is presumed to be accessible to the child and available at a reasonable cost if it meets the guidelines provided in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519.

(b) The parent or payer who is required to provide health care coverage has obtained and maintained health care coverage that is accessible to the child and available to the parent at a reasonable cost.

(3) If an order for dependent health care coverage was entered before September 30, 2001, the office shall, at the time notice of the order is sent to the employer under subsection (1), provide the payer or parent with instructions on how to request a review or hearing to contest the availability of dependent health care coverage at a reasonable cost.

(4) Notwithstanding subsection (3), if a parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court, the office of the friend of the court shall, as applicable, do either of the following:

(a) Petition the court for an order to show cause why the parent should not be held in contempt for failure to obtain or maintain dependent health care coverage that is available at a reasonable cost.

(b) Send notice of noncompliance to the parent. The notice shall contain all of the following information:

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 21 days after mailing of the notice:

(A) Submits written proof to the friend of the court of the child's enrollment in a health care coverage plan.

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(ii) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment.

(iii) If the order for dependent health care coverage does not specify whether that coverage must be private health care coverage or public health care coverage, that the parent can obtain or maintain private health care coverage or public health care coverage. To the extent possible, the notice must provide contact information available to the public for local, state, or federal agencies that administer public health care coverage.

History: Add. 1995, Act 236, Eff. Mar. 28, 1996 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2001, Act 106, Eff. Sept. 30, 2001 ;-- Am. 2002, Act 572, Eff. Dec. 1, 2002 ;-- Am. 2019, Act 26, Imd. Eff. June 20, 2019