

Act No. 310  
Public Acts of 1996  
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**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

**Introduced by Senators Van Regenmorter, Geake, Bennett, Hoffman, Gougeon, Shugars, Dunaskiss,  
Stille, McManus, Byrum and Emmons**

# **ENROLLED SENATE BILL No. 605**

AN ACT to make uniform the laws relating to interstate family support enforcement; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

## **ARTICLE I**

Sec. 101. This act shall be known and may be cited as the "uniform interstate family support act".

Sec. 102. As used in this act:

(a) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(b) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(c) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(d) "Employer" means that term as defined in section 2 of the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.602 of the Michigan Compiled Laws.

(e) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of petitioning for support or, if a child is less than 6 months old, the state in which the child lived from birth with a parent or a person acting as parent. A period of temporary absence of any of them is counted as part of the 6-month period or other period.

Sec. 103. As used in this act:

(a) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under this state's law.

(b) "Income withholding order" means legal process directed to an obligor's employer or other debtor to withhold support from of the obligor's income.

(c) "Initiating state" means a state in which a proceeding under a support enforcement act is filed for forwarding to a responding state.

(d) "Initiating tribunal" means the authorized tribunal in an initiating state.

(e) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(f) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(g) "Law" includes decisional and statutory law, and rules and regulations having the force of law.

(h) "L.E.I.N." means the law enforcement information network administered under the L.E.I.N. policy council act of 1974, Act No. 163 of the Public Acts of 1974, being sections 28.211 to 28.216 of the Michigan Compiled Laws.

(i) "Obligee" means any of the following:

(i) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered.

(ii) A state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee.

(iii) An individual seeking a judgment determining parentage of the individual's child.

(j) "Obligor" means an individual about whom 1 of the following is true, or the estate of a decedent about whom 1 of the following was true before the individual's death:

(i) The individual owes or is alleged to owe a duty of support.

(ii) The individual is alleged, but has not been adjudicated, to be a child's parent.

(iii) The individual is liable under a support order.

Sec. 104. As used in this act:

(a) "Register" means to file a support order or judgment determining parentage in the circuit court.

(b) "Registering tribunal" means a tribunal in which a support order is registered.

(c) "Responding state" means a state to which a proceeding is forwarded under a support enforcement act.

(d) "Responding tribunal" means the authorized tribunal in a responding state.

(e) "Spousal support order" means a support order for an obligor's spouse or former spouse.

(f) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. State includes an Indian tribe and a foreign jurisdiction that establishes procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this act.

(g) "Support enforcement act" means this act, the uniform reciprocal enforcement of support act, the revised uniform reciprocal enforcement of support act, or another act substantially similar to 1 of those acts that is in effect in this or another state. Support enforcement act includes a former act substantially similar to an act described in this subdivision under which an order was issued or proceeding initiated, which order or proceeding remains operative.

(h) "Support enforcement agency" means a public official or agency authorized to seek any of the following:

(i) Enforcement of support orders or laws relating to the duty of support.

(ii) Establishment or modification of child support.

(iii) Determination of parentage.

(iv) Location of obligors or their assets.

(i) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, spouse, or former spouse that provides for monetary support, health care, arrearages, or reimbursement and may include related costs and fees, interest, income withholding, attorney fees, and other relief.

(j) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage.

Sec. 105. A remedy provided by this act is cumulative and does not affect the availability of a remedy under other law.

Sec. 107. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

Sec. 108. The circuit court is the tribunal for this state.

## ARTICLE II

### PART 1

Sec. 201. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following are true:

- (a) The individual is personally served with citation, summons, or notice within this state.
- (b) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving a contest to personal jurisdiction.
- (c) The individual resided with the child in this state.
- (d) The individual resided in this state and provided prenatal expenses or support for the child.
- (e) The child resides in this state as a result of the individual's acts or directives.
- (f) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
- (g) The individual asserted parentage in the parentage registry maintained in this state.
- (h) There is another basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

Sec. 203. A tribunal of this state exercising personal jurisdiction over a nonresident under section 201 may apply section 328 to receive evidence from another state and section 332 to obtain discovery through a tribunal of another state. In all other respects articles III to VII do not apply, and the tribunal shall apply this state's procedural and substantive law, including the rules on choice of law other than those established by this act.

### PART 2

Sec. 221. Under this act, this state's tribunal may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Sec. 223. (1) This state's tribunal may exercise jurisdiction to establish a support order if a petition or comparable pleading is filed in this state after a petition or comparable pleading is filed in another state only if all of the following are true:

(a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state.

(b) The contesting party timely challenges the exercise of jurisdiction in the other state.

(c) If relevant, this state is the child's home state.

(2) This state's tribunal shall not exercise jurisdiction to establish a support order if a petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if all of the following are true:

(a) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.

(b) The contesting party timely challenges the exercise of jurisdiction in this state.

(c) If relevant, the other state is the child's home state.

Sec. 224. (1) A tribunal of this state that issues a support order consistent with this state's law has continuing, exclusive jurisdiction over a child support order in either of the following circumstances:

(a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

(b) Until each individual party files written consent with this state's tribunal for another state's tribunal to modify the order and assume continuing, exclusive jurisdiction.

(2) A tribunal of this state that issues a child support order consistent with this state's law shall not exercise its continuing jurisdiction to modify the order if the order has been modified by another state's tribunal under a law substantially similar to this act.

(3) If a child support order of this state is modified by another state's tribunal under a law substantially similar to this act, this state's tribunal loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only do 1 or more of the following:

(a) Enforce the order that was modified as to amounts accruing before the modification.

- (b) Enforce nonmodifiable aspects of that order.
- (c) Provide other appropriate relief for violations of that order that occurred before the modification's effective date.
- (4) This state's tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that issues a child support order under a law substantially similar to this act.
- (5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.
- (6) A tribunal of this state that issues a support order consistent with this state's law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. This state's tribunal shall not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Sec. 225. (1) This state's tribunal may serve as an initiating tribunal to request another state's tribunal to enforce or modify a support order issued in that state.

(2) A tribunal of this state that has continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the tribunal's continuing, exclusive jurisdiction no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 328 to receive evidence from another state and section 332 to obtain discovery through another state's tribunal.

(3) A tribunal of this state that lacks continuing, exclusive jurisdiction over a spousal support order shall not serve as a responding tribunal to modify another state's spousal support order.

### PART 3

Sec. 231. (1) If a proceeding is brought under this act, and 1 or more child support orders have been issued in this or other states with regard to an obligor and a child, this state's tribunal shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

- (a) If only 1 tribunal has issued a child support order, that tribunal's order shall be recognized.
- (b) If 2 or more tribunals have issued child support orders for the same obligor and child, and only 1 of the tribunals would have continuing, exclusive jurisdiction under this act, that tribunal's order shall be recognized.
- (c) If 2 or more tribunals have issued child support orders for the same obligor and child, and more than 1 of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the child's current home state shall be recognized or, if an order has not been issued in the child's current home state, the order most recently issued shall be recognized.
- (d) If 2 or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this act, this state's tribunal may issue a child support order, which shall be recognized.

(2) The tribunal that issued the order recognized under subsection (1) is the tribunal that has continuing, exclusive jurisdiction.

Sec. 233. In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least 1 of which was issued by another state's tribunal, this state's tribunal shall enforce those orders in the same manner as if the multiple orders had been issued by this state's tribunal.

Sec. 235. Money collected and credited for a particular period under a support order issued by another state's tribunal shall be credited against the amount that accrues for the same period under a support order issued by this state's tribunal.

### ARTICLE III

Sec. 301. (1) Except as otherwise provided in this act, this article applies to all proceedings under this act.

(2) This act provides for the following proceedings:

- (a) Establishment of an order for spousal support or child support under article IV.
- (b) Enforcement of another state's support order and income withholding order without registration under article V.
- (c) Registration of another state's order for spousal support or child support for enforcement under article VI.
- (d) Modification of an order for child support or spousal support issued by this state's tribunal under article II, part 2.
- (e) Registration of another state's order for child support for modification under article VI.

(f) Determination of parentage under article VII.

(g) Assertion of jurisdiction over nonresidents under article II, part 1.

(3) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state that has or can obtain personal jurisdiction over the respondent.

Sec. 303. A minor parent, or a minor parent's guardian or other legal representative, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Sec. 304. Except as otherwise provided by this act, a responding tribunal of this state shall do both of the following:

(a) Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state. The tribunal may exercise the powers and provide the remedies available in those proceedings.

(b) Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 306. Upon filing of a petition authorized by this act, an initiating tribunal of this state shall forward 3 copies of the petition and its accompanying documents to each of the following:

(a) The responding tribunal or appropriate support enforcement agency in the responding state.

(b) If the responding tribunal's identity is unknown, the responding state's information agency with a request that the copies and documents be forwarded to the appropriate tribunal and that receipt be acknowledged.

Sec. 308. (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly under section 301, the tribunal shall do all of the following:

(a) Cause the petition or pleading to be filed.

(b) Notify the petitioner by first-class mail where and when it was filed.

(c) Notify the prosecuting attorney or the office of the friend of the court. If notified under this subdivision, the prosecuting attorney or friend of the court shall conduct proceedings as appropriate under this act.

(2) A responding tribunal of this state, to the extent otherwise authorized by law, may do 1 or more of the following:

(a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage.

(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.

(c) Order income withholding.

(d) Determine the amount of an arrearage and specify a method of payment.

(e) Enforce an order by civil or criminal contempt, or both.

(f) Set aside property for satisfaction of a support order.

(g) Place liens and order execution on an obligor's property.

(h) Order an obligor to keep the tribunal informed of the obligor's current residential address and telephone number, employer, and employment address and telephone number.

(i) Issue a bench warrant for an obligor who fails after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in the L.E.I.N.

(j) Order an obligor to seek appropriate employment by specified methods.

(k) Award reasonable attorney fees and other fees and costs.

(l) Grant another available remedy.

(3) A responding tribunal of this state shall include in a support order issued under this act or in the documents accompanying the order the calculations on which the support order is based.

(4) A responding tribunal of this state shall not condition the payment of a support order issued under this act upon compliance by a party with provisions for parenting time.

(5) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order by first-class mail to the petitioner and the respondent and to the initiating tribunal, if any.

Sec. 310. If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner by first-class mail where and when the pleading was sent.

Sec. 312. (1) Upon request, a support enforcement agency of this state, or upon the support enforcement agency's request, the prosecuting attorney or office of the friend of the court, shall provide services to a petitioner in a proceeding under this act. A support enforcement agency, prosecuting attorney, or office of the friend of the court that is providing services to the petitioner as appropriate shall do all of the following:

(a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent.

(b) Request an appropriate tribunal to set a hearing date, time, and place.

(c) Make a reasonable effort to obtain all relevant information, including information as to the parties' income and property.

(d) Within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first-class mail to the petitioner.

(e) Within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first-class mail to the petitioner.

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(2) This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 314. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this act or may provide those services directly to the individual.

Sec. 315. An individual may employ private counsel to represent the individual in proceedings authorized by this act.

Sec. 316. The office of child support established under the office of child support act, Act No. 174 of the Public Acts of 1971, being sections 400.231 to 400.235 of the Michigan Compiled Laws, is this state's information agency under this act. The state information agency shall do all of the following:

(a) Compile and maintain a current list, including addresses, of this state's tribunals that have jurisdiction under this act and any support enforcement agencies in this state and transmit a copy to every other state's information agency.

(b) Maintain a register of tribunals and support enforcement agencies received from other states.

(c) Forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from an initiating tribunal or the initiating state's information agency of the initiating state.

(d) Obtain information concerning the obligor's location of the obligor and the obligor's property within this state not exempt from execution by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver licenses, and social security.

Sec. 318. (1) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act shall verify the petition. Unless otherwise ordered under section 320, the petition or accompanying documents shall provide, so far as known, the obligor's and obligee's name, residential addresses, and social security numbers, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition shall be accompanied by a certified copy of any support order in effect. The petition may include other information that may assist in locating or identifying the respondent.

(2) The petition shall specify the relief sought. The petition and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 320. Upon a finding, which may be made ex parte, that a party's or a child's health, safety, or liberty would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the party's or child's address or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.

Sec. 322. (1) A petitioner under this act shall not be required to pay a filing fee or other costs.

(2) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal shall not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney fees may be taxed as costs and may

be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(3) The tribunal shall order the payment of costs and reasonable attorney fees if it determines that a hearing was requested primarily for delay. In a proceeding under article VI, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 324. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding. A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this act. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while present in this state to participate in the proceeding.

Sec. 326. A party whose parentage of a child has been previously determined by law shall not plead nonparentage as a defense to a proceeding under this act.

Sec. 328. (1) The petitioner's physical presence in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(2) A verified petition, affidavit, document substantially complying with federally mandated forms, or document incorporated by reference in any of them that would not be excluded as hearsay if given in person is admissible in evidence if given under oath by a party or witness residing in another state.

(3) A copy of a record of child support payments certified as a true copy of the original by the record's custodian may be forwarded to a responding tribunal. The copy is evidence of the facts asserted in it and is admissible to show whether payments were made.

(4) If furnished to the adverse party at least 10 days before trial, a copy of a bill for testing for parentage, or for the mother's or child's prenatal or postnatal health care, is admissible in evidence to prove the amount billed and that the amount is reasonable, necessary, and customary.

(5) Documentary evidence transmitted from another state to this state's tribunal by telephone, telecopier, or other means that does not provide an original writing shall not be excluded from evidence on an objection based on the means of transmission.

(6) In a proceeding under this act, this state's tribunal may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. This state's tribunal shall cooperate with other states' tribunals in designating an appropriate location for the deposition or testimony.

(7) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(8) A privilege against disclosure of communications between spouses does not apply in a proceeding under this act. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this act.

Sec. 330. This state's tribunal may communicate with another state's tribunal in writing, or by telephone or other means, to obtain information concerning that state's laws, the legal effect of that tribunal's judgment, decree, or order, or the status of the other state's proceeding. This state's tribunal may furnish similar information by similar means to another state's tribunal.

Sec. 332. This state's tribunal may do any of the following:

(a) Request another state's tribunal to assist in obtaining discovery.

(b) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by another state's tribunal.

Sec. 334. A support enforcement agency or tribunal of this state shall promptly disburse money received under a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or another state's tribunal a certified statement by the custodian of the record of the amounts and dates of all payments received.

## ARTICLE IV

Sec. 401. (1) If a support order entitled to recognition under this act has not been issued, a responding tribunal of this state may issue a support order if either of the following is true:

- (a) The individual seeking the order resides in another state.
- (b) The support enforcement agency seeking the order is located in another state.
- (2) The tribunal may issue a temporary child support order if any of the following are true:
  - (a) The respondent has signed a verified statement acknowledging parentage.
  - (b) The respondent has been determined by law to be the child's parent.
  - (c) There is other clear and convincing evidence that the respondent is the child's parent.
- (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders as authorized in section 308.

## ARTICLE V

Sec. 501. (1) An income withholding order issued in another state may be sent by first-class mail to the obligor's employer without first filing a petition or comparable pleading or registering the order with this state's tribunal. Upon receipt of the order, the employer shall do all of the following:

- (a) Treat an income withholding order issued in another state that appears regular on its face as if the order had been issued by this state's tribunal.
- (b) Immediately provide a copy of the order to the obligor.
- (c) Distribute the money as directed in the withholding order.

(2) An obligor may contest the validity or enforcement of an income withholding order issued in another state in the same manner as if the order had been issued by this state's tribunal. Section 605 applies to the contest. The obligor shall give notice of the contest to a support enforcement agency providing services to the obligee and to the person or agency designated to receive payments in the income withholding order or, if no person or agency is designated, to the obligee.

Sec. 502. (1) A party seeking to enforce a support order or an income withholding order, or both, issued by another state's tribunal may send the documents required for registering the order to a support enforcement agency of this state.

(2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use an administrative procedure authorized by this state's law to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order as provided in this act.

## ARTICLE VI

### PART 1

Sec. 601. (1) A support order or an income withholding order issued by another state's tribunal may be registered in this state for enforcement by sending all of the following documents and information to this state's tribunal:

- (a) A transmittal letter to the tribunal requesting registration and enforcement.
- (b) Two copies, including 1 certified copy, of all orders to be registered, including any modification of an order.
- (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.
- (d) The obligor's name and each of the following that is known:
  - (i) The obligor's address and social security number.
  - (ii) The name and address of the obligor's employer and any other source of income to the obligor.
  - (iii) A description and the location of the obligor's property in this state not exempt from execution.
- (e) The obligee's name and address and, if applicable, the agency or person to whom support payments are to be remitted.

(2) On receipt of a registration request, the registering tribunal shall cause the order to be filed as a foreign judgment, together with 1 copy of the documents and information, regardless of their form.

(3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under another law of this state may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.



Sec. 603. (1) A support order or income withholding order issued in another state is registered when the order is filed in the registering tribunal of this state. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by this state's tribunal.

(2) Except as otherwise provided in this act, this state's tribunal shall recognize and enforce, but shall not modify, a registered order if the issuing tribunal had jurisdiction.

Sec. 605. (1) The issuing state's law governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(2) In a proceeding for arrearages, the longer of the statutes of limitations of this state or of the issuing state applies.

## PART 2

Sec. 621. (1) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice shall be by first-class, certified, or registered mail or by any means of personal service authorized by this state's law. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(2) The notice shall inform the nonregistering party of all of the following:

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

(b) That a hearing to contest the validity or enforcement of the registered order shall be requested within 20 days after the date of mailing or personal service of the notice.

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation and enforcement of the order and the alleged arrearages, and precludes further contest of that order with respect to a matter that could have been asserted.

(d) The amount of alleged arrearages.

(3) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer as provided in the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

Sec. 623. (1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert a defense to an allegation of noncompliance with the registered order, or to contest a remedy being sought or the amount of an alleged arrearage as provided in section 625.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law. If a nonregistered 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 by first-class mail of the hearing date, time, and place.

Sec. 625. (1) A party contesting the validity or enforcement of a registered 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 this state's law to the remedy sought.

(f) Full or partial payment has been made.

(g) The statute of limitations as prescribed by section 605 precludes enforcement of some or all of the arrearages.

(2) If a party presents evidence establishing a full or partial defense under subsection (1), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, or issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under this state's law. If the contesting party does not establish a defense under subsection (1) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the registered order.

(3) Whether by operation of law or after notice and hearing, a registered order's confirmation precludes further contest of the order with respect to a matter that could have been asserted at the time of registration.

## PART 3

Sec. 631. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in part 1 of this article if the order has not been registered. A petition for modification may be filed at the same time as a registration request or later. The pleading shall specify the grounds for modification.

Sec. 633. This state's tribunal may enforce another state's child support order registered for purposes of modification in the same manner as if the order had been issued by this state's tribunal, but the registered order may be modified only if the requirements of section 635 are met.

Sec. 635. (1) After another state's child support order is registered in this state, the responding tribunal of this state may modify that order only if, after notice and hearing, the tribunal finds 1 of the following:

(a) All of the following requirements are met:

(i) The child, the individual obligee, and the obligor do not reside in the issuing state.

(ii) A petitioner who is a nonresident of this state seeks modification.

(iii) The respondent is subject to the personal jurisdiction of this state's tribunal.

(b) An individual party or the child is subject to the tribunal's personal jurisdiction and all of the individual parties have filed a written consent in the issuing tribunal providing that this state's tribunal may modify the support order and assume continuing, exclusive jurisdiction over the order.

(2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by this state's tribunal, and the order may be enforced and satisfied in the same manner. This state's tribunal shall not modify an aspect of a child support order that cannot be modified under the issuing state's law.

(3) On issuance of an order modifying a child support order issued in another state, this state's tribunal becomes the tribunal of continuing, exclusive jurisdiction.

(4) Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order is registered.

Sec. 637. This state's tribunal shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction under a law substantially similar to this act and, upon request and except as otherwise provided in this act, shall do all of the following:

(a) Enforce the order that was modified only as to an amount accruing before the modification.

(b) Enforce only nonmodifiable aspects of that order.

(c) Provide other appropriate relief only for a violation of that order that occurred before the modification's effective date.

(d) Recognize the other state's modifying order, upon registration, for the purpose of enforcement.

## ARTICLE VII

Sec. 701. (1) This state's tribunal may serve as an initiating or responding tribunal in a proceeding brought under a support enforcement act to determine that a petitioner is a particular child's parent or to determine that a respondent is that child's parent.

(2) In a proceeding to determine parentage, the responding tribunal of this state shall apply the paternity act, Act No. 205 of the Public Acts of 1956, being sections 722.711 to 722.730 of the Michigan Compiled Laws, this state's procedural and substantive law, and this state's rules on choice of law.

## ARTICLE VIII

Sec. 801. (1) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this act.

(2) This state's governor may do any of the following:

(a) Demand that another state's governor surrender an individual found in the other state who is charged criminally in this state with having failed to provide for an obligee's support.

(b) On the demand by another state's governor, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for an obligee's support.

(3) A provision for an individual's extradition not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from that state.

Sec. 803. (1) Before making demand that another state's governor surrender an individual charged criminally in this state with having failed to provide for an obligee's support, this state's governor may require a prosecutor of this state to demonstrate that at least 60 days previously the obligee had initiated proceedings for support as provided in this act or that the proceeding would be of no avail.

(2) If under a support enforcement act, another state's governor makes a demand that this state's governor surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective, but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If a proceeding for support is initiated and the individual whose surrender is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose surrender is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

## ARTICLE IX

Sec. 901. This act shall take effect June 1, 1997.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.