



# SENATE BILL No. 605

June 15, 1995, Introduced by Senators VAN REGENMORTER, GEAKE, BENNETT, HOFFMAN, GOUGEON, SHUGARS, DUNASKISS, STILLE, MC MANUS, BYRUM and EMMONS and referred to the Committee on Families, Mental Health and Human Services.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE I

1  
2 Sec. 101. This act shall be known and may be cited as the  
3 "uniform interstate family support act".

4 Sec. 102. As used in this act:

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

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

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

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

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

16 Sec. 103. As used in this act:

17 (a) "Income" includes earnings or other periodic entitle-  
18 ments to money from any source and any other property subject to  
19 withholding for support under the law of this state.

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

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

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

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

4 (f) "Issuing tribunal" means the tribunal that issues a sup-  
5 port order or renders a judgment determining parentage.

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

8 (h) "L.E.I.N" means the law enforcement information network  
9 administered under the L.E.I.N. policy council act of 1974, Act  
10 No. 163 of the Public Acts of 1974, being sections 28.211 to  
11 28.216 of the Michigan Compiled Laws.

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

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

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

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

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

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

1       (ii) The individual is alleged, but has not been  
2 adjudicated, to be a parent of a child.

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

4       Sec. 104. As used in this act:

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

7       (b) "Registering tribunal" means a tribunal in which a sup-  
8 port order is registered.

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

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

13       (e) "Spousal support order" means a support order for a  
14 spouse or former spouse of the obligor.

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

22       (g) "Support enforcement act" means this act, the uniform  
23 reciprocal enforcement of support act, the revised uniform recip-  
24 rocal enforcement of support act, or another act substantially  
25 similar to 1 of those acts that is in effect in this or another  
26 state. Support enforcement act includes a former act  
27 substantially similar to an act described in this subdivision

1 under which an order was issued or proceeding initiated, which  
2 order or proceeding remains operative.

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

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

7 (ii) Establishment or modification of child support.

8 (iii) Determination of parentage.

9 (iv) Location of obligors or their assets.

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

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

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

21 Sec. 107. This act shall be applied and construed to effec-  
22 tuate its general purpose to make uniform the law with respect to  
23 the subject of this act among states enacting it.

24 ARTICLE II

25 PART 1

26 Sec. 201. In a proceeding to establish, enforce, or modify  
27 a support order or to determine parentage, a tribunal of this

1 state may exercise personal jurisdiction over a nonresident  
2 individual or the individual's guardian or conservator if any of  
3 the following are true:

4 (a) The individual is personally served with citation, sum-  
5 mation, or notice within this state.

6 (b) The individual submits to the jurisdiction of this state  
7 by consent, by entering a general appearance, or by filing a  
8 responsive document having the effect of waiving any contest to  
9 personal jurisdiction.

10 (c) The individual resided with the child in this state.

11 (d) The individual resided in this state and provided prena-  
12 tal expenses or support for the child.

13 (e) The child resides in this state as a result of the acts  
14 or directives of the individual.

15 (f) The individual engaged in sexual intercourse in this  
16 state and the child may have been conceived by that act of  
17 intercourse.

18 (g) The individual asserted parentage in the putative father  
19 registry maintained in this state by the department of social  
20 services.

21 (h) There is any other basis consistent with the constitu-  
22 tions of this state and the United States for the exercise of  
23 personal jurisdiction.

24 Sec. 203. A tribunal of this state exercising personal  
25 jurisdiction over a nonresident under section 201 may apply sec-  
26 tion 328 to receive evidence from another state, and section 332  
27 to obtain discovery through a tribunal of another state. In all

1 other respects articles III to VII do not apply, and the tribunal  
2 shall apply the procedural and substantive law of this state,  
3 including the rules on choice of law other than those established  
4 by this act.

5 PART 2

6 Sec. 221. Under this act, a tribunal of this state may  
7 serve as an initiating tribunal to forward proceedings to another  
8 state and as a responding tribunal for proceedings initiated in  
9 another state.

10 Sec. 223. (1) A tribunal of this state may exercise juris-  
11 diction to establish a support order if a petition or comparable  
12 pleading is filed in this state after a petition or comparable  
13 pleading is filed in another state only if all of the following  
14 are true:

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

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

21 (c) If relevant, this state is the home state of the child.

22 (2) A tribunal of this state shall not exercise jurisdiction  
23 to establish a support order if a petition or comparable pleading  
24 is filed before a petition or comparable pleading is filed in  
25 another state if all of the following are true:

26 (a) The petition or comparable pleading in the other state  
27 is filed before the expiration of the time allowed in this state

1 for filing a responsive pleading challenging the exercise of  
2 jurisdiction by this state.

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

5 (c) If relevant, the other state is the home state of the  
6 child.

7 (3) A tribunal of this state shall recognize the continuing,  
8 exclusive jurisdiction of a tribunal of another state that issued  
9 a child support order under a law substantially similar to this  
10 act.

11 (4) A temporary support order issued ex parte or pending  
12 resolution of a jurisdictional conflict does not create continu-  
13 ing, exclusive jurisdiction in the issuing tribunal.

14 (5) A tribunal of this state issuing a support order consis-  
15 tent with the law of this state has continuing, exclusive juris-  
16 diction over a spousal support order throughout the existence of  
17 the support obligation. A tribunal of this state may not modify  
18 a spousal support order issued by a tribunal of another state  
19 having continuing, exclusive jurisdiction over that order under  
20 the law of that state.

21 Sec. 225. (1) A tribunal of this state may serve as an ini-  
22 tiating tribunal to request a tribunal of another state to  
23 enforce or modify a support order issued in that state.

24 (2) A tribunal of this state having continuing, exclusive  
25 jurisdiction over a support order may act as a responding tribu-  
26 nal to enforce or modify the order. If a party subject to the  
27 continuing, exclusive jurisdiction of the tribunal no longer

1 resides in the issuing state, in subsequent proceedings the  
2 tribunal may apply section 328 to receive evidence from another  
3 state and section 332 to obtain discovery through a tribunal of  
4 another state.

5 (3) A tribunal of this state that lacks continuing, exclu-  
6 sive jurisdiction over a spousal support order may not serve as a  
7 responding tribunal to modify a spousal support order of another  
8 state.

9 PART 3

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

16 (a) If only 1 tribunal has issued a child support order, the  
17 order of that tribunal shall be recognized.

18 (b) If 2 or more tribunals have issued child support orders  
19 for the same obligor and child, and only 1 of the tribunals would  
20 have continuing, exclusive jurisdiction under this act, the order  
21 of that tribunal shall be recognized.

22 (c) If 2 or more tribunals have issued child support orders  
23 for the same obligor and child, and more than 1 of the tribunals  
24 would have continuing, exclusive jurisdiction under this act, an  
25 order issued by a tribunal in the current home state of the child  
26 shall be recognized or, if an order has not been issued in the

1 current home state of the child, the order most recently issued  
2 shall be recognized.

3 (d) If 2 or more tribunals have issued child support orders  
4 for the same obligor and child, and none of the tribunals would  
5 have continuing, exclusive jurisdiction under this act, the tri-  
6 bunal of this state may issue a child support order, which shall  
7 be recognized.

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

11 Sec. 233. In responding to multiple registrations or peti-  
12 tions for enforcement of 2 or more child support orders in effect  
13 at the same time with regard to the same obligor and different  
14 individual obligees, at least 1 of which was issued by a tribunal  
15 of another state, a tribunal of this state shall enforce those  
16 orders in the same manner as if the multiple orders had been  
17 issued by a tribunal of this state.

18 Sec. 235. Amounts collected and credited for a particular  
19 period under a support order issued by a tribunal of another  
20 state shall be credited against the amounts accruing or accrued  
21 for the same period under a support order issued by the tribunal  
22 of this state.

23 ARTICLE III

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

26 (2) This act provides for the following proceedings:

1 (a) Establishment of an order for spousal support or child  
2 support under article IV.

3 (b) Enforcement of a support order and income withholding  
4 order of another state without registration under article V.

5 (c) Registration of an order for spousal support or child  
6 support of another state for enforcement under article VI.

7 (d) Modification of an order for child support or spousal  
8 support issued by a tribunal of this state under article II, part  
9 2.

10 (e) Registration of an order for child support of another  
11 state for modification under article VI.

12 (f) Determination of parentage under article VII.

13 (g) Assertion of jurisdiction over nonresidents under arti-  
14 cle II, part 1.

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

21 Sec. 303. A minor parent, or a guardian or other legal rep-  
22 resentative of a minor parent, may maintain a proceeding on  
23 behalf of or for the benefit of the minor's child.

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

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

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

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

12 (a) The responding tribunal or appropriate support enforce-  
13 ment agency in the responding state.

14 (b) If the identity of the responding tribunal is unknown,  
15 the state information agency of the responding state with a  
16 request that the copies and documents be forwarded to the appro-  
17 priate tribunal and that receipt be acknowledged.

18 Sec. 308. (1) When a responding tribunal of this state  
19 receives a petition or comparable pleading from an initiating  
20 tribunal or directly under section 301, the tribunal shall cause  
21 the petition or pleading to be filed and notify the petitioner by  
22 first-class mail where and when it was filed.

23 (2) A responding tribunal of this state, to the extent oth-  
24 erwise authorized by law, may do 1 or more of the following:

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

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

3 (c) Order income withholding.

4 (d) Determine the amount of any arrearages and specify a  
5 method of payment.

6 (e) Enforce orders by civil or criminal contempt, or both.

7 (f) Set aside property for satisfaction of the support  
8 order.

9 (g) Place liens and order execution on the obligor's  
10 property.

11 (h) Order an obligor to keep the tribunal informed of the  
12 obligor's current residential address, telephone number, employ-  
13 er, address of employment, and telephone number at the place of  
14 employment.

15 (i) Issue a bench warrant for an obligor who has failed  
16 after proper notice to appear at a hearing ordered by the tribu-  
17 nal and enter the bench warrant in the L.E.I.N.

18 (j) Order the obligor to seek appropriate employment by  
19 specified methods.

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

22 (l) Grant another available remedy.

23 (3) A responding tribunal of this state shall include in a  
24 support order issued under this act or in the documents accompa-  
25 nying the order the calculations on which the support order is  
26 based.

1 (4) A responding tribunal of this state may not condition  
2 the payment of a support order issued under this act upon  
3 compliance by a party with provisions for visitation.

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

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

13 Sec. 312. (1) Upon request, a support enforcement agency of  
14 this state shall provide services to a petitioner in a proceeding  
15 under this act. A support enforcement agency that is providing  
16 services to the petitioner as appropriate shall do all of the  
17 following:

18 (a) Take all steps necessary to enable an appropriate tribu-  
19 nal in this state or another state to obtain jurisdiction over  
20 the respondent.

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

23 (c) Make a reasonable effort to obtain all relevant informa-  
24 tion, including information as to income and property of the  
25 parties.

26 (d) Within 2 days, exclusive of Saturdays, Sundays, and  
27 legal holidays, after receipt of a written notice from an

1 initiating, responding, or registering tribunal, send a copy of  
2 the notice by first-class mail to the petitioner.

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

7 (f) Notify the petitioner if jurisdiction over the respon-  
8 dent cannot be obtained.

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

13 Sec. 314. If the attorney general determines that the sup-  
14 port enforcement agency is neglecting or refusing to provide  
15 services to an individual, the attorney general may order the  
16 agency to perform its duties under this act or may provide those  
17 services directly to the individual.

18 Sec. 315. An individual may employ private counsel to rep-  
19 resent the individual in proceedings authorized by this act.

20 Sec. 316. The office of child support established under the  
21 office of child support act, Act No. 174 of the Public Acts of  
22 1971, being sections 400.231 to 400.235 of the Michigan Compiled  
23 Laws, is the state information agency under this act. The state  
24 information agency shall do all of the following:

25 (a) Compile and maintain a current list, including  
26 addresses, of the tribunals in this state that have jurisdiction  
27 under this act and any support enforcement agencies in this state

1 and transmit a copy to the state information agency of every  
2 other state.

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

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

11 (d) Obtain information concerning the location of the obli-  
12 gor and the obligor's property within this state not exempt from  
13 execution by such means as postal verification and federal or  
14 state locator services, examination of telephone directories,  
15 requests for the obligor's address from employers, and examina-  
16 tion of governmental records, including, to the extent not pro-  
17 hibited by other law, those relating to real property, vital sta-  
18 tistics, law enforcement, taxation, motor vehicles, driver  
19 licenses, and social security.

20 Sec. 318. (1) A petitioner seeking to establish or modify a  
21 support order or to determine parentage in a proceeding under  
22 this act shall verify the petition. Unless otherwise ordered  
23 under section 320, the petition or accompanying documents shall  
24 provide, so far as known, the name, residential address, and  
25 social security numbers of the obligor and the obligee, and the  
26 name, sex, residential address, social security number, and date  
27 of birth of each child for whom support is sought. The petition

1 shall be accompanied by a certified copy of any support order in  
2 effect. The petition may include any other information that may  
3 assist in locating or identifying the respondent.

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

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

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

17 (2) If an obligee prevails, a responding tribunal may assess  
18 against an obligor filing fees, reasonable attorney fees, other  
19 costs, and necessary travel and other reasonable expenses  
20 incurred by the obligee and the obligee's witnesses. The tribu-  
21 nal may not assess fees, costs, or expenses against the obligee  
22 or the support enforcement agency of either the initiating or the  
23 responding state, except as provided by other law. Attorney fees  
24 may be taxed as costs and may be ordered paid directly to the  
25 attorney, who may enforce the order in the attorney's own name.  
26 Payment of support owed to the obligee has priority over fees,  
27 costs, and expenses.

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

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

17           Sec. 326. A party whose parentage of a child has been pre-  
18 viously determined by law may not plead nonparentage as a defense  
19 to a proceeding under this act.

20           Sec. 328. (1) The physical presence of the petitioner in a  
21 responding tribunal of this state is not required for the estab-  
22 lishment, enforcement, or modification of a support order or the  
23 rendition of a judgment determining parentage.

24           (2) A verified petition, affidavit, document substantially  
25 complying with federally mandated forms, or document incorporated  
26 by reference in any of them that would not be excluded as hearsay

1 if given in person is admissible in evidence if given under oath  
2 by a party or witness residing in another state.

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

8 (4) Copies of bills for testing for parentage, and for pre-  
9 natal and postnatal health care of the mother and child, fur-  
10 nished to the adverse party at least 10 days before trial, are  
11 admissible in evidence to prove the amount of the charges billed  
12 and that the charges were reasonable, necessary, and customary.

13 (5) Documentary evidence transmitted from another state to a  
14 tribunal of this state by telephone, telecopier, or other means  
15 that do not provide an original writing may not be excluded from  
16 evidence on an objection based on the means of transmission.

17 (6) In a proceeding under this act, a tribunal of this state  
18 may permit a party or witness residing in another state to be  
19 deposed or to testify by telephone, audiovisual means, or other  
20 electronic means at a designated tribunal or other location in  
21 that state. A tribunal of this state shall cooperate with tribu-  
22 nals of other states in designating an appropriate location for  
23 the deposition or testimony.

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

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

6           Sec. 330. A tribunal of this state may communicate with a  
7 tribunal of another state in writing, or by telephone or other  
8 means, to obtain information concerning the laws of that state,  
9 the legal effect of a judgment, decree, or order of that tribu-  
10 nal, or the status of a proceeding in the other state. A tribu-  
11 nal of this state may furnish similar information by similar  
12 means to a tribunal of another state.

13           Sec. 332. A tribunal of this state may do any of the  
14 following:

15           (a) Request a tribunal of another state to assist in obtain-  
16 ing discovery.

17           (b) Upon request, compel a person over whom it has jurisdic-  
18 tion to respond to a discovery order issued by a tribunal of  
19 another state.

20           Sec. 334. A support enforcement agency or tribunal of this  
21 state shall disburse promptly any money received under a support  
22 order, as directed by the order. The agency or tribunal shall  
23 furnish to a requesting party or tribunal of another state a cer-  
24 tified statement by the custodian of the record of the amounts  
25 and dates of all payments received.

## ARTICLE IV

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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 a tribunal of this state. Upon receipt of the order, the employer shall do all of the following:

1 (a) Treat an income withholding order issued in another  
2 state that appears regular on its face as if the order had been  
3 issued by a tribunal of this state.

4 (b) Immediately provide a copy of the order to the obligor.

5 (c) Distribute the money as directed in the withholding  
6 order.

7 (2) An obligor may contest the validity or enforcement of an  
8 income withholding order issued in another state in the same  
9 manner as if the order had been issued by a tribunal of this  
10 state. Section 605 applies to the contest. The obligor shall  
11 give notice of the contest to a support enforcement agency pro-  
12 viding services to the obligee and to the person or agency desig-  
13 nated to receive payments in the income withholding order or, if  
14 no person or agency is designated, to the obligee.

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

19 (2) Upon receipt of the documents, the support enforcement  
20 agency, without initially seeking to register the order, shall  
21 consider and, if appropriate, use an administrative procedure  
22 authorized by the law of this state to enforce a support order or  
23 an income withholding order, or both. If the obligor does not  
24 contest administrative enforcement, the order need not be  
25 registered. If the obligor contests the validity or administra-  
26 tive enforcement of the order, the support enforcement agency  
27 shall register the order as provided in this act.

## ARTICLE VI

## PART 1

1  
2  
3       Sec. 601. (1) A support order or an income withholding  
4 order issued by a tribunal of another state may be registered in  
5 this state for enforcement by sending all of the following docu-  
6 ments and information to the circuit court:

7       (a) A letter of transmittal to the tribunal requesting reg-  
8 istration and enforcement.

9       (b) Two copies, including 1 certified copy, of all orders to  
10 be registered, including any modification of an order.

11       (c) A sworn statement by the party seeking registration or a  
12 certified statement by the custodian of the records showing the  
13 amount of any arrearage.

14       (d) The name of the obligor and each of the following that  
15 is known:

16       (i) The obligor's address and social security number.

17       (ii) The name and address of the obligor's employer and any  
18 other source of income to the obligor.

19       (iii) A description and the location of property of the  
20 obligor in this state not exempt from execution.

21       (e) The name and address of the obligee and, if applicable,  
22 the agency or person to whom support payments are to be  
23 remitted.

24       (2) On receipt of a request for registration, the register-  
25 ing tribunal shall cause the order to be filed as a foreign judg-  
26 ment, together with 1 copy of the documents and information,  
27 regardless of their form.

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

5 Sec. 603. (1) A support order or income withholding order  
6 issued in another state is registered when the order is filed in  
7 the registering tribunal of this state. A registered order  
8 issued in another state is enforceable in the same manner and is  
9 subject to the same procedures as an order issued by a tribunal  
10 of this state.

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

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

18 (2) In a proceeding for arrearages, the longer of the stat-  
19 utes of limitations of this state or of the issuing state  
20 applies.

21

## PART 2

22 Sec. 621. (1) When a support order or income withholding  
23 order issued in another state is registered, the registering tri-  
24 bunal shall notify the nonregistering party. Notice shall be by  
25 first-class, certified, or registered mail or by any means of  
26 personal service authorized by the law of this state. The notice

1 shall be accompanied by a copy of the registered order and the  
2 documents and relevant information accompanying the order.

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

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

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

11 (c) That failure to contest the validity or enforcement of  
12 the registered order in a timely manner will result in confirma-  
13 tion and enforcement of the order and the alleged arrearages, and  
14 precludes further contest of that order with respect to any  
15 matter that could have been asserted.

16 (d) The amount of alleged arrearages.

17 (3) Upon registration of an income withholding order for  
18 enforcement, the registering tribunal shall notify the obligor's  
19 employer as provided in the support and visitation enforcement  
20 act, Act No. 295 of the Public Acts of 1982, being sections  
21 552.601 to 552.650 of the Michigan Compiled Laws.

22 Sec. 623. (1) A nonregistering party seeking to contest the  
23 validity or enforcement of a registered order in this state shall  
24 request a hearing within 20 days after the date of mailing or  
25 personal service of notice of the registration. The nonregister-  
26 ing party may seek to vacate the registration, to assert any  
27 defense to an allegation of noncompliance with the registered

1 order, or to contest the remedies being sought or the amount of  
2 any alleged arrearages as provided in section 625.

3 (2) If the nonregistering party fails to contest the valid-  
4 ity or enforcement of the registered order in a timely manner,  
5 the order is confirmed by operation of law. If a nonregistered  
6 party requests a hearing to contest the validity or enforcement  
7 of the registered order, the registering tribunal shall schedule  
8 the matter for hearing and give notice to the parties by  
9 first-class mail of the date, time, and place of the hearing.

10 Sec. 625. (1) A party contesting the validity or enforce-  
11 ment of a registered order or seeking to vacate the registration  
12 has the burden of proving 1 or more of the following defenses:

13 (a) The issuing tribunal lacked personal jurisdiction over  
14 the contesting party.

15 (b) The order was obtained by fraud.

16 (c) The order has been vacated, suspended, or modified by a  
17 later order.

18 (d) The issuing tribunal has stayed the order pending  
19 appeal.

20 (e) There is a defense under the law of this state to the  
21 remedy sought.

22 (f) Full or partial payment has been made.

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

25 (2) If a party presents evidence establishing a full or par-  
26 tial defense under subsection (1), a tribunal may stay  
27 enforcement of the registered order, continue the proceeding to

1 permit production of additional relevant evidence, and issue  
2 other appropriate orders. An uncontested portion of the regis-  
3 tered order may be enforced by all remedies available under the  
4 law of this state. If the contesting party does not establish a  
5 defense under subsection (1) to the validity or enforcement of  
6 the order, the registering tribunal shall issue an order confirm-  
7 ing the registered order.

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

12 PART 3

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

20 Sec. 633. A tribunal of this state may enforce a child sup-  
21 port order of another state registered for purposes of modifica-  
22 tion in the same manner as if the order had been issued by a tri-  
23 bunal of this state, but the registered order may be modified  
24 only if the requirements of section 635 are met.

25 Sec. 635. (1) After a child support order issued in another  
26 state has been registered in this state, the responding tribunal

1 of this state may modify that order only if, after notice and  
2 hearing, it finds 1 of the following:

3 (a) All of the following requirements are met:

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

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

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

10 (b) An individual party or the child is subject to the per-  
11 sonal jurisdiction of the tribunal and all of the individual par-  
12 ties have filed a written consent in the issuing tribunal provid-  
13 ing that a tribunal of this state may modify the support order  
14 and assume continuing, exclusive jurisdiction over the order.

15 (2) Modification of a registered child support order is  
16 subject to the same requirements, procedures, and defenses that  
17 apply to the modification of an order issued by a tribunal of  
18 this state, and the order may be enforced and satisfied in the  
19 same manner. A tribunal of this state shall not modify any  
20 aspect of a child support order that cannot be modified under the  
21 law of the issuing state.

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

25 (4) Within 30 days after issuance of a modified child sup-  
26 port order, the party obtaining the modification shall file a  
27 certified copy of the order with the issuing tribunal that had

1 continuing, exclusive jurisdiction over the earlier order, and in  
2 each tribunal in which the party knows that earlier order has  
3 been registered.

4       Sec. 637. A tribunal of this state shall recognize a modi-  
5 fication of its earlier child support order by a tribunal of  
6 another state that assumed jurisdiction under a law substantially  
7 similar to this act and, upon request and except as otherwise  
8 provided in this act, shall do all of the following:

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

11       (b) Enforce only nonmodifiable aspects of that order.

12       (c) Provide other appropriate relief only for violations of  
13 that order that occurred before the effective date of the  
14 modification.

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

#### 17                                   ARTICLE VII

18       Sec. 701. (1) A tribunal of this state may serve as an ini-  
19 tiating or responding tribunal in a proceeding brought under a  
20 support enforcement act to determine that the petitioner is a  
21 parent of a particular child or to determine that a respondent is  
22 a parent of that child.

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

## ARTICLE VIII

1

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

5       (2) The governor of this state may do any of the following:

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

10       (b) On the demand by the governor of another state, surren-  
11 der an individual found in this state who is charged criminally  
12 in the other state with having failed to provide for the support  
13 of an obligee.

14       (3) A provision for extradition of individuals not inconsis-  
15 tent with this act applies to the demand even if the individual  
16 whose surrender is demanded was not in the demanding state when  
17 the crime was allegedly committed and has not fled from that  
18 state.

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

26       (2) If under a support enforcement act, the governor of  
27 another state makes a demand that the governor of this state

1 surrender an individual charged criminally in that state with  
2 having failed to provide for the support of a child or other  
3 individual to whom a duty of support is owed, the governor may  
4 require a prosecutor to investigate the demand and report whether  
5 a proceeding for support has been initiated or would be  
6 effective. If it appears that a proceeding would be effective,  
7 but has not been initiated, the governor may delay honoring the  
8 demand for a reasonable time to permit the initiation of a  
9 proceeding.

10 (3) If a proceeding for support has been initiated and the  
11 individual whose rendition is demanded prevails, the governor may  
12 decline to honor the demand. If the petitioner prevails and the  
13 individual whose rendition is demanded is subject to a support  
14 order, the governor may decline to honor the demand if the indi-  
15 vidual is complying with the support order.

16 ARTICLE IX

17 Sec. 901. Act No. 8 of the Public Acts of 1952, being  
18 sections 780.151 to 780.183 of the Michigan Compiled Laws, is  
19 repealed.