

HOUSE BILL No. 4650

May 7, 2003, Introduced by Rep. Koetje and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 3 (MCL 552.603), as amended by 2002 PA 572.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A support order issued by a court of this state
2 shall be enforced as provided in this act.

3 (2) Except as otherwise provided in this section, a support
4 order that is part of a judgment or is an order in a domestic
5 relations matter is a judgment on and after the date the support
6 amount is due as prescribed in section 5c, with the full force,
7 effect, and attributes of a judgment of this state, and is not,
8 on and after the date it is due, subject to retroactive
9 modification. Retroactive modification of a support payment due
10 under a support order is permissible with respect to a period
11 during which there is pending a petition for modification, but

1 only from the date that notice of the petition was given to the
2 payer or recipient of support. **The retroactive correction under**
3 **section 5 of a support arrearage owed under a support order that**
4 **is terminated as provided in section 5 is a retroactive**
5 **correction of a mistake and not a retroactive modification.**

6 (3) This section does not apply to an ex parte interim
7 support order or a temporary support order entered under supreme
8 court rule.

9 (4) The office of the friend of the court shall make
10 available to a payer or payee the forms and instructions
11 described in section 5 of the friend of the court act, MCL
12 552.505.

13 (5) This section does not prohibit a court approved agreement
14 between the parties to retroactively modify a support order.
15 This section does not limit other enforcement remedies available
16 under this or another act.

17 (6) Every support order that is part of a judgment issued by
18 a court of this state or that is an order in a domestic relations
19 matter shall include all of the following:

20 (a) Substantially the following statement: "Except as
21 otherwise provided in section 3 of the support and parenting time
22 enforcement act, 1982 PA 295, MCL 552.603, a support order that
23 is part of a judgment or that is an order in a domestic relations
24 matter as defined in section 2 of the friend of the court act,
25 1982 PA 294, MCL 552.502, is a judgment on and after the date
26 each support payment is due, with the full force, effect, and
27 attributes of a judgment of this state, and is not, on and after

1 the date it is due, subject to retroactive modification. A
2 surcharge will be added to support amounts that are past due as
3 provided in section 3a of the support and parenting time
4 enforcement act, 1982 PA 295, MCL 552.603a.".

5 (b) Notice informing the payer of the imposition of liens by
6 operation of law and that the payer's real and personal property
7 can be encumbered or seized if an arrearage accrues in an amount
8 greater than the amount of periodic support payments payable
9 under the payer's support order for the time period specified in
10 the support and parenting time enforcement act, 1982 PA 295,
11 MCL 552.601 to 552.650.

12 (7) Each support order that is an order in a friend of the
13 court case shall include all of the following:

14 (a) A requirement that, within 21 days after the payer or
15 payee changes his or her residential or mailing address, that
16 individual report the new address and his or her telephone number
17 in writing to the friend of the court.

18 (b) A requirement that both the payer and payee notify the
19 office of the friend of the court if he or she holds an
20 occupational license and if he or she holds a driver's license.

21 (c) The name, address, and telephone number of the payer's
22 and payee's current sources of income.

23 (d) A requirement that both the payer and payee inform the
24 office of the friend of the court of his or her social security
25 number and driver's license number. The requirement of this
26 subdivision to provide a social security number with the
27 information does not apply to a payer or payee who demonstrates

1 he or she is exempt under law from obtaining a social security
2 number or to a payer or payee who for religious convictions is
3 exempt under law from disclosure of his or her social security
4 number under these circumstances. The court shall inform the
5 payer and payee of this possible exemption.

6 (e) Notice that an order for dependent health care coverage
7 takes effect immediately and will be sent to the parent's current
8 and subsequent employers and insurers if appropriate. The notice
9 shall inform the parent that he or she may contest the action by
10 requesting a review or hearing concerning availability of health
11 care coverage at a reasonable cost.

12 (8) A support order shall not accrue interest.

13 Enacting section 1. This amendatory act does not take
14 effect unless House Bill No. 4120 of the 92nd Legislature is
15 enacted into law.