

# HOUSE BILL No. 4245

February 9, 2005, Introduced by Rep. Hummel and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 5c (MCL 552.605c), as added by 2002 PA 565.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5c. (1) ~~All~~ A support ~~orders~~ ORDER shall be stated in  
2 monthly amounts payable on the first of each month in advance. A  
3 support obligation not paid by the last day of the month in which  
4 it accrues is past due. If a support order does not state the  
5 amount of support as a monthly amount, the support amount stated in  
6 the order shall be converted to a monthly amount using the formula  
7 established by the state court administrative office.

8       (2) If payments under a support order are being made in the  
9 amount required ~~—~~ through income withholding, ~~pursuant to~~ UNDER

1 an installment payment order, or otherwise, and there are no  
2 preexisting arrearages, the friend of the court shall not consider  
3 the payer as having an arrearage if a periodic temporary arrearage  
4 is created ~~based upon~~ **BY** the conversion of the monthly support  
5 order to an income withholding order or other payment schedule and  
6 ~~which~~ **THE TEMPORARY ARREARAGE** results from a divergence between  
7 the cycle of payments under the income withholding or payment  
8 schedule and the cycle of charges.

9 (3) If a support order takes effect on other than the first  
10 day of a month, the monthly amount is prorated based on the daily  
11 amount for that month. A monthly support order amount shall be  
12 prorated for the last month in which the order is in effect.

13 (4) If the title IV-D agency receives a support payment that,  
14 at the time of its receipt, exceeds a payer's support amount  
15 payable plus an amount payable under an arrearage payment schedule,  
16 the title IV-D agency shall apply the excess against the payer's  
17 total arrearage accrued under all support orders under which the  
18 payer is obligated. If a balance remains after application against  
19 the total arrearage, the title IV-D agency shall do 1 of the  
20 following:

21 (a) If the payer designates the balance as additional support,  
22 immediately disburse that amount to the recipient of support.

23 (b) If, at the time the payment is received, the payer is  
24 obligated under a support order for a future support payment and  
25 the balance is less than or equal to the monthly support order  
26 amount, retain the balance and disburse it to the recipient of  
27 support immediately when the amount is payable as support.

1           (c) If, at the time the payment is received, the payer is not  
2 obligated for a future support payment, or the payer is obligated  
3 under a support order for a future support payment but the **SUM OF**  
4 **THE** balance **PLUS THE AMOUNT RECEIVED MONTHLY FROM THE PAYER UNDER**  
5 **AN INCOME WITHHOLDING ORDER** is greater than the monthly support  
6 order amount, return the ~~balance~~ **EXCESS** to the payer. **THE AGENCY**  
7 **IS NOT REQUIRED TO REFUND AN AMOUNT LESS THAN \$10.00, IF THE PAYER**  
8 **REMAINS OBLIGATED FOR A FUTURE SUPPORT PAYMENT.**