

# HOUSE BILL NO. 6528

November 29, 2022, Introduced by Rep. Pepper and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending sections 3 and 5 (MCL 552.603 and 552.605), section 3  
as amended by 2014 PA 378 and section 5 as added by 2001 PA 106.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. (1) A support order issued by a court of this state  
2 ~~shall~~**must** 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

1 amount is due as prescribed in section 5c, with the full force,  
2 effect, and attributes of a judgment of this state, and is not, on  
3 and after the date it is due, subject to retroactive modification.  
4 No additional action is necessary to reduce support to a final  
5 judgment. Retroactive modification of a support payment due under a  
6 support order is permissible with respect to a period during which  
7 there is pending a petition for modification, but only from the  
8 date that notice of the petition was given to the payer or  
9 recipient of support.

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

13 (4) The office of the friend of the court ~~shall~~**must** make  
14 available to a payer or payee the forms and instructions described  
15 in section 5 of the friend of the court act, MCL 552.505.

16 (5) This section does not prohibit a ~~court-approved~~**court-**  
17 **approved** agreement between the parties to retroactively modify a  
18 support order. This section does not limit other enforcement  
19 remedies available under this or another act.

20 (6) Every support order that is part of a judgment issued by a  
21 court of this state or that is an order in a domestic relations  
22 matter ~~shall~~**must** include all of the following:

23 (a) Substantially the following statement: "Except as  
24 otherwise provided in section 3 of the support and parenting time  
25 enforcement act, 1982 PA 295, MCL 552.603, a support order that is  
26 part of a judgment or that is an order in a domestic relations  
27 matter as defined in section 2 of the friend of the court act, 1982  
28 PA 294, MCL 552.502, is a judgment on and after the date each  
29 support payment is due, with the full force, effect, and attributes

1 of a judgment of this state, and is not, on and after the date it  
2 is due, subject to retroactive modification. A surcharge may be  
3 added to support amounts that are past due as provided in section  
4 3a of the support and parenting time enforcement act, 1982 PA 295,  
5 MCL 552.603a.".

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

12 (c) Notice that an order for dependent health care coverage  
13 takes effect immediately and that, in a friend of the court case, a  
14 national medical support notice will be sent to the parent's  
15 current and subsequent employers and insurers if appropriate. The  
16 notice shall inform the parent that he or she may contest the  
17 action by requesting a review or hearing concerning availability of  
18 health care coverage at a reasonable cost.

19 (7) A support order that is an order in a friend of the court  
20 case ~~shall~~**must** require each party to provide all of the following  
21 information to the friend of the court in writing:

22 (a) A single mailing address for the party, to which all  
23 notices and papers in the case will be served.

24 (b) The party's residential address.

25 (c) The party's telephone number.

26 (d) A statement of whether the payer or payee holds an  
27 occupational license, ~~driver's~~**driver** license, or recreational  
28 license.

29 (e) The names, addresses, and telephone numbers of the payer's

1 and payee's current sources of income.

2 (f) The payer's and payee's ~~social security~~ **Social Security**  
3 numbers and ~~driver's~~ **driver** license numbers. The requirement of  
4 this subdivision to provide a ~~social security~~ **Social Security**  
5 number does not apply to a payer or payee who demonstrates he or  
6 she is exempt under law from obtaining a ~~social security~~ **Social**  
7 **Security** number or to a payer or payee who for religious  
8 convictions is exempt under law from disclosure of his or her  
9 ~~social security~~ **Social Security** number under these circumstances.  
10 The court ~~shall~~ **must** inform the payer and payee of this possible  
11 exemption.

12 (8) A support order that is an order in a friend of the court  
13 case ~~shall~~ **must** include a requirement that if any of the  
14 information provided to the friend of the court under subsection  
15 (7) changes, each party ~~shall~~ **must** notify the friend of the court  
16 of the new information within 21 days after the change and that a  
17 failure to provide the new information may subject the party to  
18 imposition of a fee under subsection (12). A notice of new  
19 information under this subsection ~~shall~~ **must** be in writing or by  
20 any other method allowed under guidelines established by the state  
21 court administrative office under the supervision and direction of  
22 the supreme court.

23 (9) Except as provided in sections 11 and 25a, service of  
24 notices or other papers under this act and under the friend of the  
25 court act ~~shall~~ **must** be made by first-class mail, postage prepaid.  
26 If mail is returned as undeliverable from that address or the  
27 friend of the court or the department determines through use of an  
28 automated federal database that mail is not deliverable to that  
29 address, the friend of the court may change the address according

1 to guidelines established by the state court administrative office  
2 or the supreme court.

3 (10) Unless federal law or regulation requires otherwise, if  
4 mail served under subsection (9) is returned from an address and a  
5 new address has not been established within 21 days after the mail  
6 is returned, the party waives his or her right to notice and the  
7 friend of the court is not obligated to serve any notice or other  
8 paper until the party submits a written change of address to the  
9 friend of the court or until the friend of the court has changed  
10 the address according to subsection (9).

11 (11) A support order ~~shall~~**does** not accrue interest.

12 (12) If ~~a person~~**an individual** fails to comply with the  
13 requirements of this section, the court may impose a fee set  
14 according to a policy established by the state court administrative  
15 office under the supervision and direction of the supreme court. A  
16 fee ordered under this subdivision shall be deposited in the friend  
17 of the court fund created in section 2530 of the revised judicature  
18 act of 1961, 1961 PA 236, MCL 600.2530.

19 (13) In a proceeding to enforce support, a report, record, or  
20 information from the Michigan child support enforcement system or  
21 the support disbursement unit that relates to paid or unpaid  
22 support is prima facie authentic and may be admitted into evidence  
23 without extrinsic evidence of authenticity.

24 (14) **If the court finds by a preponderance of evidence that**  
25 **the parties agreed to a modification of child support that is in**  
26 **accordance with the child support formula developed under section**  
27 **19 of the friend of the court act, 1982 PA 294, MCL 552.519, and**  
28 **the parties followed the agreement, the court may enter an order**  
29 **that modifies child support retroactive to the date of the parties'**

1 **agreement.**

2       Sec. 5. (1) If a court orders the payment of child support  
3 under this or another act of the state, this section applies to  
4 that order.

5       (2) Except as otherwise provided in this section, the court  
6 ~~shall~~**must** order child support in an amount determined by  
7 ~~application of~~**applying** the child support formula developed by the  
8 state friend of the court bureau as required in section 19 of the  
9 friend of the court act, MCL 552.519. The court may enter an order  
10 that deviates from the formula if the court determines from the  
11 facts of the case that ~~application of~~**applying** the child support  
12 formula would be unjust or inappropriate and sets forth in writing  
13 or on the record all of the following:

14       (a) The child support amount determined by ~~application of~~  
15 **applying** the child support formula.

16       (b) How the child support order deviates from the child  
17 support formula.

18       (c) The value of property or other support awarded instead of  
19 the payment of child support, if applicable.

20       (d) The reasons why ~~application of~~**applying** the child support  
21 formula would be unjust or inappropriate in the case.

22       (3) Subsection (2) does not prohibit the court from entering a  
23 child support order that is agreed to by the parties and that  
24 deviates from the child support formula, if the requirements of  
25 subsection (2) are met.