

REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT
Act 8 of 1952

AN ACT relative to the extradition of persons charged with failure to provide support for dependents and to provide for the enforcement by circuit courts in chancery of this state of the duty of such persons to support their dependents in accordance with the requirements of the laws of other states or any foreign state having reciprocal legislation, and to grant to such courts power to enforce such obligations by procedures including contempt; and to prescribe the procedure to be followed by such courts in case of proceedings to require enforcement of the duty to support residents of this state by those obligated to furnish such support through proceedings in courts of other states or any foreign state having reciprocal legislation; to prescribe certain powers and duties of the friend of the court; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to prescribe rules of evidence in such proceedings.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1959, Act 191, Eff. Mar. 19, 1960;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

The People of the State of Michigan enact:

780.151 Short title.

Sec. 1. This act shall be known and may be cited as the “revised uniform reciprocal enforcement of support act”.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.152 Purposes of act; construction.

Sec. 2. (1) The purposes of this act are to improve, extend, and make uniform by reciprocal legislation the enforcement of duties of support.

(2) This act shall be construed to effectuate its general purpose to make uniform the law of those states which enact comparable legislation.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.153 Meanings of words and phrases.

Sec. 3. For the purposes of this act, unless the context requires otherwise, the words and phrases defined in sections 3a and 3b have the meanings ascribed to them in those sections.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1959, Act 191, Eff. Mar. 19, 1960;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.153a Definitions; C to O.

Sec. 3a. (1) “Court” means the appropriate circuit court of this state and, when the context requires, means the appropriate court of any other state as defined in a substantially similar reciprocal law.

(2) “Duty of support” means any duty of support owed to an obligee whether imposed or imposable by law or by order, decree, or judgment of any court, whether temporary or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid. “Duty of support” also includes the duty to reimburse a state or political subdivision for support furnished to an obligee.

(3) “Foreign support order” means a support order issued by a state other than Michigan.

(4) “Governor” means any person performing the functions of governor or the executive authority of any state covered by this or a substantially reciprocal law.

(5) “Initiating court” means the court in which a proceeding is commenced.

(6) “Initiating state” means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(7) “Interstate central registry” means the entity in a state that is established pursuant to federal regulation and that is responsible for receiving, reviewing, forwarding, and responding to inquiries about interstate child support actions.

(8) “Law” means both common and statutory law.

(9) “Obligee” means a person, including a state or political subdivision, to whom a duty of support is owed or a person, including a state or political subdivision, who has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(10) “Obligor” means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

(11) “Office of the friend of the court” means the agency created in section 3 of Act No. 294 of the Public

Acts of 1982, being section 552.503 of the Michigan Compiled Laws.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.153b Definitions; P to S.

Sec. 3b. (1) “Prosecuting attorney” means the public official in the appropriate jurisdiction who has the duty to enforce criminal laws relating to the failure to provide for the support of a person.

(2) “Register” means to file in the registry of foreign support orders.

(3) “Registering court” means a court of this state in which a support order of a rendering state is registered.

(4) “Rendering state” means a state in which a court has issued a support order for which registration is sought or granted in a court of another state.

(5) “Responding court” means the court in which a responsive proceeding is commenced.

(6) “Responding state” means a state in which a responsive proceeding pursuant to the proceeding in the initiating state is commenced.

(7) “State” includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

(8) “State disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(9) “Support order” means a judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.154 Remedies additional.

Sec. 4. The remedies herein provided are in addition to and not in substitution for any other remedies.

History: 1952, Act 8, Eff. Sept. 18, 1952.

780.155 Duties of support generally.

Sec. 5. Duties of support arising under the law of this state, when applicable under section 8, bind the obligor present in this state regardless of the presence or residence of the obligee.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.156 Powers of governor.

Sec. 6. The governor of this state may:

(a) Demand of the governor of another state the surrender of a person found in that state who is charged in this state with the crime of failing to provide for the support of any person.

(b) Surrender on demand by the governor of another state a person found in this state who is charged in that state with the crime of failing to provide for the support of any person. Provisions for extradition of criminals not inconsistent with this act apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled from the demanding state. The demand, the oath, and any proceedings for extradition pursuant to this section need not state nor show that the person whose surrender is demanded has fled from justice or, at the time of the commission of the crime, was in the demanding state.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.156a Conditions to making demand upon governor; delaying or declining honoring of demand.

Sec. 6a. (1) Before making the demand upon the governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of a person, the governor of this state may require any prosecuting attorney of this state to satisfy him or her that at least 60 days prior thereto the obligee initiated proceedings for support under this act or that any proceeding would be of no avail.

(2) If, under a substantially similar act, the governor of another state makes a demand upon the governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the governor of this state may require any prosecuting attorney to investigate the demand and to report to him or her whether proceedings for support have been initiated or would be effective. If it appears to the governor that a proceeding would be effective but has not been initiated, he or she may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If proceedings have been initiated and the person demanded has prevailed in those proceedings, the governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the governor may decline to honor the demand if the person demanded is complying with the support order.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.157 Obligor relieved of extradition; requirements.

Sec. 7. Any obligor contemplated by sections 6 and 6a, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.158 Applicable duties of support; presumption.

Sec. 8. Duties of support applicable under this act are those imposed or imposable under the laws of any state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1960, Act 55, Eff. Aug. 17, 1960;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.159 Reimbursement of state or political subdivision.

Sec. 9. If a state or a political subdivision furnishes support to an individual obligee, it has the same right to initiate a proceeding under this act as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.159a Enforcement of duties of support; defense of immunity not available.

Sec. 9a. All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this act including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.160 Jurisdiction; venue.

Sec. 10. (1) Jurisdiction of any proceeding in this state under this act is vested in the circuit court.

(2) The proper venue if this state is acting as an initiating state is in the county in which the petitioner resides or in which a valid prior and existing support order has been issued. The proper venue if this state is acting as a responding state and a valid support order has been issued in this state is in the county in which the support order was issued. The proper venue if this state is acting as a responding state and a valid support order has not been issued in this state is in the county in which the obligor resides or is found.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1957, Act 147, Eff. Sept. 27, 1957;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.160a Representation of obligee by prosecuting attorney.

Sec. 10a. If this state is acting as an initiating state, the prosecuting attorney, upon the request of the state department of social services, shall represent the obligee in any proceeding under this act.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.161 Petition; verification; contents; filing; accepting or forwarding petition.

Sec. 11. (1) The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought and all other pertinent information. The obligee may include in or attach to the petition any information which may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks on the obligor's person, other names and aliases by which the obligor has been or is known, the name of the obligor's employer, the obligor's fingerprints, or the obligor's social security number.

(2) The petition may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept the petition, or if necessary, forward the petition pursuant to section 13a, on the ground that it should be filed with some other court of this or any other state because there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or because another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.161a Petition on behalf of minor obligee; execution and filing.

Sec. 11a. A petition on behalf of a minor obligee may be executed and filed without appointment of the petitioner as guardian ad litem or next friend.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.162 Certification of petition; sending forms package and copy of act to interstate central registry; certification requirements.

Sec. 12. If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or the obligor's property, the initiating court shall so certify and cause a completed forms package as required by federal regulation and 1 copy of this act, to be sent to the responding state's interstate central registry. Certification shall be in accordance with the requirements of the initiating state.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1959, Act 191, Eff. Mar. 19, 1960;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.162a Belief that obligor may flee jurisdiction; procedure.

Sec. 12a. If the court of this state believes that the obligor may flee the jurisdiction, it may:

(a) As an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process.

(b) As a responding court, obtain the body of the obligor by appropriate process. The court may subsequently release the obligor upon the obligor's own recognizance or upon the obligor's giving a bond in an amount set by the court to assure the obligor's appearance at the hearing.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.162b Duties of office of child support; use of state locator service.

Sec. 12b. (1) The office of child support of the state department of social services is designated as the state information agency and the interstate central registry under this act, and it shall do all of the following:

(a) Distribute copies of any amendments to the act and a statement of their effective date to all other state information agencies.

(b) Maintain a list of each interstate central registry in the United States and its address, and provide the list to every prosecutor's office and office of the friend of the court in this state.

(c) Maintain a supply of duplicated copies of this act, as amended, for the use of court officers in preparing cases to be forwarded to responding states.

(d) Act generally as a clearing center for information and maintain general liaison with the council of state governments, law enforcement agencies, the legislature, other governmental or private agencies concerned with this act, and the public.

(e) Forward to the court in this state which has proper venue, as determined under section 10, the petitions, certificates, and copies of the act it receives from courts or information agencies of other states.

(2) If the state information agency does not know the location of the obligor or the obligor's property, the agency shall use its state locator service to obtain this information.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1957, Act 147, Eff. Sept. 27, 1957;—Am. 1959, Act 191, Eff. Mar. 19, 1960;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.163 Court acting as responding court; docketing case; notification of prosecuting attorney; duties of prosecuting attorney; utilization of child support formula.

Sec. 13. (1) When the court of this state, acting as a responding court, receives from the interstate central registry of this state copies of the petition, certificate, and act, the clerk of the court shall docket the case and notify the prosecuting attorney of the county, who shall be charged with the duty of carrying on the proceedings.

(2) The prosecuting attorney shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or the obligor's property. He or she shall prosecute the case diligently.

(3) A prosecuting attorney petitioning for child support under this act shall utilize as a guideline the child support formula developed under section 19 of the friend of the court act, Act No. 294 of the Public Acts of 1982, being section 552.519 of the Michigan Compiled Laws.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.163a Inability to obtain jurisdiction; duties of prosecuting attorney and clerk of court; forwarding documents.

Sec. 13a. If, because of inaccuracies in the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he or she has done to locate the obligor or the property of the obligor and request the court to continue the case pending receipt of more accurate information or an amended petition from the court of the initiating state. If the prosecuting attorney discovers that the proper venue is in another county of this state or that the obligor or the property of the obligor may be found in another state, he or she shall so inform the court. The clerk of the court in the responding state shall forward the documents received from the initiating state to the court of proper venue in this state, or, upon approval of the initiating state, to the interstate central registry of the state in which the obligor or the property of the obligor can be located with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents forwarded pursuant to this section. If the clerk of a court of the responding state forwards documents to another court, he or she shall immediately notify the court of the initiating state. If a prosecuting attorney does not have any information as to the location of the obligor or the property of the obligor, he or she shall inform the court of the initiating state of that fact.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1957, Act 147, Eff. Sept. 27, 1957;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.163b Manner of conducting proceedings.

Sec. 13b. The court, except as provided otherwise in this act, shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.163c Evidence as to duty of support.

Sec. 13c. If the obligee is not present at the hearing and the obligor offers evidence constituting a defense which the court does not consider frivolous, upon the request of either party, the court shall continue the hearing to permit evidence relative to the duty of support. The evidence may be adduced by either party by deposition, interrogatories, or affidavits.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.164 Support order; payments; amount; deviation from formula.

Sec. 14. (1) If the court of this state when acting as a responding court finds a duty of support, the court may order the obligor to furnish support and subject the property of the obligor to the order. The support order shall require that payments be made to the office of the friend of the court or the state disbursement unit, as appropriate.

(2) Except as otherwise provided in this section, the court shall order support in an amount determined by application of the child support formula developed by the state friend of the court bureau. The court may enter an order that deviates from the formula if the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate and sets forth in writing or on the record all of the following:

- (a) The support amount determined by application of the child support formula.
- (b) How the support order deviates from the child support formula.
- (c) The value of property or other support awarded in lieu of the payment of child support, if applicable.
- (d) The reasons why application of the child support formula would be unjust or inappropriate in the case.

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

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1989, Act 279, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990;—Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.164a Transition to centralized receipt and disbursement of support and fees.

Sec. 14a. The department, the SDU, and each office of the friend of the court shall cooperate in the transition to the centralized receipt and disbursement of support and fees. An office of the friend of the court shall continue to receive and disburse support and fees through the transition, based on the schedule developed as required by section 6 of the office of child support act, 1971 PA 174, MCL 400.236, and modifications to that schedule as the department considers necessary.

History: Add. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.165 Sending copy of support order to initiating court.

Sec. 15. The court of this state when acting as a responding court shall cause a copy of all support orders to be sent to the initiating court.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.166 Terms and conditions assuring compliance; enforcement of support order.

Sec. 16. (1) In addition to the foregoing powers, the court of this state when acting as a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders.

(2) A support order entered by the court of this state when acting as a responding court shall be enforceable 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.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1955, Act 161, Imd. Eff. June 7, 1955;—Am. 1966, Act 232, Eff. Jan. 1, 1967;—Am. 1985, Act 45, Imd. Eff. June 14, 1985;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1996, Act 4, Eff. June 1, 1996.

780.166a Adjudicating issue of paternity.

Sec. 16a. The court of this state when acting as a responding court may adjudicate the issue of paternity if both of the following apply:

- (a) Paternity has not been legally acknowledged, previously adjudicated, or established by marriage.
- (b) The obligor asserts as a defense that he is not the father of the child for whom support is sought.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.167 Duties of court carried out through office of friend of court.

Sec. 17. The court of this state, when acting as a responding court, has the following duties which may be carried out through the office of the friend of the court:

- (a) To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise.
- (b) To furnish to the initiating court upon request a certified statement of all payments made by the obligor.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.168 Receipt and disbursement of payments; valid prior and existing support order; carrying out duties.

Sec. 18. (1) Except as provided in subsection (2), the court of this state, when acting as an initiating court, shall receive and disburse immediately all payments made by the obligor or sent by the responding court.

(2) If a valid prior and existing support order has been issued from a court of this state other than the initiating court, the initiating court shall transfer the order to furnish support to the court that issued the valid prior and existing court order and shall inform the court of the responding state of its action. The court that issued the valid prior and existing court order shall receive and disburse immediately all payments made by the obligor or sent by the responding court.

(3) The duties described in subsections (1) and (2) may be carried out through the office of the friend of the court, the clerk of the court, or the state disbursement unit, as appropriate.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.169 Husband and wife; privilege against disclosure inapplicable; competent witnesses; compelling testimony.

Sec. 19. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.169a Pending or prior action or proceeding; hearing; issuance of support order pendente lite; bond; conforming support order to amount allowed in other action or proceeding; staying enforcement prohibited.

Sec. 19a. A responding court shall not stay the proceeding or refuse a hearing under this act because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite and it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other pending action or proceeding is concluded before the hearing in the instant

proceeding and the judgment in the other action or proceeding provides for the support demanded in the petition being heard, the court must conform its support order to the amount allowed in the other action or proceeding and shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.170 Fees and costs.

Sec. 20. An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor or by the county. These costs or fees do not have priority over amounts due to the obligee.

History: 1952, Act 8, Eff. Sept. 18, 1952;—Am. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1957, Act 147, Eff. Sept. 27, 1957;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.171 Nullification of support orders; crediting amounts paid.

Sec. 21. A support order made by a court of this state pursuant to this act does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar act or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this state.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1957, Act 147, Eff. Sept. 27, 1957;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.172 Jurisdiction not conferred by participation in proceeding.

Sec. 22. Participation in any proceeding under this act does not confer jurisdiction upon any court over any of the parties to the proceeding in any other proceeding.

History: Add. 1953, Act 202, Eff. Oct. 2, 1953;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.173 Reimbursement of county for cost of enforcing spousal or child support or parenting time order; service fee; computation, payment, and disposition; failure or refusal to pay service fee; contempt.

Sec. 23. (1) To reimburse the county for the cost of enforcing a spousal or child support or a parenting time order under this act, the court shall order the payment of a service fee of \$2.00 per month, payable semiannually on each January 2 and July 2. The service fee shall be paid by the person ordered to pay the spousal or child support. The fee shall be computed from the beginning date of the spousal or child support order and shall continue while the spousal or child support order is operative. The service fee shall be paid 6 months in advance on each due date, except for the first payment, which shall be paid at the same time the spousal or child support order is filed, and covers the period of time from that month until the next calendar due date. An order or judgment for the payment of temporary or permanent spousal or child support shall provide for the payment of the service fee. Upon its own motion, a court may amend an order or judgment for the payment of temporary or permanent spousal or child support to provide for the payment of the service fee in the amount provided by this subsection, upon proper notice to the person ordered to pay the spousal or child support. The service fees shall be turned over to the county treasurer and credited to the general fund of the county.

(2) The court may hold in contempt a person who fails or refuses to pay a service fee ordered under subsection (1).

History: Add. 1955, Act 161, Imd. Eff. June 7, 1955;—Am. 1959, Act 108, Eff. Mar. 19, 1960;—Am. 1967, Act 72, Eff. Jan. 1, 1968;—Am. 1983, Act 192, Imd. Eff. Nov. 1, 1983;—Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.174 Foreign state as reciprocating state; declaration; revocation.

Sec. 24. Where the director of social services is satisfied that reciprocal provisions will be made by any foreign state for the enforcement in that foreign state of support orders made within this state, the director of social services, with the approval of the attorney general, may declare the foreign state to be a reciprocating state for the purpose of this act. Any such order may be revoked by the director of social services, and the state with respect to which the order was made shall then cease to be a reciprocating state for the purposes of

this act.

History: Add. 1959, Act 191, Eff. Mar. 19, 1960;—Am. 1985, Act 172, Eff. Mar. 1, 1986.

780.175 Appeal.

Sec. 25. If the attorney general or the director of social services is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, the attorney general may, or the director of social services may request the attorney general to, do either of the following:

- (a) Perfect an appeal to the proper appellate court if the support order was issued by a court of this state.
- (b) If the support order was issued in another state, cause the appeal to be taken in the other state.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.176 Additional remedies.

Sec. 26. If the duty of support is based on a foreign support order, the obligee has additional remedies as provided in sections 27 to 31.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.177 Registration of foreign support order.

Sec. 27. The obligee may register the foreign support order in a court of this state in the manner, with the effect, and for the purposes provided in this act.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.178 Registry of foreign support orders.

Sec. 28. The clerk of the court shall maintain a registry of foreign support orders in which he or she shall file foreign support orders.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.179 Registration of valid existing support order or foreign support order by friend of court; confirmation of registered order.

Sec. 29. (1) If this state is acting as a rendering state, the friend of the court upon the request of the court or the state department of social services shall proceed to register a valid existing support order of this state in the state where the obligor or the property of the obligor can be located.

(2) Notwithstanding that this state is not the rendering state, the friend of the court upon the request of a resident obligee of a valid existing foreign support order shall proceed to register the foreign support order in the state where the obligor or the property of the obligor can be located.

(3) If this state is acting as a registering state, the friend of the court upon the request of the court or the state department of social services shall proceed to confirm a registered order.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.180 Registration of foreign support order by obligee; transmittal and filing of documents; filing as registration; docketing case; notification of friend of court; mailing or serving notice of registration; copy of registered support order and post office address of obligee; petition to vacate registration or seek other relief; confirmation of registered support order; sending copy of petition to friend of court; hearing; defenses; staying enforcement of order; proof; security.

Sec. 30. (1) An obligee seeking to register a foreign support order in a court of this state shall transmit to the clerk of the court through the interstate central registry of this state 3 copies of the order, 1 of which shall be certified, with all modifications of the order, 1 copy of the reciprocal enforcement of support act of the state in which the order was made, and a statement verified and signed by the obligee, showing the post-office address of the obligee, the last known place of residence and post-office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a filing fee or other cost to the obligee, shall file them in the registry of foreign support orders. The filing constitutes registration under this act.

(2) Promptly upon registration of the foreign support order, the clerk of the court shall docket the case and shall notify the friend of the court of the registration of the foreign support order. The friend of the court shall mail by certified or registered mail, return receipt requested, to the obligor at the address given, or serve upon the obligor under the Michigan court rules, a notice of the registration with a copy of the registered support order and the post office address of the obligee.

(3) Within 28 days after service, the obligor may petition the court to vacate the registration or to seek other relief. If the obligor does not petition the court within 28 days after service to vacate the registration or to seek other relief, the registered support order is confirmed. If the obligor does petition the court to vacate the registration or seek other relief, the obligor shall send a copy of the petition to the friend of the court.

(4) If the obligor petitions the court to vacate the registration or for other relief, a hearing shall be scheduled. At the hearing, the obligor may present only matters that would be available to the obligor as defenses in an action to enforce a foreign money judgment. If the obligor shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If the obligor shows to the court any ground upon which enforcement of a support order of this state may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1990, Act 241, Imd. Eff. Oct. 10, 1990.

780.181 Effect and enforcement of confirmed registered foreign support order.

Sec. 31. (1) If a registered foreign support order has been confirmed, it shall be treated in the same manner as a support order issued by a court of this state. A registered foreign support order has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, modifying, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(2) The friend of the court shall enforce a confirmed order.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.

780.181a Foreign support order; transmittal of support payments to friend of court or state disbursement unit; duties of friend of court or SDU; filing copy of foreign support order.

Sec. 31a. (1) If there is no Michigan support order but there is a foreign support order, upon request of the obligee or the family independence agency if support has been assigned to it, the friend of the court in the county where the obligee resides shall inform the source of support payments to transmit the payments to the friend of the court or the state disbursement unit, as appropriate.

(2) The friend of the court or SDU shall receive, record, disburse, and monitor payments made pursuant to the foreign support order.

(3) A copy of the foreign support order shall be filed with the clerk of the court.

(4) The filing of a support order pursuant to this section is not a registration as described in section 30.

History: Add. 1990, Act 241, Imd. Eff. Oct. 10, 1990;—Am. 1999, Act 155, Imd. Eff. Nov. 3, 1999.

780.182 Adjudicating issue of support only; jurisdiction.

Sec. 32. (1) A proceeding under this act shall adjudicate only the issue of support and shall not adjudicate an issue of custody or parenting time.

(2) Nothing in this act shall prevent a court which has prior continuing jurisdiction over the parties in matters of support, custody, and parenting time from exercising its jurisdiction over those matters.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986;—Am. 1996, Act 4, Eff. June 1, 1996.

780.183 Representation of obligee by attorney general or private legal counsel.

Sec. 33. (1) If this state is the initiating, responding, rendering, or registering state in proceedings under this act, and the prosecuting attorney neglects or refuses to represent the obligee, the attorney general may undertake the representation.

(2) The obligee may be represented in any proceedings under this act by private legal counsel at the obligee's own expense.

History: Add. 1985, Act 172, Eff. Mar. 1, 1986.