

UNIFORM INTERSTATE FAMILY SUPPORT ACT
Act 310 of 1996

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

History: 1996, Act 310, Eff. June 1, 1997.

The People of the State of Michigan enact:

ARTICLE I

552.1101 Short title.

Sec. 101. This act shall be known and may be cited as the “uniform interstate family support act”.

History: 1996, Act 310, Eff. June 1, 1997.

552.1102 Definitions; C to H.

Sec. 102. As used in this act:

(a) “Child” means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

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

(c) “Duty of support” means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(d) “Employer” means that term as defined in section 2 of the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being section 552.602 of the Michigan Compiled Laws.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1103 Definitions; I to O.

Sec. 103. As used in this act:

(a) “Income” includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under this state's law.

(b) “Income withholding order” means legal process directed to an obligor's employer or other debtor to withhold support from the obligor's income.

(c) “Initiating state” means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this act or a law or procedure substantially similar to this act, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(d) “Initiating tribunal” means the authorized tribunal in an initiating state.

(e) “Issuing state” means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(f) “Issuing tribunal” means the tribunal that issues a support order or renders a judgment determining parentage.

(g) “Law” includes decisional and statutory law, and rules and regulations having the force of law.

(h) “L.E.I.N.” means the law enforcement information network administered under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(i) “Obligee” means any of the following:

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

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

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

(j) “Obligor” means an individual about whom 1 of the following is true, or the estate of a decedent about whom 1 of the following was true before the individual's death:

- (i) The individual owes or is alleged to owe a duty of support.
- (ii) The individual is alleged, but has not been adjudicated, to be a child's parent.
- (iii) The individual is liable under a support order.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1104 Definitions; R to T.

Sec. 104. As used in this act:

- (a) "Register" means to file a support order or judgment determining parentage in the circuit court.
- (b) "Registering tribunal" means a tribunal in which a support order is registered.
- (c) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this act or a law or procedure substantially similar to this act, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.
- (d) "Responding tribunal" means the authorized tribunal in a responding state.
- (e) "Spousal support order" means a support order for an obligor's spouse or former spouse.
- (f) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. State includes an Indian tribe and a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this act, the uniform reciprocal enforcement of support act, or the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.
- (g) "Support enforcement act" means this act, the uniform reciprocal enforcement of support act, the revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183, or another act substantially similar to 1 of those acts that is in effect in this or another state. Support enforcement act includes a former act substantially similar to an act described in this subdivision under which an order was issued or proceeding initiated, which order or proceeding remains operative.
- (h) "Support enforcement agency" means a public official or agency authorized to seek any of the following:
 - (i) Enforcement of support orders or laws relating to the duty of support.
 - (ii) Establishment or modification of child support.
 - (iii) Determination of parentage.
 - (iv) Location of obligors or their assets.
- (i) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, spouse, or former spouse that provides for monetary support, health care, arrearages, or reimbursement and may include related costs and fees, interest, income withholding, attorney fees, and other relief.
- (j) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or determine parentage.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1105 Remedies.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1107 Applicability and construction of act.

Sec. 107. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

History: 1996, Act 310, Eff. June 1, 1997.

552.1108 Circuit court as tribunal.

Sec. 108. The circuit court is the tribunal for this state.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE II

PART 1

552.1201 Tribunal; personal jurisdiction over nonresident.

Sec. 201. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if any of the following are true:

- (a) The individual is personally served with citation, summons, or notice within this state.
- (b) The individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving a contest to personal jurisdiction.
- (c) The individual resided with the child in this state.
- (d) The individual resided in this state and provided prenatal expenses or support for the child.
- (e) The child resides in this state as a result of the individual's acts or directives.
- (f) The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
- (g) The individual asserted parentage in the parentage registry maintained in this state.
- (h) There is another basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

History: 1996, Act 310, Eff. June 1, 1997.

552.1203 Receipt of evidence and discovery from another state; applicability of procedural and substantive law.

Sec. 203. A tribunal of this state exercising personal jurisdiction over a nonresident under section 201 may apply section 328 to receive evidence from another state and section 332 to obtain discovery through a tribunal of another state. In all other respects articles III to VII do not apply, and the tribunal shall apply this state's procedural and substantive law, including the rules on choice of law other than those established by this act.

History: 1996, Act 310, Eff. June 1, 1997.

PART 2

552.1221 State tribunal as initiating and responding tribunal.

Sec. 221. Under this act, this state's tribunal may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

History: 1996, Act 310, Eff. June 1, 1997.

552.1223 Establishment of support order; filing petition or pleading; jurisdiction.

Sec. 223. (1) This state's tribunal may exercise jurisdiction to establish a support order if a petition or comparable pleading is filed in this state after a petition or comparable pleading is filed in another state only if all of the following are true:

- (a) The petition or comparable pleading in this state is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state.
- (b) The contesting party timely challenges the exercise of jurisdiction in the other state.
- (c) If relevant, this state is the child's home state.

(2) This state's tribunal shall not exercise jurisdiction to establish a support order if a petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if all of the following are true:

- (a) The petition or comparable pleading in the other state is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.
- (b) The contesting party timely challenges the exercise of jurisdiction in this state.
- (c) If relevant, the other state is the child's home state.

History: 1996, Act 310, Eff. June 1, 1997.

552.1224 Issuance of support order; continuing exclusive jurisdiction; modification; recognition of jurisdiction of another state; temporary ex parte order; duration of jurisdiction; modification.

Sec. 224. (1) A tribunal of this state that issues a support order consistent with this state's law has continuing, exclusive jurisdiction over a child support order in either of the following circumstances:

(a) As long as this state remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.

(b) Until all parties who are individuals have filed written consent with this state's tribunal for another state's tribunal to modify the order and assume continuing, exclusive jurisdiction.

(2) A tribunal of this state that issues a child support order consistent with this state's law shall not exercise

its continuing jurisdiction to modify the order if the order has been modified by another state's tribunal under a law substantially similar to this act.

(3) If a child support order of this state is modified by another state's tribunal under a law substantially similar to this act, this state's tribunal loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this state and may only do 1 or more of the following:

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

(b) Enforce nonmodifiable aspects of that order.

(c) Provide other appropriate relief for violations of that order that occurred before the modification's effective date.

(4) This state's tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that issues a child support order under a law substantially similar to this act.

(5) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(6) A tribunal of this state that issues a support order consistent with this state's law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. This state's tribunal shall not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1225 State tribunal serving as initiating or responding tribunal.

Sec. 225. (1) This state's tribunal may serve as an initiating tribunal to request another state's tribunal to enforce or modify a support order issued in that state.

(2) A tribunal of this state that has continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the tribunal's continuing, exclusive jurisdiction no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 328 to receive evidence from another state and section 332 to obtain discovery through another state's tribunal.

(3) A tribunal of this state that lacks continuing, exclusive jurisdiction over a spousal support order shall not serve as a responding tribunal to modify another state's spousal support order.

History: 1996, Act 310, Eff. June 1, 1997.

PART 3

552.1231 Issuance of 1 or more child support orders; determining recognition of orders for purposes of jurisdiction.

Sec. 231. (1) If a proceeding is brought under this act and only 1 tribunal has issued a child support order, the order of that tribunal controls and shall be recognized.

(2) If a proceeding is brought under this act and 2 or more child support orders have been issued by tribunals of this state or another state for the same obligor and child, a tribunal of this state shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(a) If only 1 of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and shall be recognized.

(b) If more than 1 of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child controls and shall be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and shall be recognized.

(c) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of this state having jurisdiction over the parties shall issue a child support order, which controls and shall be recognized.

(3) If 2 or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in this state, a party may request a tribunal of this state to determine which order controls and is recognized under subsection (2). The request shall be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(4) The tribunal that issued the controlling order under subsection (1), (2), or (3) is the tribunal that has continuing, exclusive jurisdiction under this act.

(5) A tribunal of this state that determines by order the identity of the controlling order under subsection (2)(a) or (b) or that issues a new controlling order under subsection (2)(c) shall state in that order the basis

upon which the tribunal made its determination.

(6) Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1233 Enforcement of multiple registrations or petitions for enforcement.

Sec. 233. In responding to multiple registrations or petitions for enforcement of 2 or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least 1 of which was issued by another state's tribunal, this state's tribunal shall enforce those orders in the same manner as if the multiple orders had been issued by this state's tribunal.

History: 1996, Act 310, Eff. June 1, 1997.

552.1235 Crediting money collected under another state's support order.

Sec. 235. Money collected and credited for a particular period under a support order issued by another state's tribunal shall be credited against the amount that accrues for the same period under a support order issued by this state's tribunal.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE III

552.1301 Applicability of act to proceedings; commencement of proceeding.

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

(2) This act provides for the following proceedings:

- (a) Establishment of an order for spousal support or child support under article IV.
- (b) Enforcement of another state's support order and income withholding order without registration under article V.
- (c) Registration of another state's order for spousal support or child support for enforcement under article VI.
- (d) Modification of an order for child support or spousal support issued by this state's tribunal under article II, part 2.
- (e) Registration of another state's order for child support for modification under article VI.
- (f) Determination of parentage under article VII.
- (g) Assertion of jurisdiction over nonresidents under article II, part 1.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1303 Proceeding on behalf of minor's child.

Sec. 303. A minor parent, or a minor parent's guardian or other legal representative, may maintain a proceeding on behalf of or for the benefit of the minor's child.

History: 1996, Act 310, Eff. June 1, 1997.

552.1304 Responding tribunal; duties.

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

- (a) Apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this state. The tribunal may exercise the powers and provide the remedies available in those proceedings.
- (b) Determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

History: 1996, Act 310, Eff. June 1, 1997.

552.1306 Forwarding copies of petitions.

Sec. 306. (1) Upon filing of a petition authorized by this act, an initiating tribunal of this state shall forward

3 copies of the petition and its accompanying documents to each of the following:

(a) The responding tribunal or appropriate support enforcement agency in the responding state.
(b) If the responding tribunal's identity is unknown, the responding state's information agency with a request that the copies and documents be forwarded to the appropriate tribunal and that receipt be acknowledged.

(2) If a responding state has not enacted the uniform interstate family support act or a law or procedures substantially similar to this act, a tribunal of this state may issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1308 Receipt of petition or pleading by responding tribunal; duties; agreement to transfer prosecutor's responsibilities; authority; orders.

Sec. 308. (1) When a responding tribunal of this state receives a petition or comparable pleading from an initiating tribunal or directly under section 301, the tribunal shall do all of the following:

(a) Cause the petition or pleading to be filed.
(b) Notify the petitioner by first-class mail where and when it was filed.
(c) Notify the prosecuting attorney or the office of the friend of the court. If notified under this subdivision, the prosecuting attorney or friend of the court shall conduct proceedings as appropriate under this act.
(2) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:
(a) The friend of the court, with the approval of the chief judge of the circuit court.
(b) An attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71.
(c) An attorney employed by, or under contract with, the department of human services.
(3) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

(4) A responding tribunal of this state, to the extent otherwise authorized by law, may do 1 or more of the following:

(a) Issue or enforce a support order, modify a child support order, or render a judgment to determine parentage.
(b) Order an obligor to comply with a support order, specifying the amount and the manner of compliance.
(c) Order income withholding.
(d) Determine the amount of an arrearage and specify a method of payment.
(e) Enforce an order by civil or criminal contempt, or both.
(f) Set aside property for satisfaction of a support order.
(g) Place liens and order execution on an obligor's property.
(h) Order an obligor to keep the tribunal informed of the obligor's current residential address and telephone number, employer, and employment address and telephone number.
(i) Issue a bench warrant for an obligor who fails after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in the L.E.I.N.
(j) Order an obligor to seek appropriate employment by specified methods.
(k) Award reasonable attorney fees and other fees and costs.
(l) Grant another available remedy.

(5) A responding tribunal of this state shall include in a support order issued under this act or in the documents accompanying the order the calculations on which the support order is based.

(6) A responding tribunal of this state shall not condition the payment of a support order issued under this act upon compliance by a party with provisions for parenting time.

(7) If a responding tribunal of this state issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998;—Am. 2014, Act 370, Eff. Mar. 17, 2015.

552.1310 Petition or pleading received by inappropriate tribunal.

Sec. 310. If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner where and when the pleading was sent.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1312 Services provided by support enforcement agency, prosecuting attorney, or office of friend of the court; fiduciary relationship; agreement to transfer prosecutor's responsibilities; conduct of proceeding on behalf of state.

Sec. 312. (1) Upon request, a support enforcement agency of this state, or upon the support enforcement agency's request, the prosecuting attorney or office of the friend of the court, shall provide services to a petitioner in a proceeding under this act. A support enforcement agency, prosecuting attorney, or office of the friend of the court that is providing services to the petitioner as appropriate shall do all of the following:

(a) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent.

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

(c) Make a reasonable effort to obtain all relevant information, including information as to the parties' income and property.

(d) Within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner.

(e) Within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.

(f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

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

(3) The prosecuting attorney and the department of human services may enter into an agreement to transfer the prosecutor's responsibilities under this act to 1 of the following:

(a) The friend of the court, with the approval of the chief judge of the circuit court.

(b) An attorney employed or contracted by the county under section 1 of 1941 PA 15, MCL 49.71.

(c) An attorney employed by, or under contract with, the department of human services.

(4) A proceeding under this section is conducted on behalf of the state and not as the attorney for any other party.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998;—Am. 2014, Act 370, Eff. Mar. 17, 2015.

552.1314 Support enforcement agency; neglect or refusal to provide services.

Sec. 314. If the attorney general determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the attorney general may order the agency to perform its duties under this act or may provide those services directly to the individual.

History: 1996, Act 310, Eff. June 1, 1997.

552.1315 Employment of private counsel.

Sec. 315. An individual may employ private counsel to represent the individual in proceedings authorized by this act.

History: 1996, Act 310, Eff. June 1, 1997.

552.1316 Office of child support as state information agency.

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

(a) Compile and maintain a current list, including addresses, of this state's tribunals that have jurisdiction under this act and any support enforcement agencies in this state and transmit a copy to every other state's information agency.

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

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

(d) Obtain information concerning the obligor's location of the obligor and the obligor's property within this state not exempt from execution by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital

statistics, law enforcement, taxation, motor vehicles, driver licenses, and social security.

History: 1996, Act 310, Eff. June 1, 1997.

552.1318 Petition; verification; contents; form.

Sec. 318. (1) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act shall verify the petition. Unless otherwise ordered under section 320, the petition or accompanying documents shall provide, so far as known, the obligor's and obligee's name, residential addresses, and social security numbers, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition shall be accompanied by a certified copy of any support order in effect. The petition may include other information that may assist in locating or identifying the respondent.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1320 Nondisclosure of certain information.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1322 Fees, costs, or expenses.

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

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

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1324 Jurisdiction over petitioner in another proceeding.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1326 Nonparentage as defense.

Sec. 326. A party whose parentage of a child has been previously determined by law shall not plead nonparentage as a defense to a proceeding under this act.

History: 1996, Act 310, Eff. June 1, 1997.

552.1328 Physical presence of petitioner not required; documents admissible as evidence; testimony.

Sec. 328. (1) The petitioner's physical presence in a responding tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(2) A verified petition, affidavit, document substantially complying with federally mandated forms, or document incorporated by reference in any of them that would not be excluded as hearsay if given in person is admissible in evidence if given under oath by a party or witness residing in another state.

(3) A copy of a record of child support payments certified as a true copy of the original by the record's

custodian may be forwarded to a responding tribunal. The copy is evidence of the facts asserted in it and is admissible to show whether payments were made.

(4) If furnished to the adverse party at least 10 days before trial, a copy of a bill for testing for parentage, or for the mother's or child's prenatal or postnatal health care, is admissible in evidence to prove the amount billed and that the amount is reasonable, necessary, and customary.

(5) Documentary evidence transmitted from another state to this state's tribunal by telephone, telecopier, or other means that does not provide an original writing shall not be excluded from evidence on an objection based on the means of transmission.

(6) In a proceeding under this act, this state's tribunal may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. This state's tribunal shall cooperate with other states' tribunals in designating an appropriate location for the deposition or testimony.

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

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1330 Communication.

Sec. 330. This state's tribunal may communicate with another state's tribunal in writing, or by telephone or other means, to obtain information concerning that state's laws, the legal effect of that tribunal's judgment, decree, or order, or the status of the other state's proceeding. This state's tribunal may furnish similar information by similar means to another state's tribunal.

History: 1996, Act 310, Eff. June 1, 1997.

552.1332 Authority of state tribunal to obtain discovery.

Sec. 332. This state's tribunal may do any of the following:

(a) Request another state's tribunal to assist in obtaining discovery.

(b) Upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by another state's tribunal.

History: 1996, Act 310, Eff. June 1, 1997.

552.1334 Disbursement of money received under support order; certified statement.

Sec. 334. A support enforcement agency or tribunal of this state shall promptly disburse money received under a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or another state's tribunal a certified statement by the custodian of the record of the amounts and dates of all payments received.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE IV

552.1401 Issuance of support order.

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.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE V

552.1501 Order of income withholding.

Sec. 501. (1) An income withholding order issued in another state may be sent to the obligor's employer without first filing a petition or comparable pleading or registering the order with this state's tribunal. Upon receipt of an income withholding order, the obligor's employer shall do all of the following:

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

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

(2) Except as otherwise provided in subsection (3) and section 501a, the employer shall withhold and distribute the funds directed in the withholding order by complying with the terms of the order that specify the following:

(a) The duration and amount of periodic payments of current child support, stated as a sum certain.

(b) The person or agency designated to receive payments and the address where the payments are to be forwarded.

(c) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health coverage for the child under coverage available through the obligor's employment.

(d) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain.

(e) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(3) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income for all of the following:

(a) The employer's fee for processing an income withholding order.

(b) The maximum amount permitted to be withheld from the obligor's income.

(c) The time within which the employer must implement the withholding order and forward the child support payment.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1501a Multiple income withholding orders; priorities.

Sec. 501a. If an obligor's employer receives multiple income withholding orders for the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1501b Income withholding order issued in another state; compliance.

Sec. 501b. An employer who complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency for the employer's withholding of child support from the obligor's income.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1501c Income withholding order issued by another state; noncompliance.

Sec. 501c. An employer who willfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1501d Income withholding order issued in another state; contesting validity or enforcement.

Sec. 501d. An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state in the same manner as if the order had been issued by this state's tribunal. Section 605 applies to the contest. The obligor shall give notice of the contest to a support enforcement agency providing services to the obligee, to each employer that has directly received an income withholding order, and to the person or agency designed to receive payments in the income withholding order or, if no person or agency is designated, to the obligee.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1502 Support enforcement agency; receipt of documents from another state; enforcement of support order or income withholding order; registration.

Sec. 502. (1) A party seeking to enforce a support order or an income withholding order, or both, issued by another state's tribunal may send the documents required for registering the order to a support enforcement

agency of this state.

(2) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use an administrative procedure authorized by this state's law to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order as provided in this act.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE VI

PART 1

552.1601 Registration of order; documents and information to be sent to state tribunal; filing as foreign judgment; affirmative remedy.

Sec. 601. (1) A support order or an income withholding order issued by another state's tribunal may be registered in this state for enforcement by sending all of the following documents and information to this state's tribunal:

- (a) A transmittal letter to the tribunal requesting registration and enforcement.
- (b) Two copies, including 1 certified copy, of all orders to be registered, including any modification of an order.
- (c) A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage.
- (d) The obligor's name and each of the following that is known:
 - (i) The obligor's address and social security number.
 - (ii) The name and address of the obligor's employer and any other source of income to the obligor.
 - (iii) A description and the location of the obligor's property in this state not exempt from execution.
- (e) The obligee's name and address and, if applicable, the agency or person to whom support payments are to be remitted.

(2) On receipt of a registration request, the registering tribunal shall cause the order to be filed as a foreign judgment, together with 1 copy of the documents and information, regardless of their form.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1603 Order issued in another state; registration; recognition; enforcement.

Sec. 603. (1) A support order or income withholding order issued in another state is registered when the order is filed in the registering tribunal of this state. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by this state's tribunal.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1605 Support payments and arrearages; governing law; statute of limitations.

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

(2) In a proceeding for arrearages, the longer of the statutes of limitations of this state or of the issuing state applies.

History: 1996, Act 310, Eff. June 1, 1997.

PART 2

552.1621 Notice to nonregistering party.

Sec. 621. (1) When a support order or income withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

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

- (a) That a registered order is enforceable as of the registration date in the same manner as an order issued by this state's tribunal.

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

(c) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation and enforcement of the order and the alleged arrearages, and precludes further contest of that order with respect to a matter that could have been asserted.

(d) The amount of alleged arrearages.

(3) Upon registration of an income withholding order for enforcement, the registering tribunal shall notify the obligor's employer as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1623 Nonregistering party; hearing.

Sec. 623. (1) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert a defense to an allegation of noncompliance with the registered order, or to contest a remedy being sought or the amount of an alleged arrearage as provided in section 625.

(2) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law. If a nonregistered party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the hearing date, time, and place.

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1625 Burden of proof; defenses; actions by tribunal; further contest of order precluded.

Sec. 625. (1) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving 1 or more of the following defenses:

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

(b) The order was obtained by fraud.

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

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

(e) There is a defense under this state's law to the remedy sought.

(f) Full or partial payment has been made.

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

(2) If a party presents evidence establishing a full or partial defense under subsection (1), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, or issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under this state's law. If the contesting party does not establish a defense under subsection (1) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the registered order.

(3) Whether by operation of law or after notice and hearing, a registered order's confirmation precludes further contest of the order with respect to a matter that could have been asserted at the time of registration.

History: 1996, Act 310, Eff. June 1, 1997.

PART 3

552.1631 Modification of order issued in another state; petition.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1633 Enforcement of another state's child support order.

Sec. 633. This state's tribunal may enforce another state's child support order registered for purposes of modification in the same manner as if the order had been issued by this state's tribunal, but the registered order may be modified only if the requirements of section 635 are met.

History: 1996, Act 310, Eff. June 1, 1997.

552.1635 Modification of another state's child support order; finding by responding tribunal; requirements, procedures, and defenses; jurisdiction.

Sec. 635. (1) After another state's child support order is registered in this state, the responding tribunal of this state may modify that order only if section 231 does not apply and, after notice and hearing, the tribunal finds 1 of the following:

(a) All of the following requirements are met:

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

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

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

(b) The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this state and all of the parties who are individuals have filed written consent in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this act, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

(2) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by this state's tribunal, and the order may be enforced and satisfied in the same manner. This state's tribunal shall not modify an aspect of a child support order that cannot be modified under the issuing state's law. If 2 or more tribunals have issued child support orders for the same obligor and child, the order that controls and shall be recognized under this act establishes the aspects of the support order that are nonmodifiable.

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

History: 1996, Act 310, Eff. June 1, 1997;—Am. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1637 Recognition of modification.

Sec. 637. This state's tribunal shall recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction under a law substantially similar to this act and, upon request and except as otherwise provided in this act, shall do all of the following:

(a) Enforce the order that was modified only as to an amount accruing before the modification.

(b) Enforce only nonmodifiable aspects of that order.

(c) Provide other appropriate relief only for a violation of that order that occurred before the modification's effective date.

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

History: 1996, Act 310, Eff. June 1, 1997.

552.1638 Child not resident of issuing state; jurisdiction.

Sec. 638. (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(2) A tribunal of this state exercising jurisdiction under this section shall apply the provisions of articles I and II, this article, and the procedural and substantive law of this state to the proceedings for enforcement or modification. Articles III, IV, V, VII, and VIII do not apply.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

552.1639 Issuance of modified child support order; failure to file with issuing tribunal.

Sec. 639. Within 30 days after issuance of a modified child support order, the party obtaining the modifications shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the party knows the earlier order is registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

History: Add. 1998, Act 65, Imd. Eff. Apr. 27, 1998.

ARTICLE VII

552.1701 Proceeding to determine parentage.

Sec. 701. (1) This state's tribunal may serve as an initiating or responding tribunal in a proceeding brought

under a support enforcement act to determine that a petitioner is a particular child's parent or to determine that a respondent is that child's parent.

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

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE VIII

552.1801 "Governor" defined; authority; extradition.

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

(2) This state's governor may do any of the following:

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

(b) On the demand by another state's governor, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for an obligee's support.

(3) A provision for an individual's extradition not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled from that state.

History: 1996, Act 310, Eff. June 1, 1997.

552.1803 Individual charged criminally with failing to provide support; surrender.

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

(2) If under a support enforcement act, another state's governor makes a demand that this state's governor surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective, but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(3) If a proceeding for support is initiated and the individual whose surrender is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the individual whose surrender is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

History: 1996, Act 310, Eff. June 1, 1997.

ARTICLE IX

552.1901 Effective date.

Sec. 901. This act shall take effect June 1, 1997.

History: 1996, Act 310, Eff. June 1, 1997.