

UNIFORM INTERSTATE FAMILY SUPPORT ACT (EXCERPT)
Act 310 of 1996

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.

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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.