

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

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.