

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5850**

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 28 (MCL 552.628), as amended by 2009 PA 193.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 28. (1) For a friend of the court case, a payer's
2 occupational license ~~, driver's license,~~ or recreational or
3 sporting license, or any combination of the licenses ~~, may be~~
4 suspended if ~~all~~**both** of the following circumstances are true:

5 (a) An arrearage has accrued in an amount greater than the
6 amount of periodic support payments payable for 2 months under the
7 payer's support order.

8 (b) An order of income withholding is not applicable or has
9 been unsuccessful in assuring regular payments on the support



1 obligation and regular payments on the arrearage.

2 (2) For a friend of the court case, a payer's driver license
3 may be suspended if both of the circumstances in subsection (1) are
4 true and both of the following additional circumstances are true:

5 (a) The court has conducted an ability to pay assessment and
6 determined that the payer has an ability to pay the support but is
7 willfully not making his or her support payments.

8 (b) The office of the friend of the court determines that no
9 other sanction would be effective in assuring regular payments on
10 the support obligation and regular payments on the arrearage.

11 (3) ~~(2)~~ Before seeking the suspension of a license described
12 in subsection (1) ~~or~~ (2), the office of the friend of the
13 court shall send the payer a notice that includes all of the
14 following information:

15 (a) The amount of the arrearage.

16 (b) That the payer's occupational license, ~~driver's~~ driver
17 license, or recreational or sporting license, or any combination of
18 the licenses ~~may~~ be subject to suspension.

19 (c) That a suspension order or notice will be sent to the
20 licensing agency unless the payer responds by paying the arrearage
21 or requesting a hearing within 21 days after the date of mailing
22 the notice.

23 (d) That, if a hearing is requested, the payer may do either
24 of the following at the hearing:

25 (i) Object to the proposed suspension based on a mistake of
26 fact concerning the overdue support amount or the payer's identity.

27 (ii) Ask the court to order a schedule for the payment of the
28 arrearage.

29 (e) That, if the payer believes that the amount of support



1 ordered should be modified due to a change in circumstances, the
2 payer may file a petition with the court for modification of the
3 support order.

4 Enacting section 1. This amendatory act takes effect October
5 1, 2021.

