



**House
Legislative
Analysis
Section**

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SUPPORT ORDERS: INCOME WITHHOLDING

House Bills 5937 and 5938
Sponsor: Rep. David M. Gubow
Committee: Judiciary

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Complete to 8-21-90

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A SUMMARY OF HOUSE BILLS 5937 AND 5938 AS INTRODUCED 6-29-90

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House Bill 5937 would amend the Support and Visitation Enforcement Act to require that an order of income withholding in a support order entered or modified after October 1, 1989 take effect immediately, with certain exceptions. Those exceptions would be:

--upon a finding of good cause by the court (in which case, the withholding would take effect when provisions for notice and hearing on arrearages were met);

--if the parties reached a written agreement under the Friend of the Court Act (in which case, the order of income withholding would take effect in accordance with that agreement);

--if the support order was an ex parte interim support order. If the order had not been served on the opposite party, the order of income withholding would not take effect. If the ex parte order had been served on the opposite party, the order of income withholding would take effect when provisions for notice and hearing on arrearages were met.

MCL 552.604

House Bill 5938 would amend the Friend of the Court Act to replace language calling for the Office of Child Support to mail a notice when a fixed amount of arrearage is reached with language requiring the office to "initiate enforcement." The applicable amount of arrearage may not be greater than that equal to four weeks of payments under the payer's support order; the bill would instead limit the amount of arrearage to one month's worth of child support, thereby excluding other forms of support from the calculation. The bill could not take effect unless House Bill 5937 was enacted.

MCL 552.511

House Bills 5937 and 5938 (8-21-90)