

# HOUSE BILL No. 4292

February 23, 1989, Introduced by Reps. Gubow, DeMars, Berman, Hertel, Honigman, Perry Bullard, Law, Ciaramitaro, Strand, Profit, Martin, Wallace, Bandstra, Fitzgerald, Palamara, Bennane, Gire and Willis Bullard and referred to the Committee on Judiciary.

A bill to codify, revise, consolidate, clarify, classify, modernize, simplify, and add to the laws relating to domestic relations, including marriage, separate maintenance, dissolution of marriage, marital relations, marital property agreements, custody, support and visitation of minor children, alimony, and distribution of property; to regulate procedures, evidence, and remedies in domestic relations actions; to prescribe the powers and duties of governmental entities, offices, officials, services, boards, agencies, departments, commissions, councils, committees, and task forces; to provide for penalties and remedies; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## ARTICLE 1. GENERAL PROVISIONS

Sec. 101. This act shall be known and may be cited as the "Michigan domestic relations code".

Sec. 102. (1) This act shall be liberally construed and applied to promote its underlying purposes and policies.

(2) The underlying purposes and policies of this act are as follows:

(a) Simplify, clarify, and modernize domestic relations law.

(b) Provide adequate procedures for actions required or permitted by this act.

(c) Strengthen and preserve the integrity of marriage and safeguard family relationships.

(d) Promote the amicable settlement of domestic disputes.

(e) Mitigate the potential harm to persons caused by legal processes.

(f) Make the law effective for dealing with the realities of family experience.

Sec. 103. (1) Unless displaced by particular provisions of this act, the principles of law and equity supplement its provisions.

(2) This act is intended to be a unified coverage of the subject matter, and, as such, no part of it is impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

(3) The remedies provided by this act shall be liberally administered to the end that aggrieved persons may secure as

1 equitable a resolution of their disputes as possible under the  
2 circumstances.

3       Sec. 110. For the purposes of this act, the words and  
4 phrases in sections 111 to 115 shall have the meanings ascribed  
5 to them in those sections. These definitions, unless the context  
6 requires otherwise, apply to use of the defined terms in this  
7 act.

8       Sec. 111. (1) "Acquire", in relation to property, includes  
9 reduction of indebtedness on encumbered property and obtaining a  
10 lien on or security interest in property.

11       (2) "Agency" means any legally authorized public or private  
12 organization, or governmental unit or official, whether of this  
13 state or of another state or country, concerned with the welfare  
14 of families, including a licensed child placement agency.

15       (3) "Alimony" is the provision for payments by 1 party to or  
16 for the benefit of the other party voluntarily, by agreement, or  
17 under court order.

18       (4) "Appreciation" means a realized or unrealized increase  
19 in the value of property.

20       (5) "Bureau" means the state friend of the court bureau.

21       (6) "Chief judge" means 1 of the following:

22       (a) The circuit judge in a judicial circuit having only 1  
23 circuit judge.

24       (b) Except in the county of Wayne, the chief judge of the  
25 circuit court in a judicial circuit having 2 or more circuit  
26 judges.

1 (c) In the county of Wayne, the executive chief judge of the  
2 circuit court in the third judicial circuit and the recorder's  
3 court of the city of Detroit.

4 (7) "Child", unless the context otherwise requires, means an  
5 unemancipated person who is less than 18 years of age.

6 (8) "Court" means the circuit court of this state and, when  
7 the context requires, the court, office, agency, department, or  
8 other entity of another jurisdiction with functions similar to  
9 those assigned in this act to the circuit court of this state  
10 relative to the issuance and enforcement of support orders.

11 Sec. 112. (1) "Deferred employment benefit" means a benefit  
12 under a deferred employment benefit plan.

13 (2) "Deferred employment benefit plan" means a plan, fund,  
14 program, or other arrangement under which compensation or a bene-  
15 fit from employment is expressly, or as a result of surrounding  
16 circumstances, deferred to a later date or the happening of a  
17 future event. Without limitation, a deferred employment benefit  
18 plan includes private and public pension, profit-sharing, retire-  
19 ment, or stock bonus plans, employee stock-ownership or stock  
20 purchase plans, savings or thrift plans, annuity plans, qualified  
21 bond purchase plans, deferred compensation agreements or plans,  
22 and accrued leave with pay. The term does not include life,  
23 health, accident, or other insurance, or a plan, fund, program,  
24 or other arrangement providing a benefit comparable to an insur-  
25 ance benefit, except to the extent that the benefit under the  
26 arrangement meets 1 of the following requirements:

1 (a) Has a present value that is immediately realizable in  
2 cash at the option of the employee.

3 (b) Constitutes an unearned premium for the coverage.

4 (c) Represents a right to compensation for loss of income  
5 during disability.

6 (d) Represents a right to payment of expenses that, at the  
7 time of the valuation, have been incurred.

8 (3) "Dissolution" means entry of a judgment of divorce or  
9 annulment.

10 (4) "Domestic relations action" means an action as defined  
11 in section 500(1).

12 (5) "Domestic relations matter" means a proceeding in the  
13 court concerning alimony or custody, parenting time, visitation,  
14 or support of a child that arises out of litigation under any  
15 Michigan statute.

16 (6) "Domestic relations mediation" means a process by which  
17 the parties are assisted by a mediator in voluntarily formulating  
18 an agreement to resolve a dispute that arises during a domestic  
19 relations matter.

20 (7) "During marriage" means a period that begins on the day  
21 2 persons enter into a valid marriage with each other and ends at  
22 dissolution or at the death of a spouse.

23 (8) "Employer" means any person, sole proprietorship, part-  
24 nership, association, private or public corporation, the United  
25 States or any federal agency, this state or any political subdi-  
26 vision of this state, any other state or a political subdivision

1 of another state, and other legal entity which hires and pays a  
2 person for services.

3 (9) "Friend of the court" means the person serving or  
4 appointed under section 701 as the head of the office of the  
5 friend of the court.

6 Sec. 113. (1) "Genuine" means free from forgery or  
7 counterfeiting.

8 (2) "Grandparent" means the parent or stepparent of the  
9 parent or stepparent of a child whether or not the parental  
10 rights of the parent or stepparent have been terminated by law,  
11 death, or adoption of the child.

12 (3) "Health care" means the provision of human health care  
13 products or services by a person or organization licensed or  
14 legally authorized to provide human health care products or serv-  
15 ices in the place where the products or services are provided,  
16 including, but not limited to, those persons referred to in the  
17 list of words, titles, and letters in section 16263(a) to (k) and  
18 those organizations listed in section 20106(1) of the public  
19 health code, Act No. 368 of the Public Acts of 1978, being sec-  
20 tions 333.16263 and 333.20106 of the Michigan Compiled Laws.

21 (4) "Health care expenses" means those expenses, including  
22 premiums for health care insurance, resulting from the provision  
23 of health care.

24 (5) "Health care insurance" means insurance which pays all  
25 or part of a person's health care expenses.

26 (6) "Income" means wages, earnings, salaries, commissions,  
27 bonuses, draws, gratuities, alimony, strike pay, net gambling

1 winnings, in-kind payments, net proceeds of policies of health,  
2 accident, or disability insurance other than death benefits, or  
3 of a plan, fund, program, or other arrangement providing benefits  
4 comparable to those forms of insurance, benefits or payments from  
5 any government program or private organization, other economic  
6 benefits having value, and dividends, interest, rents, income  
7 from trusts and other payments or consideration attributable to  
8 investment, rental, licensing, or other use of property, unless  
9 attributable to a return of capital or to appreciation. Income  
10 includes a voluntary contribution to a deferred employment bene-  
11 fit plan in the contribution phase by a person. A payment  
12 received from a deferred employment benefit plan, as to a child  
13 of the recipient, is income to the extent that the payments  
14 received do not represent a return of voluntary contributions  
15 made while the recipient was subject to a child support order,  
16 and the contributions were included as income in that order. A  
17 payment received from a deferred employment benefit plan prior to  
18 dissolution or entry of a judgment of separate maintenance, as to  
19 a spouse, is income to the extent that the payments received do  
20 not represent a return of voluntary contributions made while the  
21 recipient was subject to an order for alimony, and the contribu-  
22 tions were included as income in that order. A payment received  
23 from a deferred employment benefit plan after dissolution or  
24 entry of a judgment of separate maintenance, as to a former  
25 spouse, is income to the extent that the right to receive the  
26 payments was not previously treated by a court as property.

1       Sec. 114. (1) "Marital property agreement" means an  
2 agreement that complies with sections 380 to 389.

3       (2) "Office" means the office of the friend of the court  
4 created by section 700.

5       (3) "Office of child support" means the agency created by  
6 section 780.

7       (4) "Parent" means a natural or adoptive parent or person  
8 determined to be a parent under the paternity act, Act No. 205 of  
9 the Public Acts of 1956, being sections 722.711 to 722.730 of the  
10 Michigan Compiled Laws, whose parental rights have not been  
11 terminated.

12       (5) "Payer" means a person who is ordered by the court to  
13 pay support.

14       (6) "Person" means a natural person.

15       (7) "Person having a significant relationship to the child"  
16 means any person, whether or not a relative of the child, who,  
17 over a period of time, has developed a relationship with the  
18 child where the best interests of the child would be detrimen-  
19 tally affected by the termination of the relationship.

20       (8) "Political subdivision" means a county, city, village,  
21 township, educational institution, school district, or special  
22 district or authority of the state or of a local unit of  
23 government.

24       (9) "Property" includes an interest, present or future,  
25 legal or equitable, vested or contingent, tangible or intangible  
26 in real, personal, or mixed property.



1 (10) "Public assistance" means aid to families with  
2 dependent children, general assistance, supplemental security  
3 income, foster care maintenance, or a combination of these  
4 items.

5 Sec. 115. (1) "Recipient of support" means 1 of the  
6 following:

7 (a) The spouse or former spouse under an alimony order.

8 (b) The custodial parent, custodian, guardian, or conserva-  
9 tor under a support order.

10 (c) The state department of social services, if support has  
11 been assigned to the department.

12 (2) "Referee" means a person who is designated as a referee  
13 under section 720.

14 (3) "Signature" includes any symbol executed or adopted by a  
15 person with a present intention to authenticate a writing.

16 (4) "Source of income" means an employer, successor employ-  
17 er, or any other person or entity who owes or will owe income to  
18 a payer.

19 (5) "Spouse" means a husband or wife during the marriage.

20 (6) "Stepparent" means a spouse or former spouse of a  
21 child's parent, by a marriage subsequent to the birth of that  
22 child, whether or not the subsequent marriage is terminated by  
23 death or dissolution.

24 (7) "Support" means 1 of the following:

25 (a) Payments for a child ordered in an interim, temporary,  
26 permanent, or modified order or judgment including health care,  
27 educational, and child care expenses.

1 (b) Payment of alimony to a spouse or former spouse ordered  
2 in an interim, temporary, permanent, or modified order or  
3 judgment.

4 (c) Payments ordered under the paternity act, Act No. 205 of  
5 the Public Acts of 1956, being sections 722.711 to 722.730 of the  
6 Michigan Compiled Laws, for the necessary expenses incurred by or  
7 for the mother in connection with her confinement or of other  
8 expenses in connection with the pregnancy of the mother.

9 (8) "Support order" means any order for the payment of sup-  
10 port entered in Michigan or another state in a case where the  
11 court or agency which entered the support order had jurisdiction  
12 over the payer.

13 (9) "Temporary alimony" means alimony after the commencement  
14 of an action for divorce, annulment, or separate maintenance and  
15 prior to judgment.

16 (10) "Third person" means any person other than a parent.

17 Sec. 130. This act shall take effect January 1, 1989.

18 Sec. 140. (1) This act applies to all proceedings commenced  
19 on or after its effective date, including proceedings for the  
20 modification of a judgment or order entered prior to the effec-  
21 tive date of this act.

22 (2) This act applies to all pending actions and proceedings  
23 commenced prior to its effective date with respect to issues on  
24 which a judgment has not been entered.

25 (3) In any action or proceeding in which an appeal was pend-  
26 ing or a new trial was ordered prior to the effective date of  
27 this act, the law in effect at the time of the order sustaining

1 the appeal or the new trial governs the appeal, the new trial,  
2 and any subsequent trial or appeal.

3       Sec. 150. Events occurring before the effective date speci-  
4 fied in section 130 and the rights, duties, and interests flowing  
5 from them remain valid thereafter and, except as otherwise pro-  
6 vided by section 140, may be terminated, completed, consummated,  
7 or enforced as required or permitted by any statute or other law  
8 amended or repealed by this act as if such repeal or amendment  
9 had not occurred.

10                           ARTICLE 2. MARRIAGE

11       Sec. 201. All marriages that were valid when and where con-  
12 tracted, or were subsequently validated by the laws of the place  
13 in which they were contracted or where the parties were domi-  
14 ciled, are valid in this state.

15       Sec. 202. (1) Marriage, so far as its validity in law is  
16 concerned, is a personal relationship between a man and a woman  
17 arising out of a civil contract to which the consent of parties  
18 capable in law of contracting is essential, and which is licensed  
19 and solemnized as provided in this act.

20       (2) A marriage may be contracted, invalidated, or dissolved  
21 only as provided by this act.

22       (3) A marriage satisfying the requirements of this act is  
23 valid in this state.

24       Sec. 203. (1) All of the following marriages are prohibited  
25 and shall not be licensed or solemnized:

26       (a) A marriage entered into by a person who has a spouse  
27 still living, unless the former marriage has been annulled or

1 dissolved, or unless the person has obtained a judgment of  
2 presumed death of the former spouse.

3 (b) A marriage between an ancestor and a descendant, or  
4 between a brother and a sister, whether the relationship is by  
5 the half or the whole blood, or by adoption.

6 (c) A marriage between an uncle and a niece or between an  
7 aunt and a nephew, whether the relationship is by the half or the  
8 whole blood.

9 (d) A marriage entered into between persons of the same  
10 sex.

11 (2) Parties to a marriage prohibited under this section who  
12 cohabit after removal of the impediment are lawfully married as  
13 of the date of the removal of the impediment.

14 (3) A child born of a prohibited marriage is legitimate.

15 Sec. 204. (1) All of the following persons are incapable of  
16 contracting marriage:

17 (a) A person for whom a guardian has been appointed under  
18 sections 492 and 600(f) and (g) of the mental health code, Act  
19 No. 258 of the Public Acts of 1974, being sections 330.1492 and  
20 330.1600 of the Michigan Compiled Laws, or section 441 of the  
21 revised probate code, Act No. 642 of the Public Acts of 1978,  
22 being section 700.441 of the Michigan Compiled Laws, unless such  
23 person obtains a court order permitting the proposed marriage.

24 (b) A child, except as otherwise provided in section 206 or  
25 unless the child is at least 16 years of age and has the written  
26 consent of 1 of his or her parents or legal guardians to the  
27 marriage as provided in section 205.

1 (2) A child born of a marriage in which either or both of  
2 the parties to the marriage lacked the capacity to contract mar-  
3 riage is legitimate.

4 Sec. 205. (1) Before a marriage can be performed, the par-  
5 ties intending to be married shall obtain a marriage license from  
6 the county clerk of a county in which 1 of the parties resides,  
7 or from the county clerk in the county in which the marriage is  
8 to be performed if both parties intending to be married are non-  
9 residents of this state. The county clerk shall not issue a mar-  
10 riage license until the requirements of this section are complied  
11 with.

12 (2) Blank forms for a marriage license, proxy, and certifi-  
13 cate and proper books of registration ruled for the items con-  
14 tained in the forms shall be prepared and furnished by the state  
15 registrar appointed by the director of public health to the  
16 county clerks of the counties of the state in the quantities  
17 needed. The blank forms for a license and certificate shall be  
18 made in duplicate and shall provide spaces for the entry of the  
19 items prescribed in rules promulgated by the director of public  
20 health. The state registrar shall furnish to the county clerks  
21 of the counties of the state blank forms of affidavit and proxy,  
22 containing the requisite allegations, under the laws of this  
23 state, of the capacity of the parties to unite in marriage. A  
24 party applying for a license to marry shall make and file the  
25 affidavit with the county clerk as the basis for issuing the  
26 license. The affidavit, together with the license, shall be made  
27 a matter of record which shall be transmitted to the department.

1 of public health in the manner prescribed by the director of  
2 public health.

3 (3) The county clerk shall fill out the license according to  
4 the sworn answers of the applicant and sign the license and cer-  
5 tify the fact that it is properly issued, and under  
6 subsection (5) give it, together with the blank form of certifi-  
7 cate and proxy, if applicable, to the party applying, for deliv-  
8 ery to the person who is to solemnize the marriage, upon being  
9 furnished all of the following:

10 (a) Unless waived by order of the probate court in cases  
11 where the fee would cause undue hardship, payment of the follow-  
12 ing fee:

13 (i) A fee of \$20.00 for a marriage where 1 of the parties is  
14 a resident of this state, or \$30.00 for a marriage where both  
15 parties are nonresidents of this state.

16 (ii) A charter county which has a population of over  
17 2,000,000 may impose by ordinance a marriage license fee or non-  
18 resident license fee, or both, different in amount from the fee  
19 prescribed by subparagraph (i) not greater than the cost of the  
20 service for which the fee is charged.

21 (b) A birth certificate or other satisfactory proof that  
22 each party to the marriage will have attained the age of 18 years  
23 at the time the marriage license is effective; or will have  
24 attained the age of 16 years and has either the written consent  
25 to the marriage of 1 of his or her parents or legal guardians, or  
26 judicial approval under section 206; or, if a party is under the  
27 age of 16 years, both the consent of 1 of his or her parents or

1 legal guardians and judicial approval under section 206. Consent  
2 by a parent or guardian shall be given personally in the presence  
3 of the county clerk or be acknowledged before a notary public or  
4 other officer authorized to administer oaths.

5 (c) Satisfactory proof that the marriage is not prohibited  
6 by section 203.

7 (d) Either a physician's certificate of the results of the  
8 examination for venereal disease required by section 5241 of the  
9 public health code, Act No. 368 of the Public Acts of 1978, being  
10 section 333.5241 of the Michigan Compiled Laws, or a written  
11 waiver order as provided by section 5242 of the public health  
12 code, Act No. 368 of the Public Acts of 1978, being section  
13 333.5242 of the Michigan Compiled Laws.

14 (e) The completed application affidavit.

15 (4) The license fee shall be paid by the county clerk into  
16 the general fund of the county. The county board of commission-  
17 ers shall allocate \$15.00 of each fee collected to the court for  
18 family counseling services under sections 390 to 397.

19 (5) A license to marry shall not be delivered within a  
20 period of 3 days, including the date of application, unless it is  
21 immediately deliverable by a written order of the probate court  
22 for good and sufficient cause shown. The license shall expire,  
23 and be void, on the thirty-third day after the date of applica-  
24 tion unless the marriage is solemnized within that time.

25 (6) The parties intending to be married shall deliver the  
26 license, certificate, and proxy to the person who is to solemnize  
27 the marriage.

1       Sec. 206. (1) Judges of the probate court may certify to  
2 the marriage license clerk that the consent required by  
3 section 205(3)(b) has been requested, approved, and given by the  
4 judge under the following circumstances:

5       (a) To a party 16 or 17 years of age who has no parent or  
6 guardian capable of consenting to the marriage.

7       (b) To a party under the age of 16 years who has the consent  
8 of both of his or her parents to the marriage, if capable of  
9 giving consent, or his or her guardian.

10       (c) To a party under the age of 16 years whose parents are  
11 separated or divorced, if where legal custody of the party to the  
12 intended marriage has been granted by a court of competent juris-  
13 diction to 1 parent, that parent has consented and the other  
14 parent shall be given notice of the application by certified mail  
15 at his or her last known address, and given the opportunity to  
16 file and have a hearing upon objections to the marriage, and if  
17 the parent without legal custody fails to object within 14 days,  
18 then consent shall only be required of the parent with legal  
19 custody.

20       (2) A marriage license and a certificate form may be issued  
21 under this section only if the probate court finds that the  
22 underaged party is capable of assuming the responsibilities of  
23 marriage and that the marriage will serve his or her best  
24 interests. Pregnancy alone does not establish that the best  
25 interests of the party will be served by marriage.



1 (3) Parties qualifying under this section may apply for a  
2 special license under section 207 if they also meet the  
3 requirements of that section.

4 Sec. 207. (1) The probate court may issue, without publici-  
5 ty, a marriage license and certificate to the parties to an  
6 intended marriage who jointly make application to the probate  
7 court under oath that they desire to keep the exact date of the  
8 marriage a secret to protect their good names or reputations, and  
9 who declare 1 of the following to be true:

10 (a) The female is pregnant.

11 (b) The parties have lived together and have represented  
12 themselves as married.

13 (c) Some other good reason considered to be sufficient by  
14 the probate judge.

15 (2) If 1 or both of the parties seeking a special license  
16 under subsection (1) is under 18 years of age, in addition to  
17 meeting the requirements of subsection (1), the underaged parties  
18 shall obtain consent under section 205 or 206.

19 (3) Each application made under this section shall be in the  
20 usual form. The applicants shall satisfy all relevant require-  
21 ments of section 205. The probate judge may require a certifi-  
22 cate, from a duly licensed physician practicing in the county,  
23 that the female is pregnant.

24 (4) The probate judge shall solemnize the marriage, unless  
25 the parties request that some other authorized person do so, in  
26 which case the probate judge shall issue a written permit to the  
27 person requested authorizing and directing solemnization of the

1 marriage. The judge, or other person officiating, shall not make  
2 a record of a marriage solemnized under this section except that  
3 of the probate judge under subsection (5). The person offici-  
4 ing shall return the original certificate to the probate judge  
5 who shall attach it to the license and application, and the  
6 duplicate shall be given to the parties to the marriage. The  
7 judge may determine the retroactive date to appear on the mar-  
8 riage license and certificate.

9       (5) The probate judge shall file a complete set of all  
10 papers in each case of a marriage solemnized pursuant to this  
11 section in a private file and, not later than 10 days after the  
12 solemnization of the marriage, shall forward a duplicate to the  
13 registrar appointed by the state director of public health. The  
14 state director of public health shall file the duplicate in a  
15 private file and record the filing in a private register. The  
16 file in the probate court and the duplicate and record in the  
17 state department of public health shall be open to inspection  
18 only upon the written request and proper proof of identification  
19 of 1 or both of the parties to the marriage, or upon the written  
20 order of a judge of the circuit court of this state, and only for  
21 the use designated in the order. The order shall be made only  
22 upon the written request of the person or persons who were mar-  
23 ried under this section or if necessary for the protection of  
24 property rights arising from or affected by the marriage.

25       Sec. 208. (1) Marriages may be solemnized by any of the  
26 following persons who shall keep proper records and make returns  
27 as required by this act:

1 (a) A district court judge, in the district in which the  
2 judge serves.

3 (b) A district court magistrate, in the district in which  
4 the magistrate serves.

5 (c) A municipal judge, in the city in which the judge  
6 serves.

7 (d) A probate judge, in the county or probate court district  
8 in which the judge serves.

9 (e) A judge of a federal court.

10 (f) A mayor of a city, in the city in which the mayor  
11 serves.

12 (g) The county clerk of a county having more than 2,000,000  
13 inhabitants or an employee of the clerk's office designated by  
14 the county clerk, in the county in which the clerk serves.

15 (h) By a person authorized and recognized by any religious  
16 denomination, Indian nation or tribe, or native group, anywhere  
17 in the state, in accordance with any mode of solemnization recog-  
18 nized by such religious denomination, Indian nation or tribe, or  
19 native group.

20 (2) The person solemnizing a marriage shall type or legibly  
21 print the date and place of the marriage, and the names and resi-  
22 dences of 2 witnesses, in the spaces left blank in the certifi-  
23 cate for that purpose. The person solemnizing the marriage shall  
24 sign the certificate to certify that he or she has solemnized the  
25 marriage. Except as otherwise provided in section 207(4), the  
26 person solemnizing the marriage shall separate the original from  
27 the duplicate, and shall deliver the duplicate to 1 of the

1 parties to the marriage, and shall return the original to the  
2 county clerk that issued it within 10 days.

3 (3) No particular form shall be required in the solemniza-  
4 tion of the marriage, except that the parties shall solemnly  
5 declare, in the presence of the person solemnizing the marriage  
6 and at least 2 attending witnesses, that they take each other as  
7 husband and wife.

8 (4) If a mayor of a city solemnizes a marriage, the mayor  
9 shall charge and collect a fee to be determined by the council of  
10 that city, which shall be paid to the city treasurer and depos-  
11 ited in the general fund of the city at the end of the month.

12 (5) If a county clerk of a county having more than 2,000,000  
13 inhabitants or an employee of the clerk's office designated by  
14 the county clerk solemnizes a marriage, the county clerk shall  
15 charge and collect a fee to be determined by the commissioners of  
16 the county, which shall be paid to the county treasurer and  
17 deposited in the general fund of the county at the end of the  
18 month.

19 (6) The solemnization of a marriage is not invalidated by  
20 the fact that the person solemnizing the marriage was not autho-  
21 rized to do so, or was acting outside the area in which he or she  
22 was qualified, if the marriage was consummated with a full belief  
23 on the part of the persons married, or of a party claiming the  
24 marriage is valid, that the marriage was lawful.

25 Sec. 209. (1) If a party to a marriage is unable to be  
26 present at the solemnization, he or she may authorize, upon a  
27 proper proxy form, another person to act as his or her proxy.

1 (2) If the person solemnizing the marriage is satisfied that  
2 the absent party is unable to be present and has consented to the  
3 marriage, the person may solemnize the marriage by proxy. If the  
4 person is not satisfied, the parties may petition the probate  
5 court for an order permitting the marriage to be solemnized by  
6 proxy.

7 (3) The probate court upon petition shall authorize solemnization of a marriage by proxy if the court is satisfied that the  
8 absent party is unable to be present and has consented to the  
9 marriage.  
10 marriage.

11 Sec. 210. (1) Records of marriages shall be kept as  
12 follows:

13 (a) The county clerk shall preserve on file in the office of  
14 the county clerk all of the following documents:

15 (i) Copies or records of marriage licenses made at the time  
16 the license is issued.

17 (ii) Written consent forms and applications.

18 (iii) Copies of the original licenses and certificates  
19 returned after solemnization, the originals of which shall be  
20 forwarded to the state registrar appointed by the director of  
21 public health on the forms and in the manner prescribed by the  
22 director.

23 (iv) Books of registration containing information as pre-  
24 scribed by the director of public health.

25 (b) A person authorized to solemnize marriages in this state  
26 shall keep an accurate record of all marriages solemnized in a  
27 book used expressly for that purpose.

1 (c) Records of a marriage solemnized under section 207 shall  
2 be kept according to section 207(5).

3 (d) The reports of marriage sent by the county clerks of the  
4 counties of the state to the department of public health shall be  
5 preserved on file in that department, and a proper record shall  
6 be made and kept.

7 (2) Records of marriages may be amended as provided in the  
8 public health code, Act No. 368 of the Public Acts of 1978, being  
9 sections 333.1101 to 333.25211 of the Michigan Compiled Laws.

10 (3) The original certificates and records of marriage, or a  
11 copy of such record duly certified by the county clerk, shall be  
12 received in all courts and places as presumptive evidence of the  
13 fact of the marriage.

14 Sec. 211. The following persons are guilty of a misdemeanor  
15 and, upon conviction thereof, shall be punished by imprisonment  
16 in the county jail for not more than 1 year, or by a fine of not  
17 less than \$50.00 nor more than \$500.00, or by both a fine and  
18 imprisonment, in the discretion of the court:

19 (a) A person who solemnizes a marriage, or attempts to  
20 solemnize a marriage, knowing that he or she is not lawfully  
21 authorized to do so.

22 (b) A person who solemnizes a marriage knowing that the mar-  
23 riage is prohibited by section 203.

24 (c) A person who solemnizes a marriage without first obtain-  
25 ing a properly issued license from the parties to the marriage.

26 (d) An applicant for a marriage license who knowingly swears  
27 to a false statement on the application.

1 (e) A county clerk who refuses to give a license to persons  
2 properly applying and legally entitled to be married, or who oth-  
3 erwise knowingly violates this act.

4 (f) A person whose duty it is to return a marriage certifi-  
5 cate to the county clerk, or to keep a record of marriages, who  
6 fails to do so.

7 (g) A person other than a party to a marriage who violates  
8 the confidence and secrecy of or makes public information con-  
9 cerning a marriage performed pursuant to section 207.

10 (h) A person who solemnizes a marriage knowing that such  
11 solemnization is a violation of this act.

12 ARTICLE 3. MARITAL PROPERTY AGREEMENTS

13 Sec. 380. (1) A marital property agreement may be entered  
14 into prior to or during marriage with respect to any of the  
15 following:

16 (a) Rights and obligations in any of their property during  
17 marriage.

18 (b) Disposition of their rights and obligations in property  
19 upon dissolution or death.

20 (c) Rights and obligations to provide for payments by 1  
21 party to or for the benefit of the other party during marriage.

22 (d) Disposition of the rights and obligations to provide for  
23 alimony upon dissolution, family allowance upon death, or other  
24 payments upon death.

25 (e) The making of a will, trust, or other arrangements to  
26 carry out the agreement.

1 (f) Choice of law governing the construction of the  
2 agreement.

3 (g) Any other matter, including their personal rights and  
4 obligations, not in violation of public policy or a statute  
5 imposing a criminal penalty.

6 (2) A child's right to receive support may not be adversely  
7 affected by a marital property agreement.

8 Sec. 381. Except as otherwise provided in section 383 of  
9 this act or in section 291 of the revised probate code, Act  
10 No. 642 of the Public Acts of 1978, being section 700.291 of the  
11 Michigan Compiled Laws, a marital property agreement is enforce-  
12 able only if all of the following conditions are complied with:

13 (a) Each party shall provide the other with all of the  
14 following:

15 (i) A full and fair, written, signed, disclosure of their  
16 property, income, and financial obligations.

17 (ii) A reasonable opportunity to consult with an attorney  
18 prior to signing the agreement, disclosure, or waiver.

19 (b) The marital property agreement shall comply with all of  
20 the following:

21 (i) It shall be in writing and signed by both parties.

22 (ii) It shall be signed by 2 persons who witnessed the par-  
23 ties signing the agreement.

24 (iii) It shall comply with the requirements of  
25 subdivision (a).

26 (iv) It shall be free of fraud, duress, or overreaching by  
27 either party in negotiating the terms of the agreement or in



1 obtaining the signature of the other party to the agreement,  
2 disclosure, or waiver.

3 (v) It shall not be unconscionable on the date it becomes  
4 effective.

5 Sec. 382. A marital property agreement entered into in con-  
6 templation of marriage becomes effective only when the 2 parties  
7 marry each other.

8 Sec. 383. (1) A marital property agreement entered into  
9 during marriage, but after separation or commencement of a domes-  
10 tic relations action, may contain a waiver of the disclosure  
11 requirements of section 381(a)(i) if the waiver is not obtained  
12 through fraud, duress, or overreaching by the other party.

13 (2) An order or judgment in a domestic relations action is  
14 not a marital property agreement.

15 Sec. 384. A marital property agreement may be modified or  
16 revoked only by a subsequent marital property agreement complying  
17 with each of the requirements for a valid marital property agree-  
18 ment on the date of the modification or revocation.

19 Sec. 385. A marital property agreement, a modification of a  
20 marital property agreement, or a revocation of a marital property  
21 agreement is enforceable without consideration.

22 Sec. 386. (1) Unless specifically denied in a pleading,  
23 each signature on a marital property agreement is admitted. If  
24 the genuineness of a signature is put in issue:

25 (a) The burden of proving the genuineness of the signature  
26 is on the party claiming under it.

1 (b) The signature is presumed to be genuine, except where  
2 the action is to enforce the obligation of a purported signer who  
3 died or became incompetent before proof is required.

4 (2) When signatures are admitted or established, production  
5 of the marital property agreement entitles a party to enforcement  
6 of its provisions, unless the other party establishes a valid  
7 defense.

8 Sec. 387. (1) An issue of unconscionability shall be  
9 decided by the court as a matter of law. The parties shall be  
10 afforded a reasonable opportunity to present evidence to aid the  
11 court in making the determination.

12 (2) If it is established that a marital property agreement  
13 is unconscionable or invalid, the court may refuse to enforce the  
14 entire agreement, or it may enforce the remainder of the agree-  
15 ment without the unconscionable or invalid clause, or it may  
16 limit the application of the clause to avoid an unconscionable  
17 result.

18 Sec. 388. If a provision of a marital property agreement  
19 modifies or eliminates alimony and that modification or elimina-  
20 tion causes a spouse to be eligible for public assistance at the  
21 time of dissolution, the court may require the other spouse to  
22 provide alimony to the extent necessary to avoid that eligibili-  
23 ty, notwithstanding the terms of the agreement.

24 Sec. 389. A document signed prior to the effective date of  
25 this act purporting to be a marital property agreement shall be  
26 enforceable according to the law existing on the date of its  
27 execution.

1       Sec. 390. For the purpose of preserving and improving  
2 family life, a court may request the local county government or  
3 governments to create a family counseling service in that judi-  
4 cial circuit. The service shall include, but not be limited to,  
5 premarital, domestic violence, and child abuse counseling.

6       Sec. 391. (1) Upon recommendation of the court, a county  
7 board of commissioners may create a family counseling service in  
8 that county. In addition to the funds available under  
9 section 205(4), the county board of commissioners may appropriate  
10 such other money it considers sufficient for the establishment  
11 and maintenance of the service.

12       (2) In a judicial circuit which includes more than 1 county,  
13 each county board of commissioners may decide to participate or  
14 to refrain from participating in a proposed or existing service  
15 in that circuit. If a county board of commissioners in a judi-  
16 cial circuit elects to participate in the creation or maintenance  
17 of the service, it may make an appropriation to fund the  
18 service. If the service is funded by appropriations from more  
19 than 1 county, the contribution from each county need not be  
20 equal.

21       (3) If a service is not established in the county, the court  
22 may use the money available under section 205(4) to contract with  
23 agencies providing similar services, for all or part of the serv-  
24 ices to be provided in that judicial circuit.

25       (4) The court shall give preference to contracting for serv-  
26 ices, but may provide direct services under 1 of the following  
27 circumstances:

1 (a) Quality services are not available from an agency.

2 (b) Provision of direct service is cost beneficial as deter-  
3 mined by an independent audit.

4 (c) The court has a program of direct services in existence  
5 on the effective date of this act.

6 (5) Funds allocated under section 205(4) which are not  
7 expended under this section shall be returned to the general fund  
8 of the county to be held in escrow until a service is  
9 established.

10 (6) The court shall not, in contracting for or directly pro-  
11 viding family services, expend funds in excess of the amounts  
12 available under subsections (1) and (2).

13 Sec. 392. (1) A family counseling service is an arm of the  
14 court and may be merged with other court services or maintained  
15 separately, as the court determines appropriate. Any act, deci-  
16 sion, or recommendation by the court provided for by this act  
17 shall be accomplished by a vote of a majority of the judges of  
18 the circuit.

19 (2) A service may engage in research, educational efforts,  
20 public information service, or other endeavor related to the pur-  
21 pose and policy of sections 390 to 397 as approved by the court.

22 (3) A family is eligible for counseling by the service if at  
23 least 1 spouse meets the jurisdictional requirements for filing a  
24 domestic relations action. First priority will be given to fami-  
25 lies involved in domestic relations actions. The court shall  
26 prescribe rules and standards of eligibility and priority  
27 provided by such service.

1       Sec. 393. (1) The chief judge in a county where a service  
2 has been established shall appoint a director of the service.

3       (2) The director shall be an employee of the court, and  
4 shall be qualified by training and experience to provide family  
5 counseling.

6       (3) The director shall serve at the discretion of the chief  
7 judge.

8       (4) The director may hire professional and clerical staff as  
9 approved by the court, and within the funds available under sec-  
10 tion 391. In counties having a merit system, the county may  
11 place employment of clerical employees under the merit system.

12       (5) The compensation of the director and staff of the serv-  
13 ice shall be fixed by the county board or boards of commissioners  
14 and paid from the general fund of the county or counties.

15       Sec. 394. The director or a professional staff member of  
16 the service shall advise persons who contact the service concern-  
17 ing family problems of the existence of qualified family counsel-  
18 ing services outside the court so that they may make an informed  
19 choice of outside service. The persons shall be referred to  
20 counseling services outside the court unless the persons request  
21 otherwise. The referrals may be to other qualified marriage  
22 counselors or marriage counseling agencies, family agencies,  
23 social welfare agencies, religious agencies or advisors, physi-  
24 cians, psychiatrists, private agencies, or other qualified  
25 persons.

26       Sec. 395. (1) The director or professional staff of the  
27 service shall attempt to determine the sources and causes of

1 disputes within a family and to assist the family in the  
2 resolution of the disputes by providing family counseling, con-  
3 ciliation conferences and advice with a view to restoring family  
4 harmony. Substantial consideration shall be given to preserving  
5 the marriage so as to promote the welfare of children.

6       (2) Except as otherwise provided in subsection (3), a commu-  
7 nication between a counselor in the service or a counselor to  
8 whom a person has been referred by the court or the service and  
9 the person who is counseled is confidential. The confidentiality  
10 of the communication shall be preserved inviolate as a privileged  
11 communication which privilege cannot be waived. Information  
12 obtained through the communication shall not be admitted in evi-  
13 dence in any proceedings.

14       (3) Upon specific referral from the court or at the request  
15 and agreement of the parties, the service may be instructed to  
16 serve as an impartial, unbiased source in evaluating problems  
17 involving custody of children, parenting time of children, visi-  
18 tation of children, and related matters. A family referred by  
19 the court with custody, parenting time, or visitation problems  
20 shall be exempt from subsection (2) if an adult member of the  
21 family signs an agreement waiving confidentiality. An attorney  
22 representing a spouse who is the subject of such an evaluation  
23 shall have the right to receive a copy of the evaluation under  
24 terms and conditions prescribed by the court.

25       Sec. 396. (1) The service may charge fees for its services  
26 in accordance with a fee schedule prescribed by the court with  
27 the advice and consent of the county board of commissioners.

1 (2) The schedule shall be based on ability to pay and may be  
2 waived by the court for good cause shown.

3 (3) Revenues from fees shall be paid into the county general  
4 fund, and used to defray the cost of the service.

5 (4) In a multiple county circuit, revenues shall be returned  
6 to counties in accordance with their proportionate contributions  
7 to the service.

8 (5) The county board of commissioners may make provision for  
9 payment to agencies outside the court for family counseling serv-  
10 ices rendered to spouses in cases involving indigents.

11 Sec. 397. Nothing in sections 390 to 396 shall be construed  
12 to require a person to participate in family counseling, or be  
13 considered to change or affect provisions relating to domestic  
14 relations actions.

15 ARTICLE 5. DOMESTIC RELATIONS ACTIONS

16 Sec. 500. (1) Domestic relations actions include all of the  
17 following actions:

18 (a) Actions for divorce, separate maintenance, annulment of  
19 marriage, affirmation of marriage, and proceedings ancillary or  
20 subsequent to those actions.

21 (b) Actions relating to all of the following:

22 (i) Custody of children.

23 (ii) Support of children.

24 (iii) Parenting time or visitation of children.

25 (iv) Paternity of children.

26 (v) Domestic violence.

1 (vi) Conservation of property.

2 (vii) Support under the family support act, Act No. 138 of  
3 the Public Acts of 1966, being sections 552.451 to 552.459 of the  
4 Michigan Compiled Laws.

5 (2) A domestic relations action shall be commenced in the  
6 circuit court and conducted pursuant to the Michigan court rules  
7 and the Michigan rules of evidence.

8 (3) A domestic relations action shall be conducted, and the  
9 court shall have the power to issue and enforce orders and judg-  
10 ments, as in other equity actions.

11 (4) The court may join additional parties proper for the  
12 exercise of its authority to implement this act.

13 (5) Except as otherwise provided in this act, the burden of  
14 proof in a domestic relations action shall be by a preponderance  
15 of evidence.

16 (6) Unless specifically provided for in this act, security  
17 or bonds shall not be required in any domestic relations action.

18 (7) In a domestic relations action involving a child, a copy  
19 of process, pleadings, notices, and all other papers filed in the  
20 action shall be provided to the office of the friend of the  
21 court.

22 (8) When a court resolves a domestic relations action, the  
23 court shall state the reasons for its decision on the record or  
24 in writing.

25 Sec. 501. (1) The court has jurisdiction to enter a judg-  
26 ment of divorce if 1 of the parties to the marriage has resided



1 or has been domiciled in Michigan for 182 days immediately  
2 preceding the filing of the domestic relations action.

3 (2) The court has jurisdiction to enter a judgment of annul-  
4 ment, affirmation of marriage, or separate maintenance if 1 of  
5 the parties to the marriage has resided or has been domiciled in  
6 Michigan for 7 days immediately preceding the filing of the  
7 domestic relations action.

8 (3) The jurisdiction of the court in actions relating to  
9 matters listed in section 500(1)(b) requested in an original  
10 action or ancillary to an action for divorce, separate mainte-  
11 nance, annulment of marriage, or affirmation of marriage, may be  
12 exercised to the extent permitted by the constitution of the  
13 United States, except as limited by the constitution, court  
14 rules, and laws of this state, and in the manner permitted by the  
15 court rules and laws of this state.

16 (4) The county where either plaintiff or defendant resides  
17 is a proper county in which to commence a domestic relations  
18 action. It is also proper to commence an action:

19 (a) Relating to the custody, support, parenting time, or  
20 visitation of a child in the county where the child resides or is  
21 found.

22 (b) For paternity in the county where the child resides or  
23 where the putative father is found.

24 (c) For relief from domestic violence in the county where  
25 violence is occurring.

26 (d) For conservation of property in the county where  
27 property is located.

1 (e) For support under the family support act, Act No. 138 of  
2 the Public Acts of 1966, being sections 552.451 to 552.459 of the  
3 Michigan Compiled Laws, in the county where the child resides.

4 (5) Actions relating to the custody, support, parenting  
5 time, or visitation of a child shall be commenced in the county  
6 where there is either a pending action or an action in which the  
7 court retains jurisdiction for custody, support, parenting time,  
8 or visitation involving the child, and shall be filed ancillary  
9 to that action, unless the court otherwise orders.

10 (6) A domestic relations action, after entry of a judgment,  
11 may be transferred from the court of 1 county of this state to a  
12 noncontiguous county for convenience of the parties, for modifi-  
13 cation or enforcement of custody, support, parenting time, or  
14 visitation, or other good cause.

15 (7) No judgment of divorce shall enter until at least 63  
16 days after the filing of the action. In every case where there  
17 is a child of the parties or a child born during the marriage, no  
18 judgment of divorce shall enter until at least 182 days after the  
19 filing of the action. In cases of unusual hardship or such com-  
20 pelling necessity as shall appeal to the conscience of the court,  
21 upon motion and proper showing, the court may enter a judgment of  
22 divorce at any time after the expiration of 63 days after the  
23 filing of the action.

24 (8) Testimony in a domestic relations action may be taken  
25 conditionally at any time for the purpose of perpetuating  
26 testimony.

1       Sec. 502. (1) An action for affirmation of a marriage may  
2 be filed by either party to a marriage, prior to the death of  
3 either party, based upon an allegation that the validity of the  
4 marriage is denied or doubted for any of the following reasons:

5       (a) The marriage may have been prohibited under section  
6 203(1).

7       (b) One or both of the parties may have lacked capacity  
8 under section 204(1).

9       (c) An error may have been committed in the marriage appli-  
10 cation or the solemnization of the marriage.

11       (d) The marriage may be subject to annulment under the pro-  
12 visions of section 503.

13       (e) A defect or uncertainty exists because of foreign law.

14       (f) Any other reason that casts doubt on the marriage.

15       (2) The defendant, by answer, may either admit the grounds  
16 for affirmation or allege the continued existence of an impedi-  
17 ment to the marriage. An admission by the defendant that the  
18 impediment has been removed, or never existed, may be considered  
19 by the court but is not binding on the court's determination.

20       (3) The court shall enter a judgment of affirmation of the  
21 marriage if the court is satisfied that the marriage is valid.

22       (4) A judgment of affirmation shall do all of the  
23 following:

24       (a) Have the effect of certifying the removal or nonexis-  
25 tence of any prohibition, incapacity, or other impediment to the  
26 marriage alleged by either party.

1 (b) Be conclusive upon all parties as to those issues raised  
2 by either party, but shall not preclude a subsequent action for  
3 affirmation or annulment on different grounds.

4 (c) Determine the date the marriage became valid.

5 Sec. 503. (1) An action for annulment of a marriage may be  
6 filed based upon an allegation that the marriage is invalid for  
7 any of the following reasons:

8 (a) The marriage is prohibited under section 203(1).

9 (b) One or both of the parties to the marriage lacked capac-  
10 ity under section 204(1)(a).

11 (c) One or both of the parties to the marriage lacked capac-  
12 ity under section 204(1)(b).

13 (d) One or both of the parties to the marriage lacked capac-  
14 ity to consent to the marriage because of the influence of alco-  
15 hol, drugs, or other incapacitating substances.

16 (e) One or both of the parties to the marriage was induced  
17 to enter into the marriage by force or duress, or the consent to  
18 marry by 1 or both of the parties was obtained by fraud.

19 (f) One or both of the parties to the marriage lacked the  
20 physical capacity to consummate the marriage by sexual inter-  
21 course, or refuses to do so, and at the time of the marriage the  
22 other party did not know of the incapacity.

23 (2) An action for annulment of a marriage may be brought by  
24 any of the following persons, and must be commenced within the  
25 time specified, but in no event after the death of either party  
26 to the marriage:

1 (a) For the reason set forth in subsection (1)(a), by either  
2 party to the marriage, the legal spouse in case of a bigamous  
3 marriage, the prosecuting attorney, or a child of either party.

4 (b) For the reason set forth in subsection (1)(b), by or on  
5 behalf of either party, but in any event not later than 91 days  
6 after the petitioner obtained knowledge of the impediment, or not  
7 later than 1 year after the person who lacked capacity to consent  
8 had a full understanding of the circumstances.

9 (c) For the reason set forth in subsection (1)(c), by or on  
10 behalf of either party to the marriage, but in any event not  
11 later than the time that the underaged party reaches the age of  
12 18.

13 (d) For the reason set forth in subsection (1)(d), by or on  
14 behalf of the party to the marriage who lacked capacity to con-  
15 sent, but in any event not later than 91 days after the date of  
16 the marriage.

17 (e) For the reason set forth in subsection (1)(e), by the  
18 innocent party to the marriage, but in any event not later than  
19 91 days after the petitioner obtained knowledge of the force,  
20 duress, or fraud.

21 (f) For the reason set forth in subsection (1)(f), by the  
22 aggrieved party, but in any event not later than 91 days after  
23 the date of the marriage.

24 (3) The defendant, by answer, may either admit the grounds  
25 for annulment or deny them without further explanation. An  
26 admission by the defendant of the grounds for annulment may be

1 considered by the court but is not binding on the court's  
2 determination.

3 (4) The court shall not enter a judgment of annulment unless  
4 the party seeking the annulment establishes the reason for the  
5 annulment.

6 (5) The court shall declare the marriage invalid as of the  
7 date of the marriage unless the court finds, after a considera-  
8 tion of all relevant circumstances, including the effect of ret-  
9 roactivity on third parties, that the interests of justice would  
10 be served by making the judgment not retroactive.

11 (6) Upon granting a judgment of annulment for the reasons  
12 set forth in subsection (1)(a), (b), or (c), the court shall  
13 determine the rights of the parties as the interests of justice  
14 warrant. Upon granting a judgment of annulment for the reasons  
15 set forth in subsection (1)(d), (e), or (f), the court shall  
16 determine the rights of the parties in accordance with the provi-  
17 sions of this article.

18 (7) The provisions of this article relating to custody, sup-  
19 port, parenting time, and visitation of children shall apply in  
20 all cases involving a child.

21 (8) A child born of an annulled marriage is legitimate.

22 Sec. 504. (1) An action for divorce may be filed by a party  
23 to the marriage based upon the allegation that there has been a  
24 breakdown of the marriage relationship to the extent that the  
25 objects of matrimony have been destroyed and there remains no  
26 reasonable likelihood that the marriage can be preserved. In the

1 complaint the plaintiff shall make no other explanation of the  
2 grounds for divorce than by the use of the statutory language.

3       (2) The defendant, by answer, may either admit the grounds  
4 for divorce alleged or deny them without further explanation.

5       (3) If either party to the marriage testifies in open court  
6 that there has been a breakdown in the marriage relationship to  
7 the extent that the objects of matrimony have been destroyed and  
8 there remains no reasonable likelihood that the marriage can be  
9 preserved, the court shall enter a judgment of divorce.

10       (4) Upon granting a judgment of divorce, the court shall  
11 determine the rights of the parties in accordance with the provi-  
12 sions of this article.

13       Sec. 505. (1) An action for separate maintenance may be  
14 filed by a party to the marriage based upon the allegation that  
15 there has been a breakdown of the marriage relationship to the  
16 extent that the objects of matrimony have been destroyed and  
17 there remains no reasonable likelihood that the marriage can be  
18 preserved. In the complaint the plaintiff shall make no other  
19 explanation of the grounds for separate maintenance than by the  
20 use of the statutory language.

21       (2) The defendant, by answer, may either admit the grounds  
22 for separate maintenance alleged or deny them without further  
23 explanation.

24       (3) The defendant may file a counterclaim for divorce.

25       (4) If either party to the marriage testifies in open court  
26 that there has been a breakdown in the marriage relationship to  
27 the extent that the objects of matrimony have been destroyed and

1 there remains no reasonable likelihood that the marriage can be  
2 preserved, the court shall enter 1 of the following:

3 (a) A judgment of separate maintenance if a counterclaim for  
4 divorce has not been filed.

5 (b) A judgment of divorce if a counterclaim for divorce has  
6 been filed.

7 (5) Upon granting a judgment of separate maintenance, the  
8 court may determine the rights of the parties in accordance with  
9 the provisions of this article. The provisions of this article  
10 relating to custody, support, parenting time, and visitation of  
11 children shall apply in cases involving a child.

12 (6) After the entry of a judgment of separate maintenance,  
13 any subsequent action for dissolution shall be filed as a new  
14 action.

15 Sec. 510. (1) Child custody disputes may be submitted to  
16 the court as an original action or as a claim for relief ancil-  
17 lary to any domestic relations action, and shall be determined  
18 under sections 510 to 517.

19 (2) Child custody disputes shall have precedence for hearing  
20 and assignment for trial over other civil actions.

21 (3) A parent, grandparent, stepparent, person having a sig-  
22 nificant relationship to the child, or an agency concerned with  
23 the welfare of the child may be a party to a child custody  
24 dispute.

25 (4) A party to a child custody dispute shall comply with the  
26 requirements of section 659.



1       Sec. 511. (1) In a domestic relations actions involving a  
2 child, the custody of the child shall be determined. Custody  
3 orders or judgments may be established, enforced, or modified  
4 until the child attains the age of majority or is emancipated.

5       (2) If the parents agree on custody terms, the terms shall  
6 be granted unless it is determined by clear and convincing evi-  
7 dence that the custody terms are not in the best interests of the  
8 child.

9       (3) In resolving child custody disputes:

10       (a) Joint custody shall be considered in disputes between  
11 parents, and may be considered in other cases at the request of  
12 of the parties.

13       (b) Custody of the child shall be granted to parties  
14 involved or to others until a child attains 18 years of age or  
15 becomes emancipated.

16       (c) Orders for child support and orders for parenting time  
17 or visitation under sections 520 to 534 shall be considered.

18       (d) Behavioral sciences and other professions may be uti-  
19 lized in the investigation and study of the dispute.

20       (e) A guardian ad litem or attorney for the child, or both,  
21 may be appointed and the expenses of litigation may be assessed  
22 against 1 or more parties involved as provided in sections 590 to  
23 591.

24       (f) Any other orders may be made as determined necessary.

25       (4) Custody orders or judgments shall not be made without  
26 providing an opportunity to the parties for a prior hearing.

1       (5) Applications for a writ of habeas corpus or for a  
2 warrant in its place to obtain custody of a child shall not be  
3 granted unless there is a determination on the record or in writ-  
4 ing that the provisions of this act are inadequate and ineffec-  
5 tive under the existing circumstances of that particular child  
6 custody dispute.

7       (6) A custody order shall not be modified absent an eviden-  
8 tiary hearing and a finding that there has been a change in cir-  
9 cumstances warranting a modification, except upon entry of a mod-  
10 ified custody order consented to by the persons to whom custody  
11 and parenting time have been granted.

12       Sec. 512. (1) In actions where the existence of an estab-  
13 lished custodial environment is an issue, its existence shall be  
14 determined by considering whether a party, for a significant  
15 period of time, has provided:

16       (a) The love, care, discipline, education, guidance, and  
17 attention appropriate to the age and individual needs of the  
18 child.

19       (b) A physical and psychological environment in which the  
20 relationship between the party and the child is marked by quali-  
21 ties of security, stability, and permanence.

22       (2) The determination of whether an established custodial  
23 environment exists shall be made upon the preponderance of the  
24 evidence. In an action to modify an existing order or judgment,  
25 the party seeking the modification has the burden of showing that  
26 an established custodial environment does not exist.

1       (3) In an original custody dispute between parents, an  
2 established custodial environment shall not be found to exist  
3 unless 1 parent has provided substantially all of the factors in  
4 subsection (1), and the parent claiming that an established cus-  
5 todial environment exists has the burden of showing its  
6 existence.

7       Sec. 513. (1) Child custody disputes shall be resolved in  
8 accordance with the best interests of the child.

9       (2) In all actions the best interests of the child shall be  
10 determined after consideration and evaluation of factors (a) to  
11 (j). In actions where an established custodial environment  
12 exists or an order or a judgment granting custody has been  
13 entered, factors (k) to (m) shall also be considered. The fac-  
14 tors are:

15       (a) The love, affection, and other emotional ties existing  
16 between the child and the parties involved.

17       (b) The capacity and disposition of the parties involved to  
18 give the child love and affection.

19       (c) The capacity and disposition of the parties involved to  
20 facilitate and encourage a close and continuing relationship  
21 between the child and the parents and other persons having a sig-  
22 nificant relationship to the child.

23       (d) The capacity and disposition of the parties to do all of  
24 the following:

25       (i) Provide for the education and guidance of the child.

26       (ii) Continue to educate and raise the child in his or her  
27 religion or creed, if any.

1 (e) The capacity and disposition of the parties involved to  
2 do all of the following:

3 (i) Provide the child with food, clothing, shelter, and  
4 other material needs.

5 (ii) Provide the child with health care or alternative care  
6 recognized and permitted under the laws of this state in lieu of  
7 health care.

8 (f) The interactions and relationships of the child with all  
9 persons in the proposed or existing custodial environment which  
10 may significantly affect the child.

11 (g) The reasonable preference of the child if the child is  
12 determined to be of sufficient maturity to express a preference.

13 (h) The moral fitness of the parties involved, if it affects  
14 the child.

15 (i) The mental and physical health of the parties involved,  
16 if it affects the child.

17 (j) Any other factor considered relevant.

18 (k) The length of time the child has lived in the existing  
19 custodial environment, and the desirability of maintaining  
20 continuity.

21 (l) The stability and desirability of the existing and pro-  
22 posed custodial environments.

23 (m) The adjustment of the child to home, school, and  
24 community.

25 Sec. 514. (1) In actions where joint custody is an issue,  
26 it shall be determined whether joint custody is in the best  
27 interests of the child by considering the following:

1 (a) The factors enumerated in section 513.

2 (b) The capacity and disposition of the parties to cooperate  
3 and generally agree concerning the important decisions affecting  
4 the child.

5 (2) An order or judgment granting joint custody shall state  
6 to whom custody is granted, state that the joint custodians shall  
7 share decision making authority as to the important decisions  
8 affecting the child, and state 1 of the following:

9 (a) The party who is granted physical custody.

10 (b) The periods of time each party has physical custody.

11 (c) That physical custody shall be shared by agreement of  
12 the joint custodians in a manner to assure the child continuing  
13 contact with the other joint custodians.

14 (3) During the time a child resides with a joint custodian,  
15 that custodian shall decide all routine matters concerning the  
16 child.

17 (4) The court shall determine disputes regarding the resi-  
18 dency of a child.

19 Sec. 515. (1) When resolving child custody disputes, unless  
20 it is established by clear and convincing evidence that it is not  
21 in the best interests of the child:

22 (a) An established custodial environment shall be  
23 preserved.

24 (b) Custody shall be granted to a parent when the dispute is  
25 between a parent and an agency or third person, if there is no  
26 established custodial environment.

1       (2) If subsection (1) does not apply, the determination  
2 shall be made upon a preponderance of the evidence.

3       (3) No presumption shall exist in favor of preserving an  
4 existing order or judgment.

5       Sec. 516. A custody order and judgment shall be affirmed on  
6 appeal unless it is determined that the findings of fact were  
7 contrary to the great weight of the evidence or that a palpable  
8 abuse of discretion or a clear legal error on a material issue  
9 was made.

10       Sec. 517. Unwarranted denial or interference with estab-  
11 lished custody rights by a person having knowledge of the exis-  
12 tence of those rights may constitute contempt of court.

13       Sec. 518. (1) If a person denies or interferes with estab-  
14 lished custody rights, an order of civil contempt may be sought  
15 by filing a motion for a civil contempt order.

16       (2) Each time a person fails to attend a hearing on a motion  
17 for civil contempt, a bench warrant may issue and the person  
18 shall be brought promptly before the court to respond to the  
19 motion. The bench warrant shall specify a sum of money which may  
20 be paid to secure the person's release until the hearing.

21       (3) A person arrested on a bench warrant may secure his or  
22 her release from custody by paying to the officer in charge of  
23 the jail a sum of money in the amount specified on the bench  
24 warrant.

25       (4) The officer receiving the money shall give the person  
26 paying it a receipt for the amount on a form approved by the

1 state court administrator. The money shall be deposited with the  
2 clerk of the court which issued the bench warrant.

3 (5) If the person fails to appear as required, the court  
4 shall transmit the amount posted to the county treasurer who  
5 shall credit the amount to the general fund of that county.

6 (6) Upon finding a person in contempt of court for unwar-  
7 ranted denial or interference with established custody rights, 1  
8 or more of the following may be ordered:

9 (a) Modification of the parenting time or visitation order  
10 under sections 520 to 522.

11 (b) Commitment by the court to the jail.

12 (c) Commitment by the court to the jail with the privilege  
13 of leaving the jail during such hours and under such supervision  
14 as the court determines necessary for the purpose of allowing the  
15 person to go to and to return from his or her place of  
16 employment.

17 (7) A commitment under subsection (6) shall not exceed 45  
18 days for the first adjudication of contempt or 90 days for any  
19 subsequent adjudication of contempt.

20 (8) A person committed under subsection (6) shall be  
21 released if the court has reasonable cause to believe that the  
22 person will comply with the orders of the court.

23 (9) If a person committed to jail under subsection (6)(c)  
24 violates the conditions of the order of commitment, the court  
25 shall commit the person to the jail without the privilege pro-  
26 vided under subsection (6)(c) for the balance of the period of  
27 commitment.

1 (10) If a person committed to jail under subsection (6)(c)  
2 fails to return to the place of confinement within the time pre-  
3 scribed, that person shall be considered to have escaped from  
4 custody and shall be guilty of a misdemeanor, punishable by  
5 imprisonment for not more than 1 year.

6 Sec. 520. (1) Parenting time and visitation disputes may be  
7 submitted to the court as an original action, or as a claim for  
8 relief ancillary to any domestic relations action, and shall be  
9 determined under sections 520 to 522.

10 (2) A parent, grandparent, stepparent, a person having a  
11 significant relationship to the child, or an agency concerned  
12 with the welfare of the child may be a party to a parenting time  
13 or child visitation dispute.

14 (3) Adoption of a child by a stepparent under the adoption  
15 code, chapter X of Act No. 288 of the Public Acts of 1939, being  
16 sections 710.21 to 710.70 of the Michigan Compiled Laws, does not  
17 terminate the right of a parent of the deceased parent to com-  
18 mence an action for visitation.

19 (4) A party to a parenting time or visitation dispute shall  
20 comply with section 659.

21 Sec. 521. (1) In a domestic relations action involving a  
22 child, parenting time with the child shall be determined, and  
23 other visitation rights may be determined. Parenting time and  
24 visitation orders may be established, enforced, or modified until  
25 the child attains the age of majority or is emancipated.

26 (2) If the parties agree on parenting time or visitation  
27 terms, the terms shall be granted unless it is determined by



1 clear and convincing evidence that the terms are not in the best  
2 interests of the child.

3 (3) In resolving parenting time or visitation disputes:

4 (a) Parenting time shall be granted to a parent, unless it  
5 is shown by clear and convincing evidence that it would endanger  
6 seriously the child's physical, mental, moral, or emotional  
7 health.

8 (b) Visitation rights may be granted to 1 or more of the  
9 parties involved.

10 (c) A visitation order or judgment shall not be entered for  
11 the parent of a putative father unless the putative father has  
12 acknowledged paternity in writing, has been adjudicated to be the  
13 father by a court of competent jurisdiction, or has contributed  
14 regularly to the support of the child, or unless the parent of  
15 the putative father is a person having a significant relationship  
16 to the child.

17 (d) The entry of a visitation order or judgment shall not be  
18 considered to have created parental rights in the person to whom  
19 visitation rights are granted.

20 (e) The entry of a parenting time or visitation order or  
21 judgment shall not prevent a court of competent jurisdiction from  
22 acting upon the custody of the child, the parental rights of the  
23 child, or the adoption of the child.

24 (4) Parenting time and visitation orders or judgments may  
25 contain any reasonable terms or conditions designed to facilitate  
26 orderly and meaningful exercise of parenting time and visitation  
27 rights, including the following:

1 (a) Reasonable rights of parenting time or visitation.

2 (b) Specific terms of parenting time or visitation.

3 (c) Division of the responsibility to transport the child.

4 (d) Division of the cost of transporting the child.

5 (e) Restrictions on the presence of third persons during  
6 parenting time or visitation.

7 (f) Requirements that the child be ready for parenting time  
8 or visitation at a specific time.

9 (g) Requirements that the parent or visiting party arrive  
10 for parenting time or visitation and return the child from par-  
11 enting time or visitation at specific times.

12 (h) Requirements that parenting time or visitation occur in  
13 the presence of a third person or agency.

14 (i) Requirements that a party post a bond to assure compli-  
15 ance with a parenting time or visitation order.

16 (j) Requirements of reasonable notice when parenting time or  
17 visitation will not occur.

18 (k) Any other reasonable condition determined to be appro-  
19 priate in the particular case.

20 (5) During the time a child is with a person to whom parent-  
21 ing time or visitation has been granted, that person shall decide  
22 all routine matters concerning the child.

23 Sec. 522. Where a third person is seeking visitation,  
24 whether visitation rights shall be granted shall be determined  
25 after consideration and evaluation of each of the following  
26 factors:

1 (a) The love, affection, and other emotional ties existing  
2 between the party seeking visitation and the child.

3 (b) The capacity and disposition of the party seeking visi-  
4 tation to do each of the following:

5 (i) Give the child love, affection, and guidance.

6 (ii) Cooperate in providing the child with food, clothing,  
7 and other material needs during visitation.

8 (iii) Cooperate in providing the child with health care or  
9 alternative care recognized and permitted under the laws of this  
10 state in lieu of health care.

11 (c) The prior relationship between the child and the party  
12 seeking visitation.

13 (d) The moral fitness of the party seeking visitation.

14 (e) The mental and physical health of the party seeking  
15 visitation.

16 (f) The reasonable preference of the child, if the child has  
17 a preference, and if the child is determined to be of sufficient  
18 maturity to express a preference.

19 (g) The willingness and ability of the party seeking visita-  
20 tion to facilitate and encourage a close and continuing  
21 parent-child relationship between the child and the parent or  
22 parents.

23 (h) Any other factor considered relevant to a particular  
24 visitation dispute.

25 Sec. 524. (1) Except as provided in subsection (2), the  
26 office of the friend of the court may do 1 or more of the

1 following in a dispute concerning parenting time or visitation of  
2 a child:

3 (a) Apply a makeup parenting time or visitation policy  
4 established under section 525.

5 (b) Request the court to order 1 or more of the remedies  
6 described in section 527.

7 (c) Commence civil proceedings under section 528.

8 (2) The office shall not invoke any of the options under  
9 subsection (1) if the parties resolve their dispute through an  
10 informal joint meeting or through domestic relations mediation  
11 under section 717(4).

12 Sec. 525. (1) Each friend of the court shall formulate a  
13 makeup parenting time or visitation policy under which a party to  
14 whom parenting time or visitation rights have been granted who  
15 has been wrongfully denied parenting time or visitation is able  
16 to make up the parenting time or visitation at a later date. The  
17 policy shall not apply until it is approved by the chief judge.

18 (2) A makeup parenting time or visitation policy formulated  
19 and approved under this section shall include all of the  
20 following:

21 (a) Makeup parenting time or visitation shall be of the same  
22 type and duration of parenting time or visitation as the parent-  
23 ing time or visitation that was denied, including, but not  
24 limited to, weekend parenting time or visitation for weekend par-  
25 enting time or visitation, holiday parenting time or visitation  
26 for holiday parenting time or visitation, weekday parenting time  
27 or visitation for weekday parenting time or visitation, and

1 summer parenting time or visitation for summer parenting time or  
2 visitation.

3 (b) Makeup parenting time or visitation shall be taken  
4 within 1 year after the parenting time or visitation was wrong-  
5 fully denied.

6 (c) The time of the makeup parenting time or visitation  
7 shall be chosen by the person entitled to parenting time or  
8 visitation.

9 (3) If a makeup parenting time or visitation policy is for-  
10 mulated and approved under this section, the office shall keep an  
11 accurate record of parenting time or visitation arrears.

12 (4) Before a makeup parenting time or visitation policy is  
13 applied in a particular case, the office shall send to all par-  
14 ties to whom custody, parenting time, or visitation rights have  
15 been granted a notice by ordinary mail to their last known  
16 addresses that the policy will be applied in their case if par-  
17 enting time or visitation is wrongfully denied.

18 Sec. 526. (1) If the party to whom parenting time or visi-  
19 tation rights have been granted is wrongfully denied parenting  
20 time or visitation, he or she shall give to the office of the  
21 friend of the court written notice of the alleged wrongful denial  
22 within 7 days after the alleged wrongful denial.

23 (2) If a wrongful denial of parenting time or visitation is  
24 alleged in a county in which a makeup parenting time or visita-  
25 tion policy has been formulated and approved under section 525,  
26 the following shall apply:

1 (a) The office shall give to the custodian within 7 days  
2 after receipt of the notice of denied parenting time or  
3 visitation under subsection (1) a notice which shall contain the  
4 following language in boldface type of not less than 12 points:

5 **Failure to respond in 7 days to the office of the friend**  
6 **of the court shall be considered as an admission that**  
7 **parenting time or visitation was wrongfully denied and**  
8 **as an agreement that the office adjust the account of**  
9 **parenting time or visitation arrears accordingly.**

10 (b) If the custodian makes a timely reply contesting the  
11 alleged wrongful denial of parenting time or visitation, a hear-  
12 ing shall be held after notice is given to the parties.

13 (c) At the hearing, it shall be determined whether parenting  
14 time or visitation was wrongfully denied. If the hearing is held  
15 before a referee, either party may request a rehearing before a  
16 judge within 15 days after the date of the decision. The judge  
17 shall conduct the rehearing as soon as possible.

18 (d) After a final determination that parenting time or visi-  
19 tation was wrongfully denied, the office shall adjust the parent-  
20 ing time or visitation arrears account accordingly.

21 (e) The party entitled to makeup parenting time or visita-  
22 tion shall give written notice to the office and to the custodian  
23 of the date and time when makeup parenting time or visitation  
24 shall occur, not less than:

25 (i) Seven days before a makeup weekday or weekend parenting  
26 time or visitation.

1       (ii) Twenty-eight days before a makeup holiday or makeup  
2 summer parenting time or visitation.

3       (3) If a wrongful denial of parenting time or visitation is  
4 alleged in a county in which a makeup parenting time or visita-  
5 tion policy has not been formulated and approved under  
6 section 525, the following shall apply:

7       (a) The office shall mail a notice to an alleged violator of  
8 a parenting time or visitation order informing the alleged viola-  
9 tor of the nature of the alleged violation and the availability  
10 of domestic relations mediation, and of the proposed action under  
11 this act or other applicable act. The notice shall contain the  
12 following statement in boldface print of not less than 12  
13 points:

14       **Failure to respond to the friend of the court within 14**  
15       **days after the date of this notice to work out a satis-**  
16       **factory arrangement may result in contempt of court pro-**  
17       **ceedings being brought against you.**

18       (b) A copy of the notice described in subdivision (a) shall  
19 be mailed to all parties to a domestic relations matter.

20       (c) Fourteen days after the date of the notice to the  
21 alleged violator under subdivision (a), the office may do 1 or  
22 more of the following:

23       (i) Schedule a joint meeting with the parties to discuss the  
24 allegations of failure to comply with a custody, parenting time,  
25 or visitation order, and attempt to resolve the differences  
26 between the parties.

1       (ii) Refer the parties to meet with a domestic relations  
2 mediator as provided in section 730, if the parties agree to  
3 mediation.

4       (iii) If appropriate, proceed under provisions of this or  
5 other applicable acts.

6       Sec. 527. (1) Denial or interference with established par-  
7 enting time or visitation rights by a person having knowledge of  
8 the existence of those rights is unwarranted unless justified by  
9 a serious and legitimate reason such as 1 of the following:

10       (a) There were reasonable grounds to believe that the person  
11 whose parenting time or visitation rights were denied or inter-  
12 fered with was impaired by alcohol or a drug at the time of the  
13 denial or interference.

14       (b) The person whose parenting time or visitation rights  
15 were denied or interfered with failed to exercise those rights  
16 within 1 hour of the time specified in the order or the time oth-  
17 erwise agreed on by the parties.

18       (c) The child with whom parenting time or visitation rights  
19 was granted was seriously ill.

20       (d) The person whose parenting time or visitation rights  
21 were denied or interfered with did not satisfy written conditions  
22 concerning parenting time or visitation that were agreed to by  
23 the parties or that form part of the order for parenting time or  
24 visitation.

25       (e) The person whose parenting time or visitation rights  
26 were denied or interfered with had informed the custodian that he



1 or she would not seek to exercise parenting time or visitation  
2 rights on the occasion in question.

3 (2) Failure to exercise established parenting time or visi-  
4 tation rights, or failure to return a child to the custodian as  
5 the order requires, is unwarranted if the failure is without rea-  
6 sonable notice or excuse.

7 (3) In addition to filing a motion for a civil contempt  
8 order under section 528, if a person denies or interferes with  
9 established parenting time or visitation rights, or fails to  
10 exercise established parenting time or visitation rights, or  
11 fails to return a child to the custodian as the order requires, a  
12 motion may be filed to determine if the denial, interference, or  
13 failure was warranted.

14 (4) At the hearing on the motion, unless otherwise ordered,  
15 evidence shall be admitted only if it is relevant to 1 or more of  
16 the following:

17 (a) The alleged denial or interference with established par-  
18 enting time or visitation rights.

19 (b) The alleged failure to exercise established parenting  
20 time or visitation rights.

21 (c) The alleged failure to return a child to the custodian  
22 as required by the order.

23 (d) The person's reasons for the alleged denial, interfer-  
24 ence, or failure.

25 (5) If it is determined that there was an unwarranted denial  
26 or interference with established parenting time or visitation  
27 rights, the court may order 1 or both of the following:

1 (a) Makeup parenting time or visitation under section  
2 525(2), whether or not a makeup parenting time or visitation  
3 policy has been approved by the chief judge.

4 (b) Payment of the moving party's reasonable expenses,  
5 including expenses of litigation, actually incurred as a result  
6 of the unwarranted denial or interference.

7 (6) If it is determined that there was an unwarranted fail-  
8 ure to exercise established parenting time or visitation rights,  
9 or an unwarranted failure to return a child to the custodian as  
10 the order requires, the court may order 1 or both of the  
11 following:

12 (a) That parenting time or visitation occur in the presence  
13 of a third person or agency.

14 (b) Payment of the moving party's reasonable expenses,  
15 including expenses of litigation, actually incurred as a result  
16 of the failure.

17 (7) A motion under this section shall not be filed more than  
18 35 days after the alleged denial, interference, or failure.

19 Sec. 528. (1) If a person denies or interferes with estab-  
20 lished parenting time or visitation rights, an order of civil  
21 contempt may be sought by filing a motion for a civil contempt  
22 order.

23 (2) Each time a person fails to attend a hearing on a motion  
24 for civil contempt, a bench warrant may issue and the person  
25 shall be brought promptly before the court to respond to the  
26 motion. The bench warrant shall specify a sum of money which may  
27 be paid to secure the person's release until the hearing.

1       (3) A person arrested on a bench warrant may secure his or  
2 her release from custody by paying to the officer in charge of  
3 the jail a sum of money in the amount specified on the bench  
4 warrant.

5       (4) The officer receiving the money shall give the person  
6 paying it a receipt for the amount on a form approved by the  
7 state court administrator. The money shall be deposited with the  
8 clerk of the court which issued the bench warrant.

9       (5) If the person fails to appear as required, the court  
10 shall transmit the amount posted to the county treasurer who  
11 shall credit the amount to the general fund of that county.

12       (6) Upon finding a person in contempt of court for unwar-  
13 ranted denial or interference with established parenting time or  
14 visitation rights, 1 or more of the following may be ordered:

15       (a) Modification of the parenting time or visitation order  
16 under sections 520 to 522.

17       (b) Makeup parenting time or visitation.

18       (c) Commitment by the court to the jail.

19       (d) Commitment by the court to the jail with the privilege  
20 of leaving the jail during such hours and under such supervision  
21 as the court determines necessary for the purpose of allowing the  
22 person to go to and to return from his or her place of  
23 employment.

24       (7) A commitment under subsection (6) shall not exceed 45  
25 days for the first adjudication of contempt or 90 days for any  
26 subsequent adjudication of contempt.

1       (8) A person committed under subsection (6) shall be  
2 released if the court has reasonable cause to believe that the  
3 person will comply with the orders of the court.

4       (9) If a person committed to jail under subsection (6)(d)  
5 violates the conditions of the order of commitment, the court  
6 shall commit the person to the jail without the privilege pro-  
7 vided under subsection (6)(d) for the balance of the period of  
8 commitment.

9       (10) If a person committed to jail under subsection (6)(d)  
10 fails to return to the place of confinement within the time pre-  
11 scribed, that person shall be considered to have escaped from  
12 custody and shall be guilty of a misdemeanor, punishable by  
13 imprisonment for not more than 1 year.

14       Sec. 529. (1) During the pendency of a domestic relations  
15 action, or following entry of a custody order or judgment, the  
16 residence of a child may not be moved:

17       (a) From this state, except upon entry of a modified order  
18 or judgment consented to by the parties to whom custody, parent-  
19 ing time, or visitation rights have been granted, or approval of  
20 the court that granted custody.

21       (b) More than 100 miles from the residence of the child at  
22 the time of the order or judgment, except upon the filing of a  
23 written consent of the persons to whom custody, parenting time,  
24 or visitation rights have been granted with the friend of the  
25 court, or with the approval of the court that granted custody.

26       (2) If consent of the persons to whom custody, parenting  
27 time, or visitation rights have been granted is not obtained, the

1 person seeking to move the residence of the child shall file a  
2 motion for approval of the court and give notice to all persons  
3 to whom custody, parenting time, or visitation rights have been  
4 granted.

5 (3) In determining whether a proposed move should be autho-  
6 rized, the court shall consider all of the following factors:

7 (a) Whether the proposed move is in the best interests of  
8 the general quality of life of the custodian and the child.

9 (b) Whether the proposed move is inspired by a desire to  
10 defeat or frustrate custody, parenting time, or visitation rights  
11 of another person.

12 (c) Whether the custodian is likely to facilitate and  
13 encourage a close and continuing relationship between the child  
14 and other persons with custody, parenting time, or visitation  
15 rights.

16 (d) Whether a person's opposition to the proposed move is  
17 intended to secure financial advantage with respect to a continu-  
18 ing support obligation.

19 (4) A change of residence shall not be denied if the sole  
20 reason for the denial is to allow a third person to exercise  
21 rights conferred by a visitation order or judgment.

22 Sec. 530. (1) Child support disputes may be submitted to  
23 the court as an original action, or as a claim for relief ancil-  
24 lary to any domestic relations action, and shall be determined  
25 under sections 530 to 535.

1 (2) A parent, a payer, a person to whom custody has been  
2 granted, or an agency concerned with the welfare of the child may  
3 be a party to a child support dispute.

4 Sec. 531. (1) In all domestic relations actions involving a  
5 child, the support of the child shall be determined. Except as  
6 otherwise provided in this section, child support orders may be  
7 established, enforced, or modified until the child attains the  
8 age of majority or is emancipated. Child support may be ordered  
9 beyond the age of majority under each of the following  
10 conditions:

11 (a) During the time a child is a full-time high school stu-  
12 dent, but not beyond the child's nineteenth birthday.

13 (b) Where the parties agree to support the child beyond the  
14 child's age of majority and the agreement is incorporated into a  
15 judgment or support order.

16 (c) Where the court previously obtained jurisdiction over  
17 the child while the child was a minor and the party seeking sup-  
18 port shows that the child is unable to support himself or herself  
19 because of a mental or physical disability that existed during  
20 minority.

21 (2) In an action in which the support of a child is  
22 involved, whether or not there is a dispute, a child support  
23 order shall be made after consideration of the factors set forth  
24 in section 532.

25 (3) An interim child support order shall not be entered  
26 without notice, unless based upon verified allegations of fact  
27 that the payer has failed to adequately contribute to the normal

1 and ordinary expenses of the household in which the child  
2 resides.

3 (4) In an action where the support of a child is involved,  
4 upon order of the court or request of the office of the friend of  
5 the court, a party shall provide current information concerning  
6 their address, the names and addresses of their sources of  
7 income, and changes in the factors set forth in section 532.

8 (5) A child support order shall not be modified absent an  
9 evidentiary hearing and a finding that there has been a change in  
10 circumstances warranting a modification, except upon entry of a  
11 modified order or judgment consented to by the payer or payers  
12 and the recipient of support.

13 (6) The office of the friend of the court shall inform a  
14 payer or recipient of support who contacts the office and who  
15 indicates that he or she has experienced changed circumstances  
16 warranting a modification, that a form motion, response, and  
17 order is available from the office for use by the payer or recip-  
18 ient of support in requesting, or responding to a request for,  
19 modification of his or her support order without the assistance  
20 of an attorney. Upon request, the office shall immediately pro-  
21 vide a copy of the appropriate forms and instructions on the use  
22 of the forms.

23 Sec. 532. (1) In determining the amount of child support to  
~~24 be paid by the payers to the recipient of support,~~ the needs of  
25 the child, the resources and circumstances of the parents,  
26 payers, and custodians, and their ability to meet the needs of  
27 the child, shall be considered.

1 (2) In determining the needs of the child, all relevant  
2 factors applicable to the child shall be considered, including  
3 the child's:

4 (a) Age.

5 (b) Physical and mental health.

6 (c) Basic necessities.

7 (d) Educational expenses.

8 (e) Special or extraordinary expenses.

9 (3) In determining resources and circumstances of the par-  
10 ents, payers, and custodians, all relevant factors shall be con-  
11 sidered, including all of the following:

12 (a) Amounts and sources of income.

13 (b) Reasonable necessities and obligations.

14 (c) Legal obligations for other dependents.

15 (d) Physical and mental health.

16 (e) Education and training, and ability and opportunity to  
17 secure education, training, or employment.

18 (f) Voluntary reductions in income or refusals to obtain  
19 employment for the purpose of increasing or decreasing the child  
20 support obligation.

21 (4) In determining ability to meet the needs of the child,  
22 all relevant factors shall be considered, including:

23 (a) Apportionment of the support obligation.

24 (b) Reduction of the actual support obligation of a payer by  
25 the amount determined payable by another payer.

26 (c) Reservation or abatement of the support obligation of a  
27 parent if the parent ordered to pay child support would otherwise



1 have insufficient income or resources to meet his or her basic  
2 needs.

3       Sec. 533. A payer may be ordered to secure payment by pro-  
4 viding life insurance or an annuity irrevocably payable to the  
5 recipient of support in an amount sufficient to insure payment of  
6 the balance of the obligation.

7       Sec. 534. Except as otherwise ordered or agreed to by the  
8 parties in writing, the child support payable by the payer to the  
9 recipient of support shall be reduced by 50% of the ordered  
10 amount for any period of time of 8 consecutive days or more that  
11 the child is with the payer, if the parenting time is in accord-  
12 ance with the parenting time order or judgment.

13       Sec. 535. (1) Except as otherwise provided in this section,  
14 a support order is a judgment on and after the date each support  
15 payment is due, with the full force, effect, and attributes of a  
16 judgment of this state, and is not, on and after the date it is  
17 due, subject to retroactive modification.

18       (2) Retroactive modification of a support payment due under  
19 a support order is permissible with respect to any period during  
20 which there is pending a motion for modification, but only from  
21 the date that notice of the motion was given to the payer or  
22 recipient of support.

23       (3) This section shall not prohibit an agreement by the  
24 payer and recipient of support to retroactively modify a support  
25 order, and the court may approve of the agreement.

26       (4) This section shall not limit other enforcement remedies  
27 available under this act or any other act.

1       Sec. 536. (1) A support order shall require each parent to  
2 obtain and maintain health care insurance for the benefit of each  
3 child covered by the order if health care insurance is available  
4 at a reasonable cost, as a benefit of employment, or as an  
5 optional coverage for dependents on a policy already obtained.  
6 The health care insurance shall be maintained while the support  
7 order is in effect or the insurance is available at no cost to  
8 the parent, whichever is later.

9       (2) A support order shall require that the reasonable and  
10 necessary health care expenses of each child covered by the order  
11 not paid by health care insurance that exceed the annual amounts  
12 specified in the child's support guideline adopted by the state  
13 court administrative office be apportioned between the parents  
14 according to the ratio of their net incomes.

15       Sec. 537. (1) A support order shall contain a separate  
16 allotment for child care expenses incurred by a custodian for the  
17 purpose of maintaining or seeking employment or for obtaining an  
18 education or state why an allotment is not included.

19       (2) The allotment shall be calculated in a manner consistent  
20 with the child support guideline adopted by the state court  
21 administrative office.

22       Sec. 538. (1) A support order shall contain the provisions  
23 for income withholding required by section 546(2).

24       (2) A support order providing for payment through the office  
25 of the friend of the court shall contain the provisions for serv-  
26 ice fees as required by section 596.

1 (3) A support order shall contain the following statement:

2 A support order is a judgment on and after the date each  
3 support payment is due, with the full force, effect, and  
4 attributes of a judgment of this state, and is not, on  
5 and after the date it is due, subject to retroactive  
6 modification.

7 Sec. 540. (1) Except as otherwise provided in subsection  
8 (2)(a), the office of the friend of the court shall immediately  
9 implement income withholding if either of the following occurs:

10 (a) Overdue support reaches an amount greater than an amount  
11 equal to 4 weeks of support.

12 (b) The payer consents to the withholding.

13 (2) Except as otherwise provided in subsection (3), the  
14 office shall not implement income withholding if the parties sign  
15 and file with the office a written agreement that withholding  
16 shall not occur. This agreement may be revoked at any time by  
17 either party by written notice to the office and the other  
18 party.

19 (3) An agreement under subsection (2) shall not affect the  
20 duty of the office of the friend of the court under subsection  
21 (1)(a) where there is an assignment of support rights to the  
22 department of social services or other agency.

23 (4) Whether or not income withholding has been implemented,  
24 if a payer fails to obey a support order, a recipient of support  
25 or the office may seek any of the following remedies:

26 (a) Civil contempt under sections 541 to 543.

1 (b) A lien against the real or personal property of the  
2 payer under section 544.

3 (c) Security, bond or other guarantee to secure payment of  
4 overdue support under section 545.

5 (d) Initiation of offset proceedings against the payer's  
6 state tax refunds and federal income tax refunds under section  
7 781(2).

8 (e) Relief under the family support act, Act No. 138 of the  
9 Public Acts of 1966, being sections 552.451 to 552.459 of the  
10 Michigan Compiled Laws.

11 (f) Relief under Act No. 293 of the Public Acts of 1968,  
12 being sections 722.1 to 722.6 of the Michigan Compiled Laws.

13 (5) No remedy under sections 540 to 559 shall be exclusive,  
14 or delayed, denied, or otherwise affected by the availability or  
15 use of any other remedy.

16 (6) No remedy under any other statute shall be exclusive, or  
17 delayed, denied, or otherwise affected by the availability or use  
18 of any remedies under sections 540 to 559.

19 Sec. 541. (1) If a payer fails to obey a support order, an  
20 order of civil contempt may be sought by filing a motion for a  
21 civil contempt order.

22 (2) At the hearing, a payer shall be found in contempt if it  
23 is established that there is overdue support and that the payer  
24 has the capacity to pay out of currently available resources all  
25 or some portion of the amount due under the support order, or by  
26 the exercise of diligence, could have the capacity to pay all or

1 some portion of the amount due under the support order and has  
2 failed to do so.

3 (3) Unless the payer, officer of the friend of the court, or  
4 recipient of support proves that the payer's currently available  
5 resources are greater or less than 4 weeks of payments under the  
6 support order, the court shall find that the payer has currently  
7 available resources equal to 4 weeks of payments under the sup-  
8 port order.

9 Sec. 542. (1) Each time a payer fails to attend a hearing  
10 on a motion for civil contempt, a bench warrant may issue and the  
11 payer shall be brought promptly before the court to respond to  
12 the motion. The bench warrant shall specify a sum of money which  
13 may be paid to secure the payer's release until the hearing.

14 (2) A payer arrested on a bench warrant may secure his or  
15 her release from custody by paying to the officer in charge of  
16 the jail a sum of money in the amount specified on the bench  
17 warrant.

18 (3) The officer receiving the money shall give the person  
19 paying it a receipt for the amount on a form approved by the  
20 state court administrator.

21 (4) The money shall be deposited with the clerk of the court  
22 that issued the bench warrant.

23 (5) At the hearing under section 541(2), the court shall  
24 determine how much of the money paid to the clerk, if any, is to  
25 be transmitted to the office of the friend of the court for pay-  
26 ment to 1 or more recipients of support.

1       Sec. 543. (1) Upon finding a payer in contempt of court  
2 under section 541, the court shall immediately enter an order  
3 committing the payer to 1 of the following:

4       (a) The jail.

5       (b) The jail, with the privilege of leaving the jail during  
6 such hours and under such supervision as the court determines  
7 necessary for the purpose of allowing the payer to go to and  
8 return from his or her place of employment, or to seek  
9 employment.

10       (c) Any penal institution or correctional facility in this  
11 state which is not operated by the state department of  
12 corrections.

13       (2) An order of commitment under this section shall sepa-  
14 rately state all of the following:

15       (a) The amount of overdue support.

16       (b) The amount to be paid before the payer is to be released  
17 from the order of commitment.

18       (c) The duration of the commitment, which shall not exceed  
19 45 days for the first adjudication of contempt or 90 days for a  
20 subsequent adjudication of contempt.

21       (3) In an order of commitment issued pursuant to a finding  
22 of contempt under section 541(2), the amount to be paid by the  
23 payer in order to be released from the order of commitment shall  
24 not be greater than the payer's currently available resources, or  
25 the amount of overdue support, whichever is less.

1 (4) A commitment shall continue until the amount ordered to  
2 be paid under subsection (2)(b) is paid, or until the expiration  
3 of the period specified in subsection (2)(c).

4 (5) Notwithstanding the length of commitment imposed under  
5 this section, a payer who was not employed at the time of commit-  
6 ment who obtains employment shall be released from jail if either  
7 of the following applies:

8 (a) The payer is self-employed and has completed 2 consecu-  
9 tive weeks at his or her employment and has paid the equivalent  
10 of 2 weeks of support to the office of the friend of the court.

11 (b) The payer has completed 2 consecutive weeks of employ-  
12 ment and an order of income withholding is effective.

13 (6) If a payer is committed under subsection (1)(b) and vio-  
14 lates the conditions of the court, the court shall commit the  
15 payer to the jail without the privilege of leaving for the bal-  
16 ance of the period of commitment.

17 (7) If a payer is committed under subsection (1)(b) and  
18 fails to return to the place of confinement within the time pre-  
19 scribed, the payer shall be considered to have escaped from cus-  
20 tody and shall be guilty of a misdemeanor, punishable by impris-  
21 onment for not more than 1 year.

22 (8) The court may direct that any portion or all of the  
23 earnings of a payer committed under this section be paid and  
24 applied to support until the payer has complied with the order of  
25 the court, is released from an order of commitment, or until fur-  
26 ther order of the court.

1       (9) The court may order that all or part of any lump sum  
2 payment made to the office of the friend of the court or county  
3 clerk be paid to 1 of the following:

4       (a) An agency that has contributed toward the support of a  
5 child of the payer during the period of noncompliance with the  
6 support order, not to exceed the amount of the contribution made  
7 by that agency.

8       (b) A recipient of support in a lump sum or installments to  
9 the extent that the court determines necessary.

10       Sec. 544. (1) The court may direct that a lien be imposed  
11 upon a payer's property for the payment of support that is over-  
12 due or due in the future and may appoint a receiver of the prop-  
13 erty subject to the lien and order the property and its income to  
14 be applied to the payment of the support order.

15       (2) An order or judgment imposing a lien on real property of  
16 a payer shall be effective immediately and perfected upon the  
17 recording of a certified copy of the order or judgment in the  
18 office of the register of deeds of the county in which the prop-  
19 erty is located.

20       (3) An order or judgment imposing a lien on personal prop-  
21 erty of a payer shall be effective immediately and perfected upon  
22 the filing of the notice required under article 9 of the uniform  
23 commercial code, Act No. 174 of the Public Acts of 1964; being  
24 sections 440.9101 to 440.9994 of the Michigan Compiled Laws, or  
25 notice to the custodian of the property.

26       (4) If the payer fails to obey the support order, upon  
27 motion the court may do any of the following:



1 (a) Order execution of the order or judgment.

2 (b) Order the sale of personal property subject to the lien  
3 in the manner provided by law.

4 (c) Order the sale of real property subject to the lien in  
5 the manner provided by law for the foreclosure of mortgage  
6 liens.

7 (d) Appoint a receiver of property subject to the lien and  
8 order the property and its income to be applied to the payment of  
9 the order or judgment.

10 (e) Take any other appropriate action.

11 Sec. 545. (1) The court may direct a payer to post a bond,  
12 security, or other guarantee to secure the payment of support  
13 that is overdue or due in the future.

14 (2) If a payer fails to obey the support order, upon motion  
15 and after notice to the payer and any sureties or guarantors, and  
16 an opportunity for a hearing, the court may enter judgment  
17 against the payer, sureties, and guarantors for the amount of  
18 overdue support.

19 (3) Upon default in the payment of the amount of the judg-  
20 ment entered under subsection (2), the court may do any of the  
21 following:

22 (a) Order execution of the judgment.

23 (b) Appoint a receiver of the property of the judgment  
24 debtor and order the property and its income to be used to pay  
25 the judgment.

26 (c) Take any other appropriate action.

1       Sec. 546. (1) An order of income withholding is an order  
2 directing sources of income to withhold from income due a payer  
3 and to pay to the office of the friend of the court an amount  
4 sufficient to meet the payments ordered for support and service  
5 fees, and to pay overdue support and service fees due at the time  
6 the order of income withholding is implemented as provided by  
7 sections 547 to 553.

8       (2) Each support order entered in a domestic relations  
9 action shall contain the following order of income withholding:

10      The payer's sources of income shall withhold from income  
11 due the payer and pay to the office of the friend of the  
12 court amounts sufficient to meet payments ordered for  
13 support and service fees and to liquidate overdue sup-  
14 port and service fees due at the time this order of  
15 income withholding is implemented, as provided by  
16 sections 547 to 553 of the Michigan domestic relations  
17 code.

18      (3) Each support order which does not contain an order of  
19 income withholding shall be considered to contain an order of  
20 income withholding by operation of law by entry of an order of  
21 income withholding and the immediate mailing of the notice to the  
22 payer and recipient of support as provided in subsection (4).  
23 The order shall be implemented under the same circumstances as an  
24 order provided for in subsection (2).

25      (4) If a support order was entered before July 1, 1983, or  
26 was entered subsequent to that date but does not contain an order  
27 of income withholding, upon discovery of such absence or

1 omission, an order of income withholding shall be entered, and  
2 the office shall mail to the payer and recipient of support a  
3 notice which contains the order of income withholding and states  
4 as follows:

5 Michigan law requires that every support order contain  
6 an order of income withholding. The support order  
7 entered in your case did not contain an order of income  
8 withholding. By the mailing of this notice the support  
9 order in your case is amended by operation of law to  
10 contain an order of income withholding.

11 Sec. 547. (1) If overdue support reaches an amount greater  
12 than 4 weeks of support under the payer's support order, the  
13 office of the friend of the court shall immediately mail a  
14 "Notice of Overdue Support Enforcement" to the last known address  
15 of the payer.

16 (2) The notice shall contain all of the following  
17 information:

18 (a) The date the notice was mailed.

19 (b) The amount of current support.

20 (c) The amount of overdue support.

21 (d) Subject to the limitations of subsection (e), the amount  
22 to be withheld will be the current support plus all available  
23 funds to be applied to overdue support, until the overdue support  
24 is paid.

25 (e) The amount withheld shall not exceed 65% of the payer's  
26 disposable earnings, and 100% of other income.

1 (f) Income will be withheld from current and future  
2 employment and other sources of income.

3 (g) Income will be withheld unless the payer requests a  
4 hearing in writing to the office within 14 days after the date on  
5 which the notice was mailed.

6 (h) Sections 548 and 549 contain the procedures and grounds  
7 for contesting withholding and the actions that will be taken if  
8 withholding is implemented.

9 (i) The text of sections 548 and 549.

10 (3) A copy of the notice shall be mailed to each recipient  
11 of support.

12 Sec. 548. (1) The payer to whom the "Notice of Overdue  
13 Support Enforcement" was mailed may request a hearing. The  
14 request for hearing must be made in writing to the office of the  
15 friend of the court within 14 days after the date on which the  
16 notice was mailed.

17 (2) If a hearing is requested, implementation of income  
18 withholding shall be delayed pending the outcome of the hearing.

19 (3) The hearing shall be held as soon as possible, but not  
20 later than 35 days after the "Notice of Overdue Support  
21 Enforcement" was mailed. The office shall give the payer and the  
22 recipient of support not less than 7 days' notice of the date,  
23 time, and place of the hearing. A request for modification of  
24 the support order shall not delay the hearing.

25 (4) At the hearing the payer and the recipient of support  
26 shall have an opportunity to present his or her case.

1 (5) If there is a mistake of fact in the amount of current  
2 or overdue support, the office shall correct its records. Except  
3 as otherwise provided in subsection (6)(e), a mistake of fact as  
4 to the amount of current or overdue support shall not prevent  
5 income withholding.

6 (6) Income shall not be withheld under any of the following  
7 circumstances:

8 (a) If the court or agency that entered the support order  
9 lacked personal jurisdiction over the payer.

10 (b) If the support order was obtained by fraud.

11 (c) If the statute of limitations precludes enforcement of  
12 all or part of the overdue support in Michigan.

13 (d) If there was a mistake of fact as to the identity of the  
14 payer.

15 (e) If there was a mistake of fact concerning the amount of  
16 current or overdue support in that there was no overdue support  
17 at the time the "Notice of Overdue Support Enforcement" was  
18 mailed.

19 (7) Income may be withheld if there was a mistake of fact  
20 concerning the amount of current or overdue support in that the  
21 amount of overdue support was less than 4 weeks of support under  
22 the payer's support order at the time the "Notice of Overdue  
23 Support Enforcement" was mailed.

24 (8) If the payer presents evidence tending to establish 1 or  
25 more of the grounds contained in subsections (4) to (9), at the  
26 request of a party the hearing shall be continued to permit  
27 further evidence. If the payer acknowledges liability in an

1 amount sufficient for income withholding, withholding shall be  
2 implemented for the payment of current support and the portion of  
3 overdue support not in dispute. The hearing shall be continued  
4 with respect to disputed matters.

5 (9) At the conclusion of the hearing, it shall be determined  
6 if income shall be withheld, and the payer and the recipient of  
7 support shall be notified of the determination.

8 (10) If the hearing is held before a referee, the referee  
9 shall advise the payer and the recipient of support, if present,  
10 of the right to a rehearing before a judge. The request for the  
11 rehearing must be made immediately following the determination of  
12 the referee. If a rehearing is requested, income withholding  
13 shall be delayed pending the outcome of the rehearing.

14 (11) On rehearing, the judge shall enter either of the fol-  
15 lowing orders:

16 (a) An order that income withholding shall not be imple-  
17 mented if 1 or more of the grounds under subsection (5) or (6)  
18 are found to exist.

19 (b) An order that ratifies the determination if none of the  
20 grounds under subsection (5) or (6) are found to exist, except  
21 that the judge may modify a determination to correct any errors,  
22 or to conform to any modified support order entered subsequent to  
23 the referee hearing.

24 (12) If a modification of the support order has been  
25 requested in the court or agency which issued the support order,  
26 the rehearing may be delayed until after the hearing on the  
27 request for modification of the support order.

1 (13) Unless otherwise ordered by the court as necessary to  
2 protect the due process rights of the payer or the recipient of  
3 support, all implementation steps shall be completed within 42  
4 days after the "Notice of Overdue Support Enforcement" was  
5 mailed.

6 Sec. 549. (1) If a hearing is not requested under  
7 section 548(1), or if it is determined that withholding is to  
8 occur, the office of the friend of the court shall do all of the  
9 following:

10 (a) Notify the recipient of support of the time frames  
11 within which withholding shall begin.

12 (b) Immediately mail the notice required under  
13 subsection (2) to the payer, the payer's sources of income, and  
14 the recipient of support.

15 (2) The "Notice of Implementation of Income Withholding"  
16 shall contain all of the following information:

17 (a) The name, social security number, and case number of the  
18 payer.

19 (b) Notice that the payer's income is subject to an order of  
20 income withholding.

21 (c) The amount to be withheld.

22 (d) The amount of the current support, and whether the sup-  
23 port is for child support or alimony. If there are orders for  
24 child support and alimony, the amount of each shall be stated  
25 separately.

26 (e) The amount of the overdue support, and whether the  
27 overdue support is for child support or alimony. If there are

1 orders for child support and alimony, the amount of overdue  
2 support under each shall be stated separately.

3 (f) Notice that the amount actually withheld for support and  
4 other purposes, including the fee specified under  
5 section 550(10), shall not exceed the maximum amount permitted  
6 under section 303(b) of the consumer credit protection act,  
7 Public Law 90-321, 15 U.S.C. 1673(b).

8 (g) The provisions of section 550.

9 Sec. 550. (1) The order of income withholding is binding on  
10 the source of income on and after 7 days after the date on which  
11 the notice was received by the source of income.

12 (2) Withholding shall begin no later than the first payment  
13 that occurs after 14 days following the date the notice was  
14 mailed.

15 (3) Any income withheld shall be paid to the office of the  
16 friend of the court within 3 days after the date of the withhold-  
17 ing, and the payment shall be identified by individual payer,  
18 social security number, and case number.

19 (4) The order of income withholding applies to current and  
20 future payments of income to the payer by the source of income,  
21 and shall continue until further notice.

22 (5) A source of income who refuses to employ, discharges,  
23 disciplines, or penalizes a payer is guilty of a misdemeanor pun-  
24 ishable by a fine of not more than \$500.00, and shall be required  
25 to make full restitution to the aggrieved payer, including rein-  
26 statement and back pay.



1 (6) If a source of income fails to implement withholding as  
2 required by the notice, the source of income may be held in  
3 contempt and shall be liable for any accumulated amount the  
4 source of income should have withheld from the payer's income,  
5 except to the extent the amount is limited by section 303(b) of  
6 the consumer credit protection act, Public Law 90-321, 15  
7 U.S.C. 1673(b).

8 (7) Compliance with the notice discharges the source of  
9 income's liability to the payer for the amount withheld.

10 (8) Income withholding has priority over all other legal  
11 process under state law against the same income.

12 (9) If a source of income is withholding income from more  
13 than 1 payer pursuant to orders issued by the same judicial cir-  
14 cuit, a source of income may combine the amounts withheld in a  
15 single payment to the appropriate office, provided that the  
16 source separately identifies by payer, social security number,  
17 and case number the portion of the single payment which is  
18 attributable to each individual payer.

19 (10) If the source of income is an employer, the source of  
20 income:

21 (a) May withhold the additional sum of 50 cents from income  
22 due the payer for each instance of withholding as a fee for  
23 administrative costs.

24 (b) Shall promptly notify the office when the employment of  
25 the payer is terminated or interrupted for a period of 14 or more  
26 consecutive days, and provide the last known address of the

1 payer, and the name and address of the new employer of the payer,  
2 if known.

3 (11) If there is more than 1 order of income withholding  
4 against a payer, the source of income shall comply with all of  
5 the orders to the extent the total amount does not exceed the  
6 maximum amount permitted under section 303(b) of the consumer  
7 credit protection act, Public Law 90-321, 15 U.S.C. 1673(b).  
8 Priority shall be given to amounts designated in each order as  
9 current support, as follows:

10 (a) If the sum of the amounts designated in the orders as  
11 current support exceeds the maximum amount permitted to be with-  
12 held, the source of income shall allocate to each order an amount  
13 for current support equal to the amount designated in each order  
14 as current support, divided by the sum of the amounts designated  
15 in all orders as current support, multiplied by the total amount  
16 of income available for income withholding.

17 (b) If the sum of the amounts designated in the orders as  
18 current support does not exceed the maximum amount permitted to  
19 be withheld, the source of income shall pay the amounts desig-  
20 nated in each order as current support, and in addition shall  
21 allocate to each order an amount for overdue support equal to the  
22 amount designated in each order for overdue support, divided by  
23 the sum of the amounts designated in all the orders for overdue  
24 support, multiplied by the amount of income remaining available  
25 for income withholding after the payment of all current support.

1       Sec. 551. A payer whose income is subject to an order of  
2 income withholding shall provide each appropriate office of the  
3 friend of the court with all of the following:

4       (a) The names and addresses of all sources of income.

5       (b) A notice when income from a source of income has ended.

6       (c) The name and address of any new source of income.

7       Sec. 552. (1) If a support order is modified in cases where  
8 an order of income withholding has been implemented, the office  
9 of the friend of the court shall mail notice of the modification  
10 to the payer's current sources of income, the payer, and the  
11 recipient of support. The notice shall contain the information  
12 specified in section 549(2), and the following statement:

13       This notice supersedes any notice of implementation of  
14 income withholding previously sent in this case. It  
15 does not affect any other notices, except as limited by  
16 the consumer credit protection act.

17       (2) Upon notification by an employer that the employment of  
18 the payer has terminated, and upon learning the name and address  
19 of a new or another source of income of the payer, the office  
20 shall immediately mail the notice required under section 549(2)  
21 to the payer's new or other source of income.

22       (3) The office shall promptly refund money that has been  
23 improperly withheld and received by the office, except that the  
24 office shall not be responsible for money improperly withheld by  
25 the source of income and not received by the office.

26       (4) In cases involving interstate income withholding on  
27 behalf of a person who is receiving assistance under Michigan's

1 title IV-A or IV-D plan pursuant to the social security act, 12  
2 U.S.C. 651 to 657, the office shall notify the foreign jurisdic-  
3 tion of termination of eligibility for services.

4 (5) In cases involving interstate income withholding, the  
5 office shall promptly transmit payments to the agency or person  
6 designated in section 555(5)(f)(iii).

7 Sec. 553. (1) If a payer is granted sole custody of a child  
8 for whom the payer was previously ordered to pay support and  
9 there is no overdue support for that child, an existing support  
10 order shall be modified to exclude support ordered to be paid by  
11 that payer for that particular child. If an existing support  
12 order does not provide for support to any other child of whom the  
13 payer does not have custody, for support to a former spouse, or  
14 for payment of confinement or pregnancy expenses, the court shall  
15 terminate the order of income withholding as soon as any overdue  
16 support has been paid.

17 (2) Enforcement of an order of income withholding shall be  
18 suspended or terminated if the location of the child cannot be  
19 determined for a period of 90 days or more, if there is no fur-  
20 ther support obligation, or for good cause shown.

21 (3) Payment of overdue support shall not be the sole basis  
22 for the termination of an order of income withholding.

23 Sec. 554. A recipient of support residing in Michigan may  
24 request withholding of income derived in a foreign jurisdiction  
25 by applying to the office of child support. The office of child  
26 support shall promptly compile and forward to that foreign  
27 jurisdiction all documentation required by that jurisdiction to

1 implement income withholding. The office of child support shall  
2 notify the recipient of support of all communications from the  
3 foreign jurisdiction, including whether the payer is contesting  
4 withholding and the date, time, and place of any hearings, if  
5 known.

6       Sec. 555. (1) The office of child support shall forward to  
7 the office of the friend of the court for the county where a  
8 payer's income is derived any foreign support order accompanied  
9 by the documentation required under subsection (5) received from  
10 or on behalf of an agency, a payer, or a recipient of support.

11       (2) The office of the friend of the court for a county where  
12 a payer's income is derived shall file with the clerk of that  
13 county a foreign support order accompanied by the documentation  
14 received from or on behalf of an agency, a payer, or a recipient  
15 of support if they conform to the requirements of  
16 subsection (5). If the order and documents do not conform to the  
17 requirements of subsection (5), the office of the friend of the  
18 court shall forward them to the office of child support.

19       (3) The office of the friend of the court shall provide a  
20 copy of the order and documentation to the payer.

21       (4) The clerk of the court shall accept the order and docu-  
22 mentation, which acceptance shall constitute entry of the support  
23 order only for the purposes of sections 555 to 559, and shall not  
24 confer jurisdiction on the courts of this state for any purpose  
25 other than income withholding.

26       (5) All of the following documentation is required for the  
27 acceptance of a support order from a foreign jurisdiction:

- 1 (a) A certified copy of the support order.
- 2 (b) A certified copy of the order of income withholding in  
3 effect, if any.
- 4 (c) A copy of the portion of the statute of the jurisdiction  
5 which issued the support order which states the requirements for  
6 the implementation of income withholding.
- 7 (d) A sworn statement of the recipient of support, or a  
8 statement certified by the agency as correct, of the amount of  
9 overdue support, including the approximate dates accrued.
- 10 (e) A copy of the assignment of support rights and the  
11 amount of the current assistance payment, if any.
- 12 (f) A statement of all of the following:
  - 13 (i) The name, address, date of birth, and social security  
14 number of the payer, if known.
  - 15 (ii) The name and address of the payer's source of income  
16 against which income withholding is sought.
  - 17 (iii) The name and address of the agency or person to which  
18 the support payments collected by income withholding shall be  
19 transmitted.
  - 20 (iv) The amount of income withholding requested.
- 21 (g) A statement of eligibility for services under part D of  
22 title IV of the social security act, 12 U.S.C. 651 to 667, signed  
23 by the custodian of the child.
- 24 (h) Notification of any other support orders involving the  
25 same parties and the same children, if the existence of any such  
26 orders is known.

1       (6) If the documentation received by the office of child  
2 support does not conform to the requirements of subsection (5),  
3 the office of child support shall remedy any defect which it can  
4 without the assistance of the requesting agency or person. If  
5 the office of child support is unable to remedy the defects, it  
6 shall immediately notify the requesting agency or person of what  
7 additional information or documents are necessary. The documen-  
8 tation shall not be returned to the requesting agency or person  
9 in either situation. The documentation submitted by the request-  
10 ing agency or party shall be accepted by the office of child sup-  
11 port, the office of the friend of the court, and the clerk of the  
12 court if the substantive requirements of subsection (5) are met,  
13 even if the documentation is not in the usual form required.

14       (7) Except as otherwise provided in this act, a support  
15 order accepted under subsections (1) to (4) shall be enforced  
16 against income derived in Michigan as provided in sections 547 to  
17 559.

18       Sec. 556. (1) If a hearing is requested as provided in  
19 section 548(1), then at the hearing the support order and other  
20 documentation required by section 555(5) shall constitute prima  
21 facie proof, without further proof or foundation, that the sup-  
22 port order is valid, that the amount of current and overdue sup-  
23 port is as stated, and that the recipient of support would be  
24 entitled to income withholding in the jurisdiction which issued  
25 the support order.

1 (2) Once a prima facie case has been established, the payer  
2 may contest withholding only on the grounds contained in  
3 section 548(4), (5), or (6).

4 Sec. 557. A support order accepted under section 555 does  
5 not nullify and is not nullified by a support order entered by a  
6 Michigan court or by a foreign jurisdiction. If more than 1 sup-  
7 port order is in effect for the support of the same person by the  
8 same payer, any amounts collected by income withholding and cred-  
9 ited against any amount owing for a particular time period under  
10 any 1 support order shall be credited against amounts owing for  
11 the same time period under all such orders.

12 Sec. 558. If the office of the friend of the court deter-  
13 mines that the payer's income in Michigan has terminated or the  
14 payer has income in another state, it shall notify the requesting  
15 agency or person of the information within 7 days after receiving  
16 that information and shall forward to the requesting agency or  
17 person all information it can obtain with respect to the payer's  
18 new address and the name and address of the payer's new source of  
19 income.

20 Sec. 559 (1) Except as otherwise provided by subsection (2),  
21 Michigan law shall apply in all proceedings concerning the accep-  
22 tance, filing, enforcement, and duration of income withholding  
23 under an order submitted under section 555.

24 (2) The law of the jurisdiction which issued the support  
25 order shall govern all of the following:



1 (a) The interpretation of the support order accepted under  
2 section 555, including the amount, form of payment, and duration  
3 of support.

4 (b) The requirements for implementation of income  
5 withholding.

6 (c) The determination of which costs, if any, in addition to  
7 the current support obligation, are included as overdue support  
8 that are enforceable by income withholding, including, but not  
9 limited to, interest, expenses of litigation, and costs of pater-  
10 nity testing.

11 Sec. 560. Subject to the provisions of section 501, all  
12 property of either party, wherever situated and regardless of  
13 how, when, where, by whom, or from whom acquired, is subject to  
14 the jurisdiction of the court.

15 Sec. 561. Upon granting a judgment of divorce, or a judg-  
16 ment of annulment for the reasons set forth in section 503(1)(d),  
17 (e), and (f), the court shall determine, classify, value, and  
18 distribute the property of the parties under the provisions of  
19 sections 560 to 566, unless there is an enforceable marital prop-  
20 erty agreement as provided in sections 380 to 389.

21 Sec. 562. (1) The court shall classify the property of the  
22 parties as marital or individual property. The court shall  
23 determine the marital and individual components of all mixed  
24 property. Documentation concerning ownership of the property of  
25 the parties shall not by itself determine the classification of  
26 property.

1       (2) Unless a party claiming that property is not marital  
2 property proves that the property is individual or mixed  
3 property, the court shall classify that property as marital  
4 property.

5       (3) All of the following is marital property:

6       (a) Income earned or accrued by the parties or attributable  
7 to any property of the parties during marriage.

8       (b) A deferred employment benefit attributable to employment  
9 of a party during marriage.

10       (c) Property acquired by a party during marriage by gift  
11 from the other party.

12       (d) All property of the parties not otherwise classified.

13       (4) All of the following is the individual property of a  
14 party:

15       (a) Property owned by that party prior to the marriage.

16       (b) Property acquired by that party during marriage if  
17 acquired:

18       (i) By gift or disposition at death made by another person  
19 to that party alone.

20       (ii) In exchange for or with the proceeds of other individ-  
21 ual property of that party.

22       (iii) As a recovery for that party's personal injury occur-  
23 ring before marriage, except to the extent that it represents  
24 income lost during marriage.

25       (iv) As a recovery for loss of that party's individual  
26 property.

1 (v) In satisfaction of a marital property agreement.

2 (vi) By judgment of separate maintenance.

3 (c) Appreciation during marriage of that party's individual  
4 property if he or she proves that the appreciation is not attrib-  
5 utable to the application by either party of substantial labor,  
6 effort, industry or inventiveness, physical or intellectual  
7 skill, creativity, or managerial activity, or that a party  
8 received reasonable compensation for that appreciation.

9 (d) The individual property component of mixed property, if  
10 that party proves that the individual property component can be  
11 clearly traced.

12 (5) A deferred employment benefit attributable to employment  
13 of a party before and partly during marriage is mixed property.  
14 The marital property component of the mixed property is the part  
15 which results from the application to the entire benefit of a  
16 percentage determined by dividing the period of employment giving  
17 rise to the benefit that occurred during marriage by the total  
18 period of employment giving rise to the benefit.

19 Sec. 563. (1) Except as otherwise provided in  
20 subsection (2), the court shall value the property of the  
21 parties. In establishing the value of the property, the court  
22 may consider any or all of the following:

23 (a) Present fair market value.

24 (b) Acquisition cost.

25 (c) Replacement cost.

26 (d) Particular economic value to 1 of the parties.

1 (e) Tax benefits and liabilities, including those of  
2 ownership, use, or conveyance.

3 (f) Liquidity.

4 (g) Income protection.

5 (h) Restrictions on its use or conveyance.

6 (i) Nature and extent of the parties' interest.

7 (j) Cost of ownership or use.

8 (k) Cost of conveyance.

9 (l) Encumbrances.

10 (m) Deferral of benefits.

11 (n) Any other relevant factor.

12 (2) Unless the court makes a supplemental distribution under  
13 section 564(2), items of marital property distributed equally in  
14 kind need not be valued by the court.

15 Sec. 564. (1) Except as otherwise provided in  
16 subsection (2), upon dissolution the court shall distribute to  
17 each party property that approximates in value the sum of his or  
18 her individual property and 1/2 of the marital property.

19 (2) The court may make a supplemental property distribution  
20 to a party out of marital or individual property if that party  
21 establishes 1 or more of the following:

22 (a) Their individual property or marital property has been  
23 diminished by reason of the misconduct, waste, or dissipation of  
24 the other party.

25 (b) The other party committed marital misconduct or has made  
26 no significant contribution to the objects of the marriage.

(c) Section 571(1)(b) applies.

(3) Distribution to each party may include property or rights in property, or a sum of money in lieu of property.

(4) The court shall consider the reasonably ascertainable tax consequences of the distribution.

(5) The court may make any order necessary to implement or secure the distribution.

Sec. 565. Unless a judgment of divorce or annulment provides otherwise, its entry does all of the following:

(a) Extinguishes all interests of a party in the property of the other then owned or thereafter acquired, arising under sections 281 to 292 of the revised probate code, Act No. 642 of the Public Acts of 1978, being sections 700.281 to 700.292 of Michigan Compiled Laws or under chapter 66 of the revised statutes of 1846, being sections 558.1 to 558.29 of the Michigan Compiled Laws.

(b) Converts to a tenancy in common any property held by the parties as joint tenants or tenants by the entireties.

(c) Extinguishes the rights each party has to the proceeds of any policy or contract of life insurance, endowment, or annuity upon the life of the other in which the party was named or designated as a beneficiary or to which he or she became entitled by assignment or change of beneficiary during or in anticipation of marriage, and the proceeds thereof shall be payable to the estate of the insured party or to a beneficiary named by the insured party. The company issuing the policy shall be discharged of all liability on the policy by payment of the

1 proceeds in accordance with the terms of the policy unless before  
2 the payment the company received written notice by or on behalf  
3 of the insured, or the estate of the insured or 1 of the heirs of  
4 the insured, or any other person having an interest in the policy  
5 or the claim under the policy and judgment.

6 (d) Extinguishes the rights each party has to any deferred  
7 employment benefit in which the other party has any interest.

8 (e) Operates as a quitclaim deed of real property and a bill  
9 of sale of personal property distributed to each party.

10 Sec. 566. A certified copy of any judgment may be recorded  
11 or filed in the office of the register of deeds in any county of  
12 this state where property of a party may be located.

13 Sec. 570. Subject to the provisions of section 501, the  
14 court in actions for divorce, separate maintenance, or annulment  
15 has the authority to determine, order, and modify alimony, and  
16 shall do so as provided in sections 571 to 576.

17 Sec. 571. (1) In determining if temporary alimony and ali-  
18 mony is to be ordered, 1 of the following shall be found after a  
19 hearing:

20 (a) The party seeking alimony is without sufficient means to  
21 provide for his or her reasonable needs and the other party is  
22 able to meet his or her reasonable needs while paying alimony.

23 (b) Justice and equity requires an award of alimony supple-  
24 mental to the distribution of property made under section 564.

25 (2) In determining the amount and duration of alimony, all  
26 relevant facts shall be considered, including all of the  
27 following:

1 (a) The length of the marriage relationship, the  
2 contributions of the parties to the objects of the marriage, and  
3 the causes for its breakdown.

4 (b) The standard of living established during marriage, and  
5 the reasonable needs of the parties.

6 (c) The ages of the parties, and their physical, emotional,  
7 educational, and occupational condition and reasonable prospects  
8 for change.

9 (d) The financial resources of the parties, including all of  
10 the following:

11 (i) Whether they are legally responsible for the support of  
12 others, or entitled to receive support from others.

13 (ii) The source, amount, contributions to, and productivity  
14 of their property.

15 (iii) Their income.

16 (iv) Their reasonable earning capacity.

17 (e) Whether a party's responsibilities as a custodian for a  
18 child of the parties, regardless of the child's age, makes it  
19 inappropriate under the circumstances to require the custodial  
20 party to seek employment outside the home.

21 (f) The tax consequences of the award.

22 Sec. 572. (1) Alimony orders may include provisions for the  
23 payment of cash and all or any part of a party's financial obli-  
24 gations, health care expenses, and expenses of litigation.

25 (2) Alimony orders may provide for the payments to be made  
26 directly to a party, through the office of the friend of the

1 court, or directly to the providers of goods or services to, or  
2 the creditors of, the other party.

3 (3) Alimony orders shall contain an order for income with-  
4 holding as required by section 546(2).

5 (4) Alimony orders providing for payment through the office  
6 shall contain the provisions for service fees required by  
7 section 596.

8 Sec. 573. (1) Every judgment of divorce, separate mainte-  
9 nance, or annulment shall contain a provision that expressly  
10 orders, reserves, or denies alimony to each party.

11 (2) Except as otherwise provided in subsection (3), a judg-  
12 ment silent as to alimony denies alimony.

13 (3) A judgment not based on personal or limited personal  
14 jurisdiction over the defendant reserves alimony.

15 (4) Unless relief from the judgment is granted pursuant to  
16 law, a denial of alimony, either by express provision or pursuant  
17 to subsection (2), is not modifiable.

18 Sec. 574. The court may order a payer to secure payment of  
19 alimony by providing life insurance or an annuity irrevocably  
20 payable to the recipient of alimony in an amount sufficient to  
21 insure payment of the balance of the obligation.

22 Sec. 575. (1) Unless otherwise agreed by the parties or  
23 ordered by the court, an alimony order may be modified upon a  
24 showing by a preponderance of the evidence of a change in circum-  
25 stances substantial enough to make modification of the order just  
26 and equitable.



1       (2) Except as otherwise provided by section 576, any of the  
2 following which provide that an alimony order is nonmodifiable  
3 shall be binding on the court:

4       (a) A marital property agreement.

5       (b) A written agreement executed by the parties to the  
6 action.

7       (c) An oral agreement stated under oath in open court by the  
8 parties to the action.

9       Sec. 576. (1) Except as otherwise provided, an order for  
10 temporary alimony shall terminate upon dismissal of the action or  
11 upon entry of a judgment. Overdue support accruing under the  
12 order is waived unless specifically preserved in the judgment.

13       (2) Except as otherwise provided, alimony ordered as part of  
14 a judgment shall terminate upon the death or remarriage of the  
15 recipient of alimony.

16       (3) Except as otherwise provided in a divorce judgment, ali-  
17 mony ordered as part of the judgment shall not terminate upon the  
18 death of the payer.

19       (4) Unless alimony is terminated by the death of the payer,  
20 upon the death of the payer the court may convert an alimony  
21 order to an amount equivalent to the present value of future  
22 installments, payable out of the payer's estate.

23       Sec. 580. (1) A claim for relief from domestic violence may  
24 be submitted to the court as an original action, or as a claim  
25 for relief ancillary to any domestic relations action, and shall  
26 be determined under sections 580 to 582.

1       (2) Relief from domestic violence may be granted against a  
2 spouse, former spouse, or persons residing or having resided in  
3 the same household as the applicant and against any other person  
4 who is a proper party to the domestic relations action.

5       Sec. 581. (1) A mutual restraining order issued under this  
6 section shall restrain the parties to the action, their officers,  
7 agents, servants, employees, and attorneys, and those persons in  
8 active concert or participation with them who receive actual  
9 notice of the order by personal service or otherwise, from harm-  
10 ing, annoying, harassing, molesting, or physically abusing the  
11 other party, or from in any way interfering with or disturbing  
12 the peace of the other party.

13       (2) In a domestic relations action, the court shall issue a  
14 mutual restraining order upon the application of a party.

15       (3) A mutual restraining order shall continue in effect  
16 throughout the pendency of the case or until dissolved by court  
17 order.

18       (4) The relief provided for in this section may be granted  
19 as, or in connection with entry of, an original or modified judg-  
20 ment or order in a domestic relations action.

21       (5) A person who violates a mutual restraining order issued  
22 under this section shall be subject to the contempt powers of the  
23 court under chapter 17 of the revised judicature act of 1961, Act  
24 No. 236 of the Public Acts of 1961, being sections 600.1701 to  
25 600.1745 of the Michigan Compiled Laws.

1       Sec. 582. (1) A protective order issued under this section  
2 shall specifically restrain the opposite party from doing 1 or  
3 more of the following:

4       (a) Entering onto premises.

5       (b) Assaulting, beating, molesting, or wounding named  
6 persons.

7       (c) Removing a minor child from a person having custody of  
8 the child under a custody or visitation order, in violation of  
9 the order.

10       (2) The relief provided for in this section may be granted  
11 as, or in connection with entry of, an original or modified judg-  
12 ment or order in a domestic relations action.

13       (3) Except as otherwise provided in subsection (4), a pro-  
14 tective order may be issued under this section upon motion of a  
15 party after notice and hearing.

16       (4) A protective order may be issued under this section  
17 without notice to the opposite party only if it clearly appears  
18 from specific facts shown by affidavit or verified complaint that  
19 immediate and irreparable injury or harm will result to the  
20 applicant or any child from the delay required to effect notice  
21 or from the risk that notice will itself precipitate adverse  
22 action before an order can be issued.

23       (5) A party restrained by a protective order issued under  
24 this section may move for dissolution of the order. If no motion  
25 to dissolve the protective order is filed, it shall remain in  
26 effect for 1 year from the date it was issued, unless earlier  
27 dissolved by the court, or unless the action is dismissed.

1 (6) Protective orders issued under this section shall not  
2 restrain a person from entering onto premises if all of the fol-  
3 lowing apply:

4 (a) The enjoined party is not the spouse of the applicant.

5 (b) The enjoined party has a property interest in the  
6 premises.

7 (c) The applicant has no property interest in the premises.

8 (7) Protective orders issued under this section shall con-  
9 tain the following statement:

10 Violation of this order subjects you to the criminal  
11 contempt powers of the court. If you are found guilty  
12 of violating this order, you will be imprisoned for not  
13 more than 90 days and may be fined not more than  
14 \$500.00. If you do not file a motion to dissolve this  
15 order, it will continue in effect for 1 year from the  
16 date it was issued, unless earlier dissolved or  
17 dismissed.

18 (8) The clerk of the court issuing an order under this sec-  
19 tion shall mail a true copy of the order to law enforcement agen-  
20 cies having jurisdiction of the area where the persons protected  
21 by the order reside, and shall file a certificate of mailing with  
22 the court.

23 (9) The party obtaining the protective order shall have the  
24 enjoined party personally served with the order. A proof of  
25 service shall be filed with the clerk of the court that issued  
26 the order, and a copy shall be mailed to the law enforcement  
27 agencies that received a copy of the order.

1 (10) A person who violates an order issued under this  
2 section is subject to the criminal contempt powers of the court  
3 and, if found guilty, shall be imprisoned for not more than 90  
4 days and may be fined not more than \$500.00.

5 (11) An order issued under this section shall also be  
6 enforceable under section 15b of chapter IV of the code of crimi-  
7 nal procedure, Act No. 175 of the Public Acts of 1927, being sec-  
8 tion 764.15b of the Michigan Compiled Laws.

9 (12) An order issued under this section shall also be  
10 enforceable under chapter 17 of Act No. 236 of the Public Acts of  
11 1961.

12 Sec. 585. (1) A claim for the conservation of marital and  
13 individual property may be submitted to the court by a party to  
14 the marriage or on behalf of a child of a party, as an original  
15 action, or as a claim for relief ancillary to an action for  
16 affirmation of marriage, annulment, divorce, or separate  
17 maintenance. The claim shall be determined under this section.

18 (2) Upon application of either party to a marriage and with-  
19 out notice to the other party, the court shall issue a mutual  
20 temporary injunction enjoining both parties to the action, their  
21 officers, agents, servants, employees, and attorneys, and those  
22 persons in active concert or participation with them who receive  
23 actual notice of the order by personal service or otherwise, from  
24 selling, assigning, transferring, encumbering, concealing, or  
25 otherwise disposing of any marital property of the parties  
26 whether titled in the names of either or both parties.

1       (3) Upon application of either party to a marriage, the  
2 court may modify the mutual temporary injunction issued under  
3 subsection (2) to provide for the necessities of life and to  
4 permit transactions necessary in the ordinary course of  
5 business. The modified injunction shall require each party to  
6 notify the other of any proposed extraordinary expenditures.

7       (4) During the pendency of an action under this section, the  
8 court may, upon notice and hearing, issue any other order neces-  
9 sary to conserve marital or individual property and to enforce  
10 property settlement distributions, including 1 or more of the  
11 following:

12       (a) The payment of sums by either party to a marriage to the  
13 other party or other persons.

14       (b) The payment of sums due from other persons directly to  
15 either party to a marriage.

16       (c) Enjoining either party to a marriage from diminishing  
17 marital and individual property by misconduct, waste, or  
18 dissipation.

19       (d) The appointment of a receiver to marshall, administer,  
20 and sell property.

21       (5) The court may include in its order a provision that vio-  
22 lation of the order shall subject the violator to payment of the  
23 expenses of litigation incurred by the other party as a result of  
24 the violation.

25       (6) The relief provided for in this section may be granted  
26 as, or in connection with entry of, an original or modified  
27 judgment or order in a domestic relations action.

1       Sec. 586. In addition to the relief available under  
2 sections 580, 581, 582, and 585, the court shall have the power  
3 to grant injunctive relief according to the circumstances of each  
4 case under the revised judicature act of 1961, Act No. 236 of the  
5 Public Acts of 1961, being sections 600.101 to 600.9947 of the  
6 Michigan Compiled Laws.

7       Sec. 590. "Expenses of litigation" means the reasonable  
8 costs incurred or to be incurred in a domestic relations action,  
9 including any of the following:

- 10       (a) Court costs.
- 11       (b) Appraisal fees.
- 12       (c) Discovery costs.
- 13       (d) Printing and photocopying fees.
- 14       (e) Service of process fees.
- 15       (f) Witness and expert witness fees.
- 16       (g) Actual attorney fees.
- 17       (h) Guardian ad litem fees.

18       Sec. 591. (1) A claim for expenses of litigation may be  
19 submitted to the court as a claim ancillary to any domestic rela-  
20 tions action, and shall be determined under sections 590 and  
21 591.

22       (2) The court may order any party to pay all or part of the  
23 expenses of litigation of another party.

24       (3) The moving party must allege facts showing that he or  
25 she is unable to bear the expense of the action without this  
26 aid.

1 (4) Before entry of a judgment, the order to pay expenses of  
2 litigation may require payment of a specified sum to the attorney  
3 representing the moving party, and the court may require the dis-  
4 closure of expenses of litigation already paid.

5 (5) A judgment may include an order to pay a specified sum  
6 to a party for expenses of litigation.

7 (6) In ordering a party to pay expenses of litigation, all  
8 of the following shall be considered:

9 (a) Disparity of the parties' incomes.

10 (b) Property of the parties.

11 (c) Availability of property to the parties.

12 (d) Complexity of the matter.

13 (7) The court may order that expenses of litigation be paid  
14 out of the marital or individual property of a party.

15 (8) An order to pay expenses of litigation shall constitute  
16 a judgment subject to enforcement by process of law.

17 (9) A party granted an order for payment of expenses of  
18 litigation may, for valid consideration, assign all or part of  
19 that order to their attorney of record if such an assignment is  
20 in writing and filed with the court. Such an assignment shall  
21 not affect the status of the order as a judgment.

22 Sec. 596. (1) To reimburse the office of the friend of the  
23 court for the cost of handling support payments, the court shall  
24 order the payment of a service fee of \$2.00 per month, payable  
25 semiannually on January 2 and July 2 thereafter, to the office.



1 (2) The service fee shall be paid by the payer, and shall be  
2 computed from the beginning date of the support order and shall  
3 continue while the support order is operative.

4 (3) The service fee shall be paid 6 months in advance on  
5 each due date, except for the first payment which shall be paid  
6 at the same time the support order is filed, and shall cover the  
7 period of time from that month until the next calendar due date.

8 (4) Every support order which requires collection by the  
9 office shall provide for payment of the service fee.

10 (5) Any support order may be amended by the court upon its  
11 own motion to provide for payment of the service fee in the  
12 amount provided by this section upon proper notice to the payer.

13 (6) Service fees shall be remitted to the office.

14 (7) If the court appoints the friend of the court custodian,  
15 receiver, trustee, or escrow agent of property owned by the  
16 payer, the court may fix the amount of the fee for such service,  
17 to be remitted to the office.

18 (8) A payer who fails to pay a fee ordered under this sec-  
19 tion may be held in contempt of court.

20 Sec. 597. Upon dissolution, the court may change the sur-  
21 name of a party if the party requests the change and if the  
22 change is not sought with any fraudulent or evil intent.

23 ARTICLE 6.

24 Sec. 601. The purposes of this article are to improve,  
25 extend, and make uniform by reciprocal legislation the enforce-  
26 ment of duties of support.

1       Sec. 602. This article shall be construed to effectuate its  
2 general purpose to make uniform the law of those states which  
3 enact comparable legislation.

4       Sec. 603. For the purposes of this article, unless the con-  
5 text requires otherwise, the words and phrases defined in sec-  
6 tions 604 and 605 have the meanings ascribed to them in those  
7 sections.

8       Sec. 604. (1) "Court" means the appropriate circuit court  
9 of this state and, when the context requires, means the appropri-  
10 ate court of any other state as defined in a substantially simi-  
11 lar reciprocal law.

12       (2) "Duty of support" means any duty of support owed to an  
13 obligee whether imposed or imposable by law or by order, decree,  
14 or judgment of any court, whether temporary or final or whether  
15 incidental to an action for divorce, separation, separate mainte-  
16 nance, or otherwise and includes the duty to pay arrearages of  
17 support past due and unpaid. Duty of support also includes the  
18 duty to reimburse a state or political subdivision for support  
19 furnished to an obligee.

20       (3) "Foreign support order" means a support order issued by  
21 a state other than Michigan.

22       (4) "Governor" means any person performing the functions of  
23 governor or the executive authority of any state covered by this  
24 or a substantially reciprocal law.

25       (5) "Initiating court" means the court in which a proceeding  
26 is commenced.

1 (6) "Initiating state" means a state in which a proceeding  
2 pursuant to this or a substantially similar reciprocal law is  
3 commenced.

4 (7) "Law" means both common and statutory law.

5 (8) "Obligee" means a person, including a state or political  
6 subdivision, to whom a duty of support is owed, or a person  
7 including a state or political subdivision, who has commenced a  
8 proceeding for enforcement of an alleged duty of support or for  
9 registration of a support order. It is immaterial if the person  
10 to whom a duty of support is owed is a recipient of public  
11 assistance.

12 (9) "Obligor" means any person owing a duty of support or  
13 against whom a proceeding for the enforcement of a duty of sup-  
14 port or registration of a support order is commenced.

15 (10) "Office of the Friend of the Court" means the agency  
16 created in section 700.

17 Sec. 605. (1) "Prosecuting attorney" means the public offi-  
18 cial in the appropriate jurisdiction who has the duty to enforce  
19 criminal laws relating to the failure to provide for the support  
20 of any person.

21 (2) "Register" means to file in the registry of foreign sup-  
22 port orders.

23 (3) "Registering court" means any court of this state in  
24 which a support order of a rendering state is registered.

25 (4) "Rendering state" means a state in which the court has  
26 issued a support order for which registration is sought or  
27 granted in the court of another state.

1       (5) "Responding court" means the court in which the  
2 responsive proceeding is commenced.

3       (6) "Responding state" means a state in which any responsive  
4 proceeding pursuant to the proceeding in the initiating state is  
5 commenced.

6       (7) "State" includes a state, territory, or possession of  
7 the United States, the District of Columbia, the Commonwealth of  
8 Puerto Rico, and any foreign jurisdiction in which this or sub-  
9 stantially similar reciprocal law is in effect.

10       (8) "Support order" means any judgment, decree, or order of  
11 support in favor of an obligee whether temporary or final, or  
12 subject to modification, revocation, or remission, regardless of  
13 the kind of action or proceeding in which it is entered.

14       Sec. 606. Duties of support arising under the law of this  
15 state, when applicable under section 610, bind the obligor  
16 present in this state regardless of the presence or residence of  
17 the obligee.

18       Sec. 607. The governor of this state may:

19       (a) Demand of the governor of another state the surrender of  
20 a person found in that state who is charged in this state with  
21 the crime of failing to provide for the support of any person.

22       (b) Surrender on demand by the governor of another state a  
23 person found in this state who is charged in that state with the  
24 crime of failing to provide for the support of any person.

25 Provisions for extradition of criminals not inconsistent with  
26 this article apply to the demand even if the person whose  
27 surrender is demanded was not in the demanding state at the time

1 of the commission of the crime and has not fled from the  
2 demanding state. The demand, the oath, and any proceedings for  
3 extradition pursuant to this section need not state nor show that  
4 the person whose surrender is demanded has fled from justice or,  
5 at the time of the commission of the crime, was in the demanding  
6 state.

7       Sec. 608. (1) Before making the demand upon the governor of  
8 another state for the surrender of a person charged criminally in  
9 this state with failing to provide for the support of a person,  
10 the governor of this state may require any prosecuting attorney  
11 of this state to satisfy him or her that at least 60 days prior  
12 thereto the obligee initiated proceedings for support under this  
13 article or that any proceeding would be of no avail.

14       (2) If, under a substantially similar act, the governor of  
15 another state makes a demand upon the governor of this state for  
16 the surrender of a person charged criminally in that state with  
17 failure to provide for the support of a person, the governor of  
18 this state may require any prosecuting attorney to investigate  
19 the demand and to report to him or her whether proceedings for  
20 support have been initiated or would be effective. If it appears  
21 to the governor that a proceeding would be effective but has not  
22 been initiated, he or she may delay honoring the demand for a  
23 reasonable time to permit the initiation of a proceeding.

24       (3) If proceedings have been initiated and the person  
25 demanded has prevailed in those proceedings, the governor may  
26 decline to honor the demand. If the obligee prevailed and the  
27 person demanded is subject to a support order, the governor may

1 decline to honor the demand if the person demanded is complying  
2 with the support order.

3       Sec. 609. Any obligor contemplated by sections 607 and 608,  
4 who submits to the jurisdiction of the court of such other state  
5 and complies with the court's order of support, shall be relieved  
6 of extradition for desertion or nonsupport entered in the courts  
7 of this state during the period of such compliance.

8       Sec. 610. Duties of support applicable under this article  
9 are those imposed or imposable under the laws of any state where  
10 the obligor was present for the period during which support is  
11 sought. The obligor is presumed to have been present in the  
12 responding state during the period for which support is sought  
13 until otherwise shown.

14       Sec. 611. If a state or a political subdivision furnishes  
15 support to an individual obligee, it has the same right to initi-  
16 ate a proceeding under this article as the individual obligee for  
17 the purpose of securing reimbursement for support furnished and  
18 of obtaining continuing support.

19       Sec. 612. All duties of support, including the duty to pay  
20 arrearages, are enforceable by a proceeding under this article,  
21 including a proceeding for civil contempt. The defense that the  
22 parties are immune to suit because of their relationship as hus-  
23 band and wife or parent and child is not available to the  
24 obligor.

25       Sec. 613. (1) Jurisdiction of any proceeding in this state  
26 under this article is vested in the circuit court.

1       (2) The proper venue if this state is acting as an  
2 initiating state is in the county in which the petitioner resides  
3 or in which a valid prior and existing support order has been  
4 issued. The proper venue if this state is acting as a responding  
5 state and a valid support order has been issued in this state is  
6 in the county in which the support order was issued. The proper  
7 venue if this state is acting as a responding state and a valid  
8 support order has not been issued in this state is in the county  
9 in which the obligor resides or is found.

10       Sec. 614. If this state is acting as an initiating state,  
11 the prosecuting attorney, upon the request of the state depart-  
12 ment of social services, shall represent the obligee in any pro-  
13 ceeding under this article.

14       Sec. 615. (1) The petition shall be verified and shall  
15 state the name and, so far as known to the obligee, the address  
16 and circumstances of the obligor and the persons for whom support  
17 is sought and all other pertinent information. The obligee may  
18 include in or attach to the petition any information which may  
19 help in locating or identifying the obligor, including a photo-  
20 graph of the obligor, a description of any distinguishing marks  
21 on the obligor's person, other names and aliases by which the  
22 obligor has been or is known, the name of the obligor's employer,  
23 the obligor's fingerprints, or the obligor's social security  
24 number.

25       (2) The petition may be filed in the appropriate court of  
26 any state in which the obligee resides. The court shall not  
27 decline or refuse to accept the petition or, if necessary,

1 forward the petition pursuant to section 621, on the ground that  
2 it should be filed with some other court of this or any other  
3 state because there is pending another action for divorce, sepa-  
4 ration, annulment, dissolution, habeas corpus, adoption, or cus-  
5 tody between the same parties or because another court has  
6 already issued a support order in some other proceeding and has  
7 retained jurisdiction for its enforcement.

8       Sec. 616. A petition on behalf of a minor obligee may be  
9 executed and filed without appointment of the petitioner as  
10 guardian ad litem or next friend.

11       Sec. 617. If the initiating court finds that the petition  
12 sets forth facts from which it may be determined that the obligor  
13 owes a duty of support and that a court of the responding state  
14 may obtain jurisdiction of the obligor or the obligor's property,  
15 the initiating court shall so certify and cause 3 copies of the  
16 petition, and its certificate and 1 copy of this article, to be  
17 sent to the responding court. Certification shall be in accord-  
18 ance with the requirements of the initiating state. If the name  
19 and address of the responding court is unknown and the responding  
20 state has an information agency comparable to that established in  
21 the initiating state, the initiating court shall cause the copies  
22 to be sent to the state information agency or other proper offi-  
23 cial of the responding state with a request that the agency or  
24 official forward them to the proper court, and that the court of  
25 the responding state acknowledge their receipt to the initiating  
26 court.



1       Sec. 618. If the court of this state believes that the  
2 obligor may flee the jurisdiction, it may:

3       (a) As an initiating court, request in its certificate that  
4 the responding court obtain the body of the obligor by appropri-  
5 ate process.

6       (b) As a responding court, obtain the body of the obligor by  
7 appropriate process. The court may subsequently release the  
8 obligor upon the obligor's own recognizance or upon the obligor's  
9 giving a bond in the amount set by the court to assure the  
10 obligor's appearance at the hearing.

11       Sec. 619. (1) The office of child support of the state  
12 department of social services is designated as the state informa-  
13 tion agency under this article, and it shall do all of the  
14 following:

15       (a) Annually compile a list of the courts and their  
16 addresses in this state having jurisdiction under this article  
17 and transmit the list to the state information agency of every  
18 other state which has adopted this or a substantially similar  
19 act. The agency shall distribute copies of any amendments to  
20 this article and a statement of their effective date to all other  
21 state information agencies.

22       (b) Maintain a register of the lists of courts received from  
23 other states and transmit copies of those lists promptly to every  
24 court in this state having jurisdiction under this article.

25       (c) Maintain a supply of duplicated copies of this article,  
26 as amended, for the use of court officers in preparing cases to  
27 be forwarded to responding states.

1 (d) Act generally as a clearing center for information and  
2 maintain general liaison with the council of state governments,  
3 law enforcement agencies, the legislature, other governmental or  
4 private agencies concerned with this article, and the public.

5 (e) Forward to the court in this state which has proper  
6 venue, as determined under section 610, the petitions, certifi-  
7 cates, and copies of the article it receives from courts or  
8 information agencies of other states.

9 (2) If the state information agency does not know the loca-  
10 tion of the obligor or the obligor's property, the agency shall  
11 use its state locator service to obtain this information.

12 Sec. 620. (1) When the court of this state, acting as a  
13 responding court, receives from the court of an initiating state  
14 copies of the petition, certificate, and act, the clerk of the  
15 court shall docket the case and notify the prosecuting attorney  
16 of the county, who shall be charged with the duty of carrying on  
17 the proceedings.

18 (2) The prosecuting attorney shall take all action necessary  
19 in accordance with the laws of this state to enable the court to  
20 obtain jurisdiction over the obligor or the obligor's property.  
21 He or she shall prosecute the case diligently.

22 (3) A prosecuting attorney petitioning for child support  
23 shall utilize as a guideline the formula developed under  
24 section 771(1)(c).

25 Sec. 621. If, because of inaccuracies in the petition or  
26 otherwise, the court cannot obtain jurisdiction, the prosecuting  
27 attorney shall inform the court of what he or she has done to

1 locate the obligor or the property of the obligor and request the  
2 court to continue the case pending receipt of more accurate  
3 information or an amended petition from the court of the initiat-  
4 ing state. If the prosecuting attorney discovers that the proper  
5 venue is in another county of this state or that the obligor or  
6 the property of the obligor may be found in another state, he or  
7 she shall so inform the court. The clerk of the court in the  
8 responding state shall forward proper documents received from the  
9 court in the initiating state to the court of proper venue in  
10 this state, or to the appropriate court of the state where the  
11 obligor or the property of the obligor can be located, or to the  
12 information agency or other proper official of the state in which  
13 the obligor or the property of the obligor can be located with a  
14 request that the documents be forwarded to the proper court. If  
15 the clerk of a court of the responding state forwards documents  
16 to another court, he or she shall immediately notify the court of  
17 the initiating state. If a prosecuting attorney does not have  
18 any information as to the location of the obligor or the property  
19 of the obligor, he or she shall inform the court of the initiat-  
20 ing state of that fact.

21       Sec. 622. The court, except as otherwise provided in this  
22 article, shall conduct proceedings under this article in the  
23 manner prescribed by law for an action for the enforcement of the  
24 type of duty of support claimed.

25       Sec. 623. If the obligee is not present at the hearing and  
26 the obligor offers evidence constituting a defense which the  
27 court does not consider frivolous, upon the request of either

1 party, the court shall continue the hearing to permit evidence  
2 relative to the duty of support. The evidence may be adduced by  
3 either party by deposition, interrogatories affidavits.

4       Sec. 624. If the court of this state when acting as a  
5 responding court finds a duty of support, it may order the obli-  
6 gor to furnish support and subject the property of the obligor to  
7 the order. The support order shall require that payments be made  
8 to the office of the friend of the court.

9       Sec. 625. The court of this state when acting as a respond-  
10 ing court shall cause a copy of all support orders to be sent to  
11 the initiating court.

12       Sec. 626. (1) In addition to the foregoing powers, the  
13 court of this state when acting as a responding court may subject  
14 the obligor to any terms and conditions proper to assure compli-  
15 ance with its orders.

16       (2) A support order entered by a court of this state when  
17 acting as a responding court shall be enforceable under sections  
18 540 to 559.

19       Sec. 627. The court of this state when acting as a respond-  
20 ing court may adjudicate the issue of paternity if both of the  
21 following apply:

22       (a) Paternity has not been legally acknowledged, previously  
23 adjudicated, or established by marriage.

24       (b) The obligor asserts as a defense that he is not the  
25 father of the child for whom support is sought.

1       Sec. 628. The court of this state, when acting as a  
2 responding court, has both of the following duties which may be  
3 carried out through the office of the friend of the court:

4       (a) To transmit to the initiating court any payment made by  
5 the obligor pursuant to any order of the court or otherwise.

6       (b) To furnish to the initiating court upon request a certi-  
7 fied statement of all payments made by the obligor.

8       Sec. 629. (1) Except as otherwise provided in subsection  
9 (2), the court of this state, when acting as an initiating court,  
10 shall receive and disburse immediately all payments made by the  
11 obligor or sent by the responding court.

12       (2) If a valid prior and existing support order has been  
13 issued from a court of this state other than the initiating  
14 court, the initiating court shall transfer the order to furnish  
15 support to the court that issued the valid prior and existing  
16 court order and shall inform the court of the responding state of  
17 its action. The court that issued the valid prior and existing  
18 court order shall receive and disburse immediately all payments  
19 made by the obligor or sent by the responding court.

20       (3) The duties described in subsections (1) and (2) may be  
21 carried out through the office of the friend of the court or the  
22 clerk of the court.

23       Sec. 630. Laws attaching a privilege against the disclosure  
24 of communications between a husband and wife are inapplicable to  
25 proceedings under this article. Husband and wife are competent  
26 witnesses and may be compelled to testify to any relevant matter,  
27 including marriage and parentage.

1       Sec. 631. A responding court shall not stay the proceeding  
2 or refuse a hearing under this article because of any pending or  
3 prior action or proceeding for divorce, separation, annulment,  
4 dissolution, habeas corpus, adoption, or custody in this or any  
5 other state. The court shall hold a hearing and may require sup-  
6 port order pendente lite and it may require the obligor to give a  
7 bond for the prompt prosecution of the pending proceeding. If  
8 the other pending action or proceeding is concluded before the  
9 hearing in the instant proceeding and the judgment in the other  
10 action or proceeding provides for the support demanded in the  
11 petition being heard, the court must conform its support order to  
12 the amount allowed in the other action or proceeding and shall  
13 not stay enforcement of its support order because of the reten-  
14 tion of jurisdiction for enforcement purposes by the court in the  
15 other action or proceeding.

16       Sec. 632. An initiating court shall not require payment of  
17 either a filing fee or other costs from the obligee but may  
18 request the responding court to collect fees and costs from the  
19 obligor. A responding court shall not require payment of a  
20 filing fee or other costs from the obligee, but it may direct  
21 that all fees and costs requested by the initiating court and  
22 incurred in this state when acting as a responding state, includ-  
23 ing fees for filing of pleadings, service of process, seizure of  
24 property, stenographic or duplication service, or other service  
25 supplied to the obligor, be paid in whole or in part by the obli-  
26 gor or by the county. These costs or fees do not have priority  
27 over amounts due to the obligee.

1       Sec. 633. A support order made by a court of this state  
2 pursuant to this article does not nullify and is not nullified by  
3 a support order made by a court of this state pursuant to any  
4 other law or by a support order made by a court of any other  
5 state pursuant to a substantially similar act or any other law,  
6 regardless of priority of issuance, unless otherwise specifically  
7 provided by the court. Amounts paid for a particular period pur-  
8 suant to any support order made by the court of another state  
9 shall be credited against the amounts accruing or accrued for the  
10 same period under any support order made by the court of this  
11 state.

12       Sec. 634. Participation in any proceeding under this arti-  
13 cle does not confer jurisdiction upon any court over any of the  
14 parties to the proceeding in any other proceeding.

15       Sec. 635. (1) To reimburse the county for the cost of han-  
16 dling alimony or support payments under this article, the court  
17 shall order the payment of a service fee of \$2.00 per month, pay-  
18 able semiannually on January 2 and July 2 thereafter, to the  
19 friend of the court. The service fee shall be paid by the person  
20 ordered to pay the alimony or support money. The fee shall be  
21 computed from the beginning date of the alimony or support order  
22 and shall continue while the alimony or support order is  
23 operative. The service fee shall be paid 6 months in advance on  
24 each due date, except for the first payment, which shall be paid  
25 at the same time the alimony or support order is filed, and shall  
26 cover the period of time from that month until the next calendar  
27 due date. Every order or judgment for the payment of temporary

1 or permanent alimony or support money shall provide for the  
2 payment of the service fee. Any order or judgment for the pay-  
3 ment of temporary or permanent alimony or support money entered  
4 before November 1, 1983 may be amended by the court, upon its own  
5 motion, to provide for the payment of the service fee in the  
6 amount provided by this subsection, upon proper notice to the  
7 person ordered to pay the alimony or support money. The service  
8 fees shall be turned over to the county treasurer and credited to  
9 the general fund of the county.

10 (2) A person who fails or refuses to pay a service fee  
11 ordered pursuant to subsection (1) may be held in contempt of  
12 court.

13 Sec. 636. Where the director of social services is satis-  
14 fied that reciprocal provisions will be made by any foreign state  
15 for the enforcement in that foreign state of support orders made  
16 within this state, the director of social services, with the  
17 approval of the attorney general, may declare the foreign state  
18 to be a reciprocating state for the purpose of this article. Any  
19 such order may be revoked by the director of social services, and  
20 the state with respect to which the order was made shall then  
21 cease to be a reciprocating state for the purposes of this  
22 article.

23 Sec. 637. If the attorney general or the director of social  
24 services is of the opinion that a support order is erroneous and  
25 presents a question of law warranting an appeal in the public  
26 interest, the attorney general may, or the director of social



1 services may request the attorney general to, do either of the  
2 following:

3 (a) Perfect an appeal to the proper appellate court if the  
4 support order was issued by a court of this state.

5 (b) If the support order was issued in another state, cause  
6 the appeal to be taken in the other state.

7 Sec. 638. If the duty of support is based on a foreign sup-  
8 port order, the obligee has additional remedies as provided in  
9 sections 639 to 643.

10 Sec. 639. The obligee may register the foreign support  
11 order in a court of this state in the manner, with the effect,  
12 and for the purposes provided in this article.

13 Sec. 640. The clerk of the court shall maintain a registry  
14 of foreign support orders in which he or she shall file foreign  
15 support orders.

16 Sec. 641. (1) If this state is acting as a rendering state,  
17 the friend of the court upon the request of the court or the  
18 state department of social services shall proceed to register a  
19 valid existing support order of this state or any other state in  
20 the state where the obligor or the property of the obligor can be  
21 located.

22 (2) Notwithstanding that this state is not the rendering  
23 state, the friend of the court upon the request of a resident  
24 obligee of a valid existing foreign support order shall proceed  
25 to register the foreign support order in the state where the  
26 obligor or the property of the obligor can be located.

1       (3) If this state is acting as a registering state, the  
2 friend of the court upon the request of the court or the state  
3 department of social services shall proceed to confirm a regis-  
4 tered order.

5       Sec. 642. (1) An obligee seeking to register a foreign sup-  
6 port order in a court of this state shall transmit to the clerk  
7 of the court 3 certified copies of the order with all modifica-  
8 tions of the order, 1 copy of the reciprocal enforcement of sup-  
9 port act of the state in which the order was made, and a state-  
10 ment verified and signed by the obligee, showing the post office  
11 address of the obligee, the last known place of residence and  
12 post office address of the obligor, the amount of support remain-  
13 ing unpaid, a description and the location of any property of the  
14 obligor available upon execution, and a list of the states in  
15 which the order is registered. Upon receipt of these documents,  
16 the clerk of the court, without payment of a filing fee or other  
17 cost to the obligee, shall file them in the registry of foreign  
18 support orders. The filing constitutes registration under this  
19 article.

20       (2) Promptly upon registration of the foreign support order,  
21 the clerk of the court shall docket the case and shall notify the  
22 friend of the court of the registration of the foreign support  
23 order. The friend of the court shall mail by certified or regis-  
24 tered mail, return receipt requested, to the obligor at the  
25 address given, or serve upon the obligor under the court rules, a  
26 notice of the registration with a copy of the registered support  
27 order and the post office address of the obligee.

1       (3) Within 28 days after service, the obligor may petition  
2 the court to vacate the registration or to seek other relief. If  
3 the obligor does not petition the court within 28 days after  
4 service to vacate the registration or to seek other relief, the  
5 registered support order is confirmed. If the obligor does peti-  
6 tion the court to vacate the registration or seek other relief,  
7 the obligor shall send a copy of the petition to the friend of  
8 the court.

9       (4) If the obligor petitions the court to vacate the regis-  
10 tration or for other relief, a hearing shall be scheduled. At  
11 the hearing, the obligor may present only matters that would be  
12 available to the obligor as defenses in an action to enforce a  
13 foreign money judgment. If the obligor shows the court that an  
14 appeal from the order is pending or will be taken or that a stay  
15 of execution has been granted, the court shall stay enforcement  
16 of the order until the appeal is concluded, the time for appeal  
17 has expired, or the order is vacated, upon satisfactory proof  
18 that the obligor has furnished security for payment of the sup-  
19 port ordered as required by the rendering state. If the obligor  
20 shows the court any ground upon which enforcement of a support  
21 order of this state may be stayed, the court shall stay enforce-  
22 ment of the order for an appropriate period if the obligor fur-  
23 nishes the same security for payment of the support ordered that  
24 is required for a support order of this state.

25       Sec. 643. (1) If a registered foreign support order has  
26 been confirmed, it shall be treated in the same manner as a  
27 support order issued by a court of this state. A registered

1 foreign support order has the same effect and is subject to the  
2 same procedures, defenses, and proceedings for reopening, modify-  
3 ing, vacating, or staying as a support order of this state and  
4 may be modified and satisfied in like manner.

5 (2) The friend of the court shall enforce a confirmed  
6 order.

7 Sec. 644. (1) A proceeding pursuant to this article shall  
8 adjudicate only the issue of support and shall not adjudicate an  
9 issue of custody or visitation.

10 (2) Nothing in this article shall prevent a court which has  
11 prior continuing jurisdiction over the parties in matters of sup-  
12 port, custody, and visitation from exercising its jurisdiction  
13 over those matters.

14 Sec. 645. (1) If this state is the initiating, responding,  
15 rendering, or registering state in proceedings under this arti-  
16 cle, and the prosecuting attorney neglects or refuses to repre-  
17 sent the obligee, the attorney general may undertake the  
18 representation.

19 (2) The obligee may be represented in any proceedings under  
20 this article by private legal counsel at the obligee's own  
21 expense.

## 22 ARTICLE 6A.

23 Sec. 651. (1) The general purposes of this article are to:

24 (a) Avoid jurisdictional competition and conflict with  
25 courts of other states in matters of child custody which have in  
26 the past resulted in the shifting of children from state to state  
27 with harmful effects on their well-being.

1 (b) Promote cooperation with the courts of other states so  
2 that a custody decree or judgment is rendered in that state which  
3 can best decide the case in the interests of the child.

4 (c) Assure that litigation concerning the custody of a child  
5 take place ordinarily in the state with which the child and his  
6 or her family have the closest connection and where significant  
7 evidence concerning his or her care, protection, training, and  
8 personal relationships is most readily available, and that courts  
9 of this state decline the exercise of jurisdiction when the child  
10 and his or her family have a closer connection with another  
11 state.

12 (d) Discourage continuing controversies over child custody  
13 in the interest of greater stability of home environment and of  
14 secure family relationships for the child.

15 (e) Deter abductions and other unilateral removals of chil-  
16 dren undertaken to obtain custody awards.

17 (f) Avoid relitigation of custody decisions of other states  
18 in this state insofar as feasible.

19 (g) Facilitate the enforcement of custody decrees or judg-  
20 ments of other states.

21 (h) Promote and expand the exchange of information and other  
22 forms of mutual assistance between the courts of this state and  
23 those of other states concerned with the same child.

24 (i) Make uniform the law of those states which substantially  
25 conforms to this article.

26 (2) This article shall be construed to promote the general  
27 purposes stated in this section.

1       Sec. 652. As used in this article:

2       (a) "Contestant" means a person, including a parent, who  
3 claims a right to custody or visitation rights with respect to a  
4 child.

5       (b) "Custody determination" means a court decision and court  
6 orders and instructions providing for the custody of a child,  
7 including visitation rights. Custody determination does not  
8 include a decision relating to child support or other monetary  
9 obligation of a person.

10       (c) "Custody proceeding" includes proceedings in which a  
11 custody determination is 1 of several issues, such as an action  
12 for divorce or separation, and includes child neglect and depen-  
13 dency proceedings.

14       (d) "Decree or judgment" or "custody decree or judgment"  
15 means a custody determination contained in a judicial decree or  
16 order made in a custody proceeding, and includes an initial  
17 decree or judgment and a modification decree or judgment.

18       (e) "Home state" means the state in which the child immedi-  
19 ately preceding the time involved lived with his or her parents,  
20 a parent, or a person acting as parent, for at least 6 consecu-  
21 tive months, and in the case of a child less than 6 months old  
22 the state in which the child lived from birth with any of the  
23 persons mentioned. Periods of temporary absence of the named  
24 persons are counted as part of the 6-month or other period.

25       (f) "Initial decree or judgment" means the first custody  
26 decree or judgment concerning a particular child.

1 (g) "Modification decree or judgment" means a custody decree  
2 or judgment which modifies or replaces a prior decree or  
3 judgment, whether made by the court which rendered the prior  
4 decree or judgment or by another court.

5 (h) "Physical custody" means actual possession and control  
6 of a child.

7 (i) "Person acting as parent" means a person, other than a  
8 parent, who has physical custody of a child and who has either  
9 been awarded custody by a court or claims a right to custody.

10 (j) "State" means a state, territory, or possession of the  
11 United States, the Commonwealth of Puerto Rico, and the District  
12 of Columbia.

13 Sec. 653. (1) A court of this state which is competent to  
14 decide child custody matters has jurisdiction to make a child  
15 custody determination by initial or modification decree or judg-  
16 ment if any of the following exist:

17 (a) This state is the home state of the child at the time of  
18 commencement of the proceeding or had been the child's home state  
19 within 6 months before commencement of the proceeding and the  
20 child is absent from this state because of his removal or reten-  
21 tion by a person claiming his or her custody or for other rea-  
22 sons, and a parent or person acting as parent continues to live  
23 in this state.

24 (b) It is in the best interest of the child that a court of  
25 this state assume jurisdiction because the child and his or her  
26 parents, or the child and at least 1 contestant, have a  
27 significant connection with this state and there is available in

1 this state substantial evidence concerning the child's present or  
2 future care, protection, training, and personal relationships.

3 (c) The child is physically present in this state and the  
4 child has been abandoned or it is necessary in an emergency to  
5 protect the child because the child has been subjected to or  
6 threatened with mistreatment or abuse or is otherwise neglected  
7 or dependent.

8 (d) It appears that no other state would have jurisdiction  
9 under prerequisites substantially in accordance with subdivision  
10 (a), (b), or (c) or another state has declined to exercise juris-  
11 diction on the ground that this state is the more appropriate  
12 forum to determine the custody of the child and it is in the best  
13 interest of the child that this court assume jurisdiction.

14 (2) Except under subsection (1)(c) and (d), the physical  
15 presence in this state of the child or of the child and 1 of the  
16 contestants is not alone sufficient to confer jurisdiction on a  
17 court of this state to make a child custody determination.

18 (3) Physical presence of the child, while desirable, is not  
19 a prerequisite for jurisdiction to determine his or her custody.

20 Sec. 654. Before making a decree or judgment under this  
21 article, reasonable notice and opportunity to be heard shall be  
22 given to the contestants, a parent whose parental rights have not  
23 been previously terminated, and a person who has physical custody  
24 of the child. If any of these persons is outside this state,  
25 notice and opportunity to be heard shall be given pursuant to  
26 section 655.



1       Sec. 655.. (1) Notice required for the exercise of  
2 jurisdiction over a person outside this state shall be given in a  
3 manner reasonably calculated to give actual notice, and may be:

4       (a) By personal delivery outside this state in the manner  
5 prescribed for service of process within this state.

6       (b) In the manner prescribed by the law of the place in  
7 which the service is made for service of process in that place in  
8 an action in any of its courts of general jurisdiction.

9       (c) By any form of mail addressed to the person to be served  
10 and requesting a receipt.

11       (d) As directed by the court including publication, if other  
12 means of notification are ineffective.

13       (2) Notice under this section shall be served, mailed, or  
14 delivered, or last published at least 20 days before a hearing in  
15 this state.

16       (3) Proof of service outside this state may be made by affi-  
17 davit of the person who made the service or in the manner pre-  
18 scribed by the law of this state, the order pursuant to which the  
19 service is made, or the law of the place in which the service is  
20 made. If service is made by mail, proof may be a receipt signed  
21 by the addressee or other evidence of delivery to the addressee.

22       (4) Notice is not required if a person submits to the juris-  
23 diction of the court.

24       Sec. 656. (1) A court of this state shall not exercise its  
25 jurisdiction under this article if at the time of filing the  
26 petition a proceeding concerning the custody of the child is  
27 pending in a court of another state exercising jurisdiction

1 substantially in conformity with this article, unless the  
2 proceeding is stayed by the court of the other state because this  
3 state is a more appropriate forum or for other reasons or unless  
4 temporary action by a court of this state is necessary in an  
5 emergency to protect the child because the child has been sub-  
6 jected to or threatened with mistreatment or abuse or is other-  
7 wise neglected or dependent.

8       (2) Before hearing the petition in a custody proceeding, the  
9 court shall examine the pleadings and other information supplied  
10 by the parties under section 659 and shall consult the child cus-  
11 tody registry established under section 666 concerning the pen-  
12 dency of proceedings with respect to the child in other states.  
13 If the court has reason to believe that proceedings may be pend-  
14 ing in another state, it shall direct an inquiry to the state  
15 court administrator or other appropriate official of the other  
16 state.

17       (3) If the court is informed during the course of the pro-  
18 ceeding that a proceeding concerning the custody of the child was  
19 pending in another state before the court assumed jurisdiction,  
20 it shall stay the proceeding and communicate with the court in  
21 which the other proceeding is pending to the end that the issue  
22 may be litigated in the more appropriate forum and that informa-  
23 tion be exchanged in accordance with sections 669 to 672. If a  
24 court of this state has made a custody decree or judgment before  
25 being informed of a pending proceeding in a court of another  
26 state, it shall immediately inform that court of the fact. If  
27 the court is informed that a proceeding was commenced in another

1 state after it assumed jurisdiction, it shall likewise inform the  
2 other court to the end that the issues may be litigated in the  
3 more appropriate forum.

4       Sec. 657. (1) A court which has jurisdiction under this  
5 article to make an initial or modification decree or judgment may  
6 decline to exercise its jurisdiction before making a decree or  
7 judgment if it finds that it is an inconvenient forum to make a  
8 custody determination under the circumstances of the case and  
9 that a court of another state is a more appropriate forum.

10       (2) A finding of inconvenient forum may be made upon the  
11 court's own motion or upon motion of a party or a guardian ad  
12 litem or other representative of the child.

13       (3) In determining if it is an inconvenient forum, the court  
14 shall consider if it is in the interest of the child that another  
15 state assume jurisdiction. For this purpose it may take into  
16 account the following factors, among others:

17       (a) If another state is or recently was the child's home  
18 state.

19       (b) If another state has a closer connection with the child  
20 and his or her family or with the child and 1 or more of the  
21 contestants.

22       (c) If substantial evidence concerning the child's present  
23 or future care, protection, training, and personal relationships  
24 is more readily available in another state.

25       (d) If the parties have agreed on another forum which is no  
26 less appropriate.

1 (e) If the exercise of jurisdiction by a court of the state  
2 would contravene any of the purposes stated in section 651.

3 (4) Before determining whether to decline or retain juris-  
4 diction, the court may communicate with a court of another state  
5 and exchange information pertinent to the assumption of jurisdic-  
6 tion by either court with a view to assuring that jurisdiction  
7 will be exercised by the more appropriate court and that a forum  
8 will be available to the parties.

9 (5) If the court finds that it is an inconvenient forum and  
10 that a court of another state is a more appropriate forum, it may  
11 dismiss the proceedings or it may stay the proceedings upon con-  
12 dition that a custody proceeding be commenced promptly in another  
13 named state or upon other conditions which may be just and  
14 proper, including the condition that a moving party stipulate his  
15 or her consent and submission to the jurisdiction of the other  
16 forum.

17 (6) The court may decline to exercise its jurisdiction under  
18 this article if a custody determination is incidental to an  
19 action for divorce or another proceeding while retaining juris-  
20 diction over the divorce or other proceeding.

21 (7) If it appears to the court that it is clearly an inap-  
22 propriate forum, it may require the party who commenced the pro-  
23 ceedings to pay, in addition to the costs of the proceedings in  
24 this state, necessary travel and other expenses, including  
25 attorneys' fees, incurred by other parties or their witnesses.  
26 Payment is to be made to the clerk of the court for remittance to  
27 the proper party.

1 (8) Upon dismissal or stay of proceedings under this  
2 section, the court shall inform the court found to be the more  
3 appropriate forum of this fact, or if the court which would have  
4 jurisdiction in the other state is not certainly known, shall  
5 transmit the information to the court administrator or other  
6 appropriate official for forwarding to the appropriate court.

7 (9) A communication received from another state informing  
8 this state of a finding of inconvenient forum because a court of  
9 this state is the more appropriate forum shall be filed in the  
10 custody registry of the appropriate court. Upon assuming juris-  
11 diction, the court of this state shall inform the original court  
12 of this fact.

13 Sec. 658. (1) If the petitioner for an initial decree or  
14 judgment has wrongfully taken the child from another state or has  
15 engaged in similar reprehensible conduct, the court may decline  
16 to exercise jurisdiction if this is just and proper under the  
17 circumstances.

18 (2) Unless required in the interest of the child, the court  
19 shall not exercise its jurisdiction to modify a custody decree or  
20 judgment of another state if the petitioner, without consent of  
21 the person entitled to custody, has improperly removed the child  
22 from the physical custody of the person entitled to custody or  
23 has improperly retained the child after a visit or other tempo-  
24 rary relinquishment of physical custody. If the petitioner has  
25 violated another provision of a custody decree or judgment of  
26 another state, the court may decline to exercise its jurisdiction  
27 if this is just and proper under the circumstances.

1       (3) In appropriate cases a court dismissing a petition under  
2 this section may charge the petitioner with necessary travel and  
3 other expenses, including attorneys' fees, incurred by other par-  
4 ties or their witnesses.

5       Sec. 659. (1) Every party in a custody proceeding in his or  
6 her first pleading or in an affidavit attached to that pleading  
7 shall give information under oath as to the child's present  
8 address, the places where the child has lived within the last 5  
9 years, and the names and present addresses of the persons with  
10 whom the child has lived during that period. In this pleading or  
11 affidavit, every party shall further declare under oath whether  
12 he or she:

13       (a) Has participated as a party, witness, or in another  
14 capacity in other litigation concerning the custody of the same  
15 child in this or any other state.

16       (b) Has information of a custody proceeding concerning the  
17 child pending in a court of this or any other state.

18       (c) Knows of a person not a party to the proceedings who has  
19 physical custody of the child or claims to have custody or visi-  
20 tation rights with respect to the child.

21       (2) If the declaration as to any of the above items is in  
22 the affirmative, the declarant shall give additional information  
23 under oath as required by the court. The court may examine the  
24 parties under oath as to details of the information furnished and  
25 as to other matters pertinent to the court's jurisdiction and the  
26 disposition of the case.

1       (3) A party has a continuing duty to inform the court of any  
2 custody proceeding concerning the child in this or another state  
3 of which he or she obtained information during this proceeding.

4       Sec. 660. If the court learns from information furnished by  
5 the parties pursuant to section 659 or from other sources that a  
6 person not a party to the custody proceeding has physical custody  
7 of the child or claims to have custody or visitation rights with  
8 respect to the child, it shall order that person to be joined as  
9 a party and to be duly notified of the pendency of the proceeding  
10 and of his or her joinder as a party. If the person joined as a  
11 party is outside this state he or she shall be served with pro-  
12 cess or otherwise notified in accordance with section 655.

13       Sec. 661. (1) The court may order a party to the proceeding  
14 who is in this state to appear personally before the court. If  
15 that party has physical custody of the child, the court may order  
16 that the party appear personally with the child.

17       (2) If a party to the proceeding whose presence is desired  
18 by the court is outside this state with or without the child, the  
19 court may order that the notice given under section 655 include a  
20 statement directing that party to appear personally with or with-  
21 out the child and declaring that failure to appear may result in  
22 a decision adverse to that party.

23       (3) If a party to the proceeding who is outside this state  
24 is directed to appear under subsection (2) or desires to appear  
25 personally before the court with or without the child, the court  
26 may require another party to pay to the clerk of the court travel

1 and other necessary expenses of the party so appearing and of the  
2 child if this is just and proper under the circumstances.

3       Sec. 662. A custody decree or judgment rendered by a court  
4 of this state which had jurisdiction under section 653 binds all  
5 parties who have been served in this state or notified in accord-  
6 ance with section 655 or who have submitted to the jurisdiction  
7 of the court and who were given an opportunity to be heard. As  
8 to these parties, the custody decree or judgment is conclusive as  
9 to all issues of law and fact decided and as to the custody  
10 determination made unless that determination is modified pursuant  
11 to law, including the provisions of this article.

12       Sec. 663. The courts of this state shall recognize and  
13 enforce an initial or modification decree or judgment of a court  
14 of another state which had assumed jurisdiction under statutory  
15 provisions substantially in accordance with this article or which  
16 was made under factual circumstances meeting the jurisdictional  
17 standards of this article as long as this decree or judgment has  
18 not been modified in accordance with jurisdictional standards  
19 substantially similar to those of this article.

20       Sec. 664. (1) If a court of another state has made a cus-  
21 tody decree or judgment, a court of this state shall not modify  
22 that decree or judgment unless it appears to the court of this  
23 state that the court which rendered the decree or judgment does  
24 not now have jurisdiction under jurisdictional prerequisites sub-  
25 stantially in accordance with this article or has declined to  
26 assume jurisdiction to modify the decree or judgment and the  
27 court in this state has jurisdiction.



1       (2) If a court of this state is authorized under subsection  
2 (1) and section 658 to modify a custody decree or judgment of  
3 another state, it shall give due consideration to the transcript  
4 of the records and other documents of all previous proceedings  
5 submitted to it in accordance with section 672.

6       Sec. 665. (1) A certified copy of a custody decree or judg-  
7 ment of another state may be filed in the office of the clerk of  
8 a court of this state. The clerk shall treat the decree or judg-  
9 ment in the same manner as a custody decree or judgment of a  
10 court of this state. A custody decree or judgment so filed has  
11 the same effect and shall be enforced in like manner as a custody  
12 decree or judgment rendered by a court of the state.

13       (2) A person violating a custody decree or judgment of  
14 another state which makes it necessary to enforce the decree in  
15 this state may be required to pay necessary travel and other  
16 expenses, including attorney's fees, incurred by the party enti-  
17 tled to the custody or his or her witnesses.

18       Sec. 666. The clerk of each circuit and probate court shall  
19 maintain a registry in which shall be entered all of the  
20 following:

21       (a) Certified copies of custody decrees or judgments of  
22 other states received for filing.

23       (b) Communications as to the pendency of custody proceedings  
24 in other states.

25       (c) Communications concerning a finding of inconvenient  
26 forum by a court of another state.

1 (d) Other communications or documents concerning custody  
2 proceedings in another state which may affect the jurisdiction of  
3 a court of this state or the disposition to be made by it in a  
4 custody proceeding.

5 Sec. 667. The clerk of the circuit or probate court of this  
6 state, at the request of the court of another state or at the  
7 request of a person who is affected by or has a legitimate inter-  
8 est in a custody decree or judgment, shall certify and forward a  
9 copy of the decree or judgment to that court or person.

10 Sec. 668. In addition to other procedural devices available  
11 to a party, a party to the proceeding or a guardian ad litem or  
12 other representative of the child may adduce testimony of wit-  
13 nesses, including parties and the child, by deposition or other-  
14 wise, in another state. The court on its own motion may direct  
15 that the testimony of a person be taken in another state and may  
16 prescribe the manner in which and the terms upon which the testi-  
17 mony shall be taken.

18 Sec. 669. (1) A court of this state may request the appro-  
19 priate court of another state to hold a hearing to adduce evi-  
20 dence; to order a party to produce or give evidence under other  
21 procedures of that state or to have social studies made with  
22 respect to the custody of a child involved in proceedings pending  
23 in the court of this state; and to forward to the court of this  
24 state certified copies of the transcript of the record of the  
25 hearing, the evidence otherwise adduced, or social studies pre-  
26 pared in compliance with the request. The cost of the services

1 may be assessed against the parties or, if necessary, ordered  
2 paid by the county.

3       (2) A court of this state may request the appropriate court  
4 of another state to order a party to custody proceedings pending  
5 in the court of this state to appear in the proceedings and if  
6 that party has physical custody of the child, to appear with the  
7 child. The request may state that travel and other necessary  
8 expenses of the party and of the child whose appearance is  
9 desired will be assessed against another party or will otherwise  
10 be paid.

11       Sec. 670. (1) Upon request of the court of another state,  
12 the courts of this state which are competent to hear custody mat-  
13 ters may order a person in this state to appear at a hearing to  
14 adduce evidence or to produce or give evidence under other proce-  
15 dures available in this state or may order social studies to be  
16 made for use in a custody proceeding in another state. A certi-  
17 fied copy of the transcript of the record of the hearing or the  
18 evidence otherwise adduced and social studies prepared shall be  
19 forwarded by the clerk of the court to the requesting court.

20       (2) A person within this state voluntarily may give his or  
21 her testimony or statement in this state for use in a custody  
22 proceeding outside this state.

23       (3) Upon request of the court of another state, a competent  
24 court of this state may order a person in this state to appear  
25 alone or with the child in a custody proceeding in another  
26 state. The court may condition compliance with the request upon

1 assurance by the other state that travel and other necessary  
2 expenses will be advanced or reimbursed.

3       Sec. 671. In a custody proceeding in this state, the court  
4 shall preserve the pleadings, orders, and decrees or judgments, a  
5 record that has been made of its hearings, social studies, and  
6 other pertinent documents until the child reaches 18 years of  
7 age. Upon appropriate request of the court of another state, the  
8 court shall forward to the other court certified copies of any or  
9 all of those documents.

10       Sec. 672. If a custody decree or judgment was rendered in  
11 another state concerning a child involved in a custody proceeding  
12 pending in a court of this state, the court of this state upon  
13 taking jurisdiction of the case shall request of the court of the  
14 other state a certified copy of the transcript of the court  
15 record and other documents mentioned in section 671.

16       Sec. 673. The general policies of this article extend to  
17 the international areas. The provisions of this article relating  
18 to the recognition and enforcement of custody decrees or judg-  
19 ments of other states apply to custody decrees or judgments and  
20 decrees involving legal institutions similar in nature to custody  
21 rendered by appropriate authorities of other nations if reason-  
22 able notice and opportunity to be heard were given to all  
23 affected persons.

24                                   ARTICLE 7

25       Sec. 700. (1) There is created in each judicial circuit of  
26 this state an office of the friend of the court, except as  
27 otherwise provided in subsection (2).

1 (2) If each county in a multicounty judicial circuit had a  
2 separate office on June 30, 1983, each county in that circuit  
3 shall have a separate office on and after July 1, 1983. If a  
4 vacancy occurs in the position of the friend of the court in such  
5 a county, the chief judge may merge the office in that county  
6 with the office in another county of the judicial circuit.

7 (3) The head of each office is the friend of the court serv-  
8 ing or appointed under section 701.

9 (4) Except as otherwise provided in this subsection, the  
10 friend of the court is an employee of the court in the judicial  
11 circuit served by the friend of the court. The friend of the  
12 court for the third judicial circuit, and for any other judicial  
13 circuit in which the employees serving in the court are paid by  
14 the state, is an employee of the state judicial council.

15 Sec. 701. (1) Each person appointed as friend of the court  
16 under a former statute who is serving in that position upon the  
17 effective date of this act shall continue to serve in that posi-  
18 tion as reconstituted by this act.

19 (2) If the position of the friend of the court becomes  
20 vacant for any reason, the chief judge shall appoint a person to  
21 the position of friend of the court not later than 6 months after  
22 the vacancy occurs.

23 (3) If necessary, the chief judge may appoint an interim  
24 friend of the court to serve for not longer than 6 months or  
25 until a friend of the court is appointed under this section.

26 (4) A friend of the court appointed under this section shall  
27 demonstrate experience or education in a human service or

1 behavioral science field, domestic relations law, or  
2 administration.

3 (5) If the friend of the court serving a judicial circuit is  
4 not an attorney who is a member of the state bar of Michigan and  
5 that office does not employ such an attorney, the chief judge may  
6 appoint an attorney who is a member of the state bar of Michigan  
7 to assist the friend of the court when legal assistance is neces-  
8 sary to carry out the duties imposed by this act.

9 Sec. 702. (1) Except as otherwise provided in this section,  
10 the compensation and expenses of the friend of the court for each  
11 judicial circuit and of the employees of the office and all oper-  
12 ating expenses incurred by the office shall be fixed by the chief  
13 judge under section 591 of the revised judicature act of 1961,  
14 Act No. 236 of the Public Acts of 1961, being section 600.591 of  
15 the Michigan Compiled Laws. The compensation and expenses shall  
16 be paid by the county treasurer from the general fund, and the  
17 friend of the court fund created under section 2530 of the  
18 revised judicature act of 1961, Act No. 236 of the Public Acts of  
19 1961, being section 600.2530 of the Michigan Compiled Laws, of  
20 the county or counties served.

21 (2) In the third judicial circuit, the compensation of the  
22 friend of the court and the employees of the state judicial coun-  
23 cil serving in the third judicial circuit and supervised by the  
24 friend of the court shall be paid by the state and shall be fixed  
25 under sections 592 and 9104 of the revised judicature act of  
26 1961, Act No. 236 of the Public Acts of 1961, being sections  
27 600.592 and 600.9104 of the Michigan Compiled Laws. Pursuant to

1 section 595(1) of Act No. 236 of the Public Acts of 1961, being  
2 section 600.595 of the Michigan Compiled Laws, the state shall  
3 maintain and operate the office as the successor to the friend of  
4 the court appointed under former statutes.

5 (3) In any other judicial circuit in which the employees  
6 serving in the court are employees of the state judicial council,  
7 the compensation of the friend of the court and the employees of  
8 the state judicial council serving in that judicial circuit and  
9 supervised by the friend of the court shall be paid by the state  
10 and shall be fixed under section 9104 of the revised judicature  
11 act of 1961, Act No. 236 of the Public Acts of 1961.

12 (4) An attorney appointed under section 701(5) shall be com-  
13 pensated in a reasonable amount, based upon time and expenses, to  
14 be determined by the county board or boards of commissioners of  
15 the judicial circuit served by that office. If the judicial cir-  
16 cuit is one in which the employees serving in the court are  
17 employees of the state judicial council, the compensation of an  
18 attorney appointed under section 701(5) shall be paid by the  
19 state and fixed by the state judicial council under section 9104  
20 of the revised judicature act of 1961, Act No. 236 of the Public  
21 Acts of 1961, being section 600.9104 of the Michigan Compiled  
22 Laws.

23 Sec. 703. (1) The chief judge annually shall review the  
24 performance record of each friend of the court serving that cir-  
25 cuit to determine whether the friend of the court is guilty of  
26 misconduct, neglect of statutory duty, or failure to carry out  
27 written orders of the court relative to a statutory duty; whether

1 the purposes of this act are being met; and whether the duties of  
2 the friend of the court are being carried out in a manner that  
3 reflects the needs of the community being served.

4 (2) Public notice of the annual review under subsection (1)  
5 shall be given. Members of the public may submit written com-  
6 ments to the chief judge relating to the above criteria.

7 (3) Subsequent to the annual review under subsection (1), a  
8 written evaluation, which shall include a summary of any public  
9 comments received, shall be made. The friend of the court shall  
10 receive a copy of the evaluation and shall have an opportunity to  
11 make a written response.

12 (4) The bureau shall receive a copy of the evaluation and  
13 any response by the friend of the court prepared under  
14 subsection (3).

15 Sec. 704. (1) In a judicial circuit in which the friend of  
16 the court is employed by the state judicial council, the chief  
17 judge may remove the friend of the court or place the friend of  
18 the court on probation upon making a determination that the  
19 friend of the court is guilty of misconduct, neglect of statutory  
20 duty, or failure to carry out written orders of the court.

21 (2) In a judicial circuit in which the friend of the court  
22 is not employed by the state judicial council, a hearing to  
23 determine if the friend of the court is guilty of such miscon-  
24 duct, neglect, or failure shall be convened by 1 of the following  
25 procedures:

26 (a) By the chief judge on his or her motion.



1 (b) By a visiting judge requested by the chief judge to be  
2 assigned under section 225, 226, 558, or 8212 of the revised  
3 judicature act of 1961, being sections 600.225, 600.226, 600.559,  
4 and 600.8212 of the Michigan Compiled Laws, after the chief judge  
5 has received either of the following, as applicable:

6 (i) In a judicial circuit composed of a single county, a  
7 request in the form of a resolution passed by a majority of the  
8 county board of commissioners.

9 (ii) In a judicial circuit composed of more than 1 county, a  
10 request in the form of a resolution passed by a majority of each  
11 of the county boards of commissioners.

12 (iii) A resolution passed under this subsection shall state  
13 the reasons for the requested hearing.

14 (3) Before commencing a hearing under subsection (2), the  
15 chief judge shall give to the friend of the court, personally or  
16 by ordinary mail, notice of the facts that are alleged to warrant  
17 the hearing. The friend of the court shall have an opportunity  
18 to be heard at the hearing.

19 (4) The chief judge may remove the friend of the court or  
20 place the friend of the court on probation if the hearing held  
21 under subsection (2) results in a determination that the friend  
22 of the court is guilty of misconduct, neglect of statutory duty,  
23 or failure to carry out the written orders of the court relative  
24 to a statutory duty.

25 Sec. 710. (1) Each friend of the court shall take all nec-  
26 essary steps to adopt office procedures to implement this act,  
27 the Michigan court rules, and the recommendations of the bureau.

1 (2) The duties of the office shall be performed under the  
2 direction and supervision of the chief judge.

3 (3) The office shall initiate and carry out proceedings to  
4 enforce all orders entered in a domestic relations action regard-  
5 ing custody, parenting time, visitation, and support, under this  
6 act and the Michigan court rules.

7 (4) The office shall provide, either directly or by con-  
8 tract, domestic relations mediation to assist the parties in set-  
9 tling voluntarily a dispute concerning child custody, parenting  
10 time, or visitation that arises from a domestic relations  
11 matter.

12 Sec. 711. Before adjudication of a domestic relations  
13 matter, the office shall have all of the following duties:

14 (a) To provide to each party to a domestic relations matter  
15 as soon as possible after the filing of a complaint or other ini-  
16 tiating pleading an informational pamphlet prepared in accordance  
17 with the model pamphlet developed by the bureau. Upon request, a  
18 party shall receive an oral explanation of the informational  
19 pamphlet. The pamphlet shall explain all of the following:

20 (i) The procedures of the office.

21 (ii) The duties of the office.

22 (iii) The rights and responsibilities of the parties.

23 (iv) The availability of and procedures used in domestic  
24 relations mediation.

25 (v) The availability of human services in the community.

26 (vi) The availability of joint custody.

1       (vii) The procedures for filing a grievance against the  
2 office.

3       (b) To inform the parties of the availability of domestic  
4 relations mediation if there is a dispute as to child custody,  
5 parenting time, or visitation.

6       (c) To inform the parents of the availability of joint cus-  
7 tody if there is a dispute between the parents as to child  
8 custody.

9       (d) To investigate all relevant facts, and to make a written  
10 report and recommendation based upon the factors enumerated in  
11 this act to the parties and to the court regarding all of the  
12 following:

13       (i) Child support, if ordered by the court.

14       (ii) Custody, parenting time, or visitation, or any of these  
15 issues, if there is a dispute as to child custody, parenting  
16 time, or visitation, and domestic relations mediation is refused  
17 by either party or is unsuccessful, or if ordered by the court.

18       (e) The investigation required under subdivision (d) may  
19 include reports and evaluations by outside persons or agencies if  
20 requested by the parties or the court, and shall include documen-  
21 tation of alleged facts, if practicable.

22       Sec. 712. (1) After a final judgment containing a child  
23 support order has been entered in a domestic relations action,  
24 the office shall examine the records and conduct any other inves-  
25 tigation necessary to determine whether the order should be modi-  
26 fied in view of 1 or more of the following:

1 (a) A temporary or permanent change in physical custody of  
2 the child which the court has not ordered.

3 (b) Increased needs of the child.

4 (c) Changed financial conditions.

5 (2) For the purposes of subsection (1), changed financial  
6 circumstances shall mean increases or decreases in the resources  
7 available to either party from any source. Changed financial  
8 conditions includes, but is not limited to, the application for  
9 or receipt of any form of public assistance, unemployment compen-  
10 sation, and worker's compensation.

11 (3) A review under subsection (1) shall be conducted in 1 or  
12 more of the following situations:

13 (a) If a child is being supported in whole or in part by  
14 public assistance, once every 2 years.

15 (b) At the initiative of the office, if there are reasonable  
16 grounds to believe that the amount of child support should be  
17 modified.

18 (c) Upon receipt of a written request from a party.

19 (4) The office shall not be required to investigate more  
20 than 1 request received from a party under subsection (3)(c) each  
21 2 years. Within 63 days after receipt of a request, the office  
22 shall complete its investigation and make available the resulting  
23 recommendations and supporting documents required by  
24 section 714.

25 (5) The office shall petition the court for modification of  
26 a child support order if modification is determined to be  
27 appropriate under subsection (1).

1       Sec. 713. After a judgment containing a parenting time or  
2 visitation order has been entered in a domestic relations matter,  
3 if a parenting time or visitation dispute is not resolved through  
4 an informal joint meeting or through domestic relations media-  
5 tion, the office shall proceed as provided in section 524.

6       Sec. 714. (1) A written report and recommendation shall  
7 accompany a motion filed under section 712 or 713.

8       (2) Before a hearing on a proposed modification, the office  
9 shall notify the parties of the proposed modification and afford  
10 the parties an opportunity for review and comment.

11       Sec. 715. (1) Except as otherwise provided in the order or  
12 judgment, after a support order is entered in a domestic rela-  
13 tions action, the office shall receive all payments of support  
14 and service fees, not less than once each month record the sup-  
15 port payments due, paid, and past due, and disburse all support  
16 receipts to the recipient of support.

17       (2) The office shall provide annually to each party, without  
18 charge, 1 statement of account upon request. Additional state-  
19 ments of account shall be provided at a reasonable fee sufficient  
20 to pay the costs of reproduction. Statements provided under this  
21 subsection are in addition to statements provided for administra-  
22 tive and judicial hearings.

23       (3) The office shall distribute amounts withheld under an  
24 order of income withholding, if appropriate, in accordance with  
25 the child support amendments of 1984, Public Law 98-378, 98  
26 Stat. 1305.

1       (4) Upon certification by a county department of social  
2 services that a recipient of support is receiving public  
3 assistance either personally or for a child of the parties, pay-  
4 ments received by the office for the support of the party or  
5 child shall be transmitted to the state department of social  
6 services.

7       Sec. 716. (1) Each office shall establish a system for ini-  
8 tiating enforcement of support orders without awaiting complaints  
9 from the recipient of support.

10       (2) The office shall mail a notice under section 547 unless  
11 the recipient of support is not a recipient of public assistance,  
12 and has filed with the office an agreement signed by him or her  
13 requesting that support enforcement proceedings be initiated only  
14 upon his or her request.

15       (3) Further proceedings to enforce the payment of support  
16 shall be initiated by the office as provided in this act.

17       (4) The office shall enforce a child support order until all  
18 overdue support is paid without further order of the court that  
19 issued the order, except as otherwise provided by this act, until  
20 the child attains the age of 21 years.

21       Sec. 717. The office shall initiate enforcement proceedings  
22 of a custody, parenting time, or visitation order under this act  
23 upon receipt of a written complaint stating the specific facts  
24 alleged to constitute a violation, if the office determines that  
25 there is reason to believe a violation of an order has occurred.

26       Sec. 720. (1) The chief judge may designate as referee the  
27 friend of the court, an employee of the office who is a member of

1 the state bar of Michigan, or, pursuant to section 702(4), a  
2 member of the state bar of Michigan.

3 (2) The court shall utilize referees and take other appro-  
4 priate action to expedite the entry and enforcement of child sup-  
5 port orders and the enforcement of alimony orders as necessary to  
6 obtain dispositions within the following times:

7 (a) Ninety percent within 3 months after filing.

8 (b) Ninety-eight percent within 6 months after filing.

9 (c) One hundred percent within 12 months after filing.

10 Sec. 721. (1) A referee appointed under section 720 may do  
11 all of the following:

12 (a) Except for motions pertaining to a modification of ali-  
13 mony, hear all motions in a domestic relations action referred to  
14 the referee by the court.

15 (b) Administer oaths, compel the attendance of witnesses and  
16 the production of documents, and examine witnesses and parties.

17 (c) Make a written, signed report to the court containing a  
18 summary of testimony, a statement of findings, and a recommended  
19 order, or make a statement of findings on the record and submit a  
20 recommended order.

21 (d) Hold hearings as provided by statute and court rule.

22 The referee shall make a record of each hearing.

23 (e) Accept a voluntary acknowledgment of support liability,  
24 and review and make a recommendation to the court concerning an  
25 agreement to pay support.

26 (f) Recommend a default order establishing, modifying, or  
27 enforcing a support obligation in a domestic relations matter.

1 (2) If ordered by the court, or if agreed to by the parties,  
2 a referee shall make a transcript of each hearing. Unless other-  
3 wise ordered by the court, the cost of preparing a transcript  
4 shall be apportioned equally between the parties.

5 Sec. 722. (1) A copy of each report, recommendation, tran-  
6 script, and any supporting documents or a summary of supporting  
7 documents prepared or used by the friend of the court or an  
8 employee of the office shall be made available to the attorney  
9 for each party and to each of the parties before the court takes  
10 any action on the recommendation.

11 (2) In a child custody dispute, the parties shall be  
12 informed whether a custody preference expressed by the child was  
13 considered, evaluated, and determined by the court, but the par-  
14 ties shall not be informed of the preference expressed by the  
15 child. If a guardian ad litem is appointed for the child, the  
16 guardian ad litem shall be informed whether a custody preference  
17 expressed by the child was considered, evaluated, and determined  
18 by the court, and if so, the preference expressed.

19 (3) The manner and time in which this material is made  
20 available shall be determined by court rule.

21 Sec. 723. (1) The court shall hold a de novo hearing on any  
22 matter that has been the subject of a referee hearing, upon the  
23 filing of a motion by either party or on the court's own motion.

24 (2) The motion of a party under subsection (1) shall be  
25 filed within 14 days after the recommendation of the referee is  
26 made available to that party under section 722(1).



1       Sec. 730. (1) Domestic relations mediation may be provided  
2 directly by the office only if such a service is in place on the  
3 effective date of this act, if the service is not available from  
4 a private source, or if the court can demonstrate that providing  
5 the service within the office is cost beneficial.

6       (2) Any expansion of existing services by the court after  
7 the effective date of this act shall be provided by an individual  
8 meeting the domestic relations mediator minimum qualifications  
9 listed under section 733.

10       (3) Parties shall not be required to meet with a domestic  
11 relations mediator.

12       (4) A person who performs domestic relations mediation in a  
13 domestic relations action involving a particular party shall not  
14 perform referee functions, investigation and recommendation func-  
15 tions, or enforcement functions as to any domestic relations  
16 action involving that party.

17       Sec. 731. (1) If an agreement is reached by the parties  
18 through domestic relations mediation, a consent order incorporat-  
19 ing the agreement shall be prepared by the friend of the court,  
20 an employee of the office who is a member of the state bar of  
21 Michigan, under section 702(4), a member of the state bar of  
22 Michigan, or by the attorney for 1 of the parties.

23       (2) A consent order prepared under subsection (1) shall be  
24 provided to and entered by the court.

25       Sec. 732. (1) Except as otherwise provided in section 731,  
26 a communication between a domestic relations mediator and a party  
27 to domestic relations mediation is confidential. The same

1 protection shall be given to communications between the parties  
2 in the presence of the mediator.

3 (2) The secrecy of the communication shall be preserved  
4 inviolate as a privileged communication. The communication shall  
5 not be entered into evidence in any proceeding.

6 Sec. 733. A domestic relations mediator who performs media-  
7 tion under this act shall have all of the following minimum  
8 qualifications:

9 (a) Knowledge of all of the following:

10 (i) The court system of this state and the procedures used  
11 in a domestic relations matter.

12 (ii) Other resources in the community to which the parties  
13 to a domestic relations matter can be referred for assistance.

14 (iii) Child development, clinical issues relating to chil-  
15 dren, and child custody research.

16 (b) One or more of the following:

17 (i) A license or limited license to engage in the practice  
18 of psychology under the laws of this state, or a master's degree  
19 in counseling; social work, or marriage and family counseling and  
20 successful completion of the training program provided by the  
21 bureau.

22 (ii) Not less than 5 years of experience in family counsel-  
23 ing, preferably in a setting related to the area of responsibil-  
24 ity of the friend of the court and preferably to reflect the  
25 ethnic population to be served, and successful completion of the  
26 training program provided by the bureau.

1       (iii) A graduate degree in behavioral science and successful  
2 completion of a domestic relations mediation training program  
3 certified by the bureau with not less than 40 hours of classroom  
4 instruction and 250 hours of practical experience working under  
5 the direction of a person who has successfully completed a pro-  
6 gram certified by the bureau.

7       (iv) Membership in the state bar of Michigan and successful  
8 completion of the training program provided by the bureau.

9       Sec. 740. (1) A party to a domestic relations matter who  
10 has a grievance concerning office operations or employees shall  
11 utilize the following grievance procedure:

12       (a) File the grievance, in writing, with the appropriate  
13 friend of the court. The friend of the court shall investigate  
14 and decide the grievance as soon as practicable.

15       (b) A party who is not satisfied with the decision under  
16 subdivision (a) may file a further grievance, in writing, with  
17 the chief judge. The chief judge shall cause the grievance to be  
18 investigated and decided as soon as practicable.

19       (2) Each office shall maintain a record of grievances  
20 received and a record of whether the grievance is decided or  
21 undecided. The record shall be transmitted not less than semian-  
22 nually to the bureau. Each office shall provide public access to  
23 the report of grievances prepared by the bureau under  
24 section 771(2).

25       Sec. 750. (1) Upon the request of a consumer credit report-  
26 ing agency, the office shall make available to that agency  
27 information regarding the amount of the payer's overdue support

1 if there is overdue support of 4 or more weeks, but if the  
2 overdue support is less than \$1,000.00, that information may be  
3 made available to the consumer credit reporting agency under a  
4 policy adopted by the friend of the court.

5       (2) Information may be made available under this section  
6 only after the payer has been notified of the proposed action and  
7 has been given a reasonable opportunity to contest the accuracy  
8 of the information. A payer may request an informal hearing to  
9 contest the accuracy of the information within 14 days after the  
10 date the notice was sent. The hearing shall be held within 14  
11 days after the date of the request for hearing. The hearing  
12 shall be held before the friend of the court or before an  
13 employee of the office designated by the friend of the court who  
14 has not had prior involvement with the enforcement of the payer's  
15 support order.

16       (3) Information concerning overdue support shall not be pro-  
17 vided to a consumer credit reporting agency:

18       (a) If an agreement under section 540(2)(a) is in effect.

19       (b) Unless the consumer credit reporting agency agrees in  
20 writing not to release the information later than 2 years after  
21 it receives the information.

22       (4) The office may charge a consumer credit reporting agency  
23 a fee not to exceed the actual cost to the office of providing  
24 the information.

25       Sec. 760. (1) Upon the request of the office, an employer  
26 or former employer of a party to a domestic relations matter  
27 shall provide all of the following information about the party:

1 (a) Full name and address.

2 (b) Social security number.

3 (c) Date of birth.

4 (d) Amount of wages earned by or other income due the  
5 party.

6 (e) Other information relative to the party's current and  
7 former employment.

8 (2) A request for information under this section shall cer-  
9 tify that the information obtained will be treated as confiden-  
10 tial and shall not be used or released except for the purposes of  
11 administering, enforcing, and complying with state and federal  
12 laws governing support.

13 (3) A former employer shall not be required to provide  
14 information concerning a person who was last employed by the  
15 former employer more than 3 years before the date of the  
16 request.

17 (4) This section shall not be construed to require the cre-  
18 ation or maintenance of records not otherwise required to be cre-  
19 ated or maintained, or to require an employer or former employer  
20 to discover information not contained in records of, or otherwise  
21 known to, the employer or former employer.

22 (5) A copy of information provided to the office under this  
23 section shall be made available to the payer or recipient of sup-  
24 port, or both, upon their request.

25 Sec. 770. (1) There is created within the office of the  
26 state court administrator, under the supervision and direction of  
27 the supreme court, the friend of the court bureau.

1 (2) The bureau shall have its main office in Lansing.

2 Sec. 771. (1) The bureau shall develop and recommend guide-  
3 lines for conduct, operations, and procedures of the office and  
4 its employees, including, but not limited to, the following:

5 (a) Caseload and staffing standards for employees who per-  
6 form domestic relations mediation functions, investigation and  
7 recommendation functions, referee functions, enforcement func-  
8 tions, and clerical functions.

9 (b) Model pamphlets and procedural forms, which shall be  
10 distributed to each office.

11 (c) A formula to be used as a guideline in recommending  
12 child support amounts. The formula shall be based upon the needs  
13 of the child and the actual resources of each parent.

14 (d) Standards to be used in determining whether parenting  
15 time or visitation has been wrongfully denied.

16 (e) Standards and procedures for the transfer of part or all  
17 of the responsibilities for a case from 1 office to another in  
18 situations considered appropriate by the bureau.

19 (f) Standards and procedures for imposing a lien or requir-  
20 ing the posting of a bond, security, or other guarantee to secure  
21 the payment of support.

22 (g) Implementing the offset of a delinquent payer's state  
23 income tax refund.

24 (h) A form motion, response and order for use by payers and  
25 recipients of support in modification proceedings without the  
26 assistance of attorneys under section 531(6).

1 (2) The bureau shall do all of the following:

2 (a) Provide training programs for the friend of the court,  
3 domestic relations mediators, and employees of each office to  
4 better enable them to carry out the duties described in this act  
5 and the Michigan court rules.

6 (b) Gather and monitor relevant statistics.

7 (c) Annually issue a report containing a detailed summary of  
8 the types of grievances received by each office, and whether the  
9 grievances have been decided or are undecided. The report shall  
10 be transmitted to the legislature and to each office.

11 (d) Certify domestic relations mediation training programs.

12 (e) Provide orientation programs for litigants in domestic  
13 relations actions.

14 (f) Provide public educational programs regarding domestic  
15 relations law and community resources, including financial and  
16 other counseling, and employment opportunities.

17 (g) Recommend procedural changes in response to the type of  
18 grievances received by each office.

19 (h) Cooperate with the office of child support in develop-  
20 ment and implementation of a statewide information system as pro-  
21 vided in section 781(1)(h).

22 Sec. 772. (1) The bureau shall establish an advisory com-  
23 mittee composed of the following:

24 (a) Three public members who have had contact with an  
25 office.

1 (b) Three members of the state bar of Michigan whose  
2 practices involve primarily domestic relations actions. No more  
3 than 1 such member shall be a circuit court judge.

4 (c) Three human service professionals who provide family  
5 counseling.

6 (2) The advisory committee shall advise the bureau in the  
7 performance of its duties. Advisory committee members shall  
8 serve without compensation, except that they shall be reimbursed  
9 for their expenses for mileage, meals, and if necessary, lodging,  
10 under the schedule for reimbursement established by the  
11 legislature. Meetings of the advisory committee shall be open to  
12 the public. Members of the public attending the meeting shall be  
13 given a reasonable opportunity to address the committee on any  
14 issue under consideration by the committee. If a vote is taken  
15 by the committee, the opportunity to address the committee shall  
16 be given before the vote is taken.

17 Sec. 773. The bureau may call upon each office of the  
18 friend of the court for assistance in performing the duties  
19 imposed by this act.

20 Sec. 780. There is created within the department of social  
21 services the office of child support.

22 Sec. 781. (1) The office of child support shall:

23 (a) Serve as a state agency authorized to administer part D  
24 of title IV of the social security act, 42 U.S.C. 651 to 667.

25 (b) Assist any governmental agency or department in locating  
26 a payer of child support.



1 (c) Coordinate any activity on a state level in locating a  
2 payer.

3 (d) Obtain information which directly relates to the iden-  
4 tity or location of a payer.

5 (e) Serve as the informational agency as provided in section  
6 619.

7 (f) Develop guidelines for coordinating activities of any  
8 governmental department, board, commission, bureau, or agency in  
9 providing information necessary for the location of payers.

10 (g) Develop, administer, and coordinate with the state and  
11 federal departments of treasury a procedure for offset of the  
12 state and federal income tax refunds of payers who owe overdue  
13 support under child support orders or judgments.

14 (h) Develop and implement a statewide information system to  
15 facilitate the establishment and enforcement of child support  
16 orders.

17 (i) Publicize through regular and frequent public service  
18 announcements the availability of support, parenting time, and  
19 visitation enforcement services.

20 (2) Upon receipt of a request from an office of the friend  
21 of the court, the office of child support shall initiate offset  
22 proceedings against a payer's state and federal income tax  
23 refunds.

24 (3) The office of child support shall send to a payer who is  
25 the subject of a request under subsection (2) written notice of  
26 the proposed offset and shall provide the payer an opportunity to  
27 contest the offset of the state income tax refund on the grounds

1 that the offset is not proper because of a mistake of fact  
2 concerning the amount of overdue support or the identity of the  
3 payer.

4 (4) The office of child support shall provide for the prompt  
5 reimbursement of an amount withheld in error or an amount found  
6 to exceed the amount of overdue support.

7 Sec. 782. Any information obtained by the office of child  
8 support shall be available to a governmental department, board,  
9 commission, bureau, agency, or political subdivision of any state  
10 for the purposes of administering, enforcing, or complying with  
11 state and federal laws governing child support.

12 ARTICLE 9

13 Sec. 901. The following acts and parts of acts are  
14 repealed:

15 (a) Chapter 83 of the Revised Statutes of 1846, being sec-  
16 tions 551.2 to 551.18 of the Michigan Compiled Laws.

17 (b) Chapter 84 of the Revised Statutes of 1846, being sec-  
18 tions 552.1 to 552.45 of the Michigan Compiled Laws.

19 (c) Act No. 128 of the Public Acts of 1887, being sections  
20 551.101 to 551.111 of the Michigan Compiled Laws.

21 (d) Act No. 180 of the Public Acts of 1897, being sections  
22 551.201 to 551.204 of the Michigan Compiled Laws.

23 (e) Act No. 299 of the Public Acts of 1905, being section  
24 552.391 of the Michigan Compiled Laws.

25 (f) Act No. 259 of the Public Acts of 1909, being sections  
26 552.101 to 552.104 of the Michigan Compiled Laws.

1 (g) Act No. 52 of the Public Acts of 1911, being sections  
2 552.121 to 552.123 of the Michigan Compiled Laws.

3 (h) Act No. 379 of the Public Acts of 1913, being sections  
4 552.151 to 552.155 of the Michigan Compiled Laws.

5 (i) Act No. 352 of the Public Acts of 1921, being section  
6 551.51 of the Michigan Compiled Laws.

7 (j) Act No. 168 of the Public Acts of 1939, being section  
8 551.271 of the Michigan Compiled Laws.

9 (k) Act No. 42 of the Public Acts of 1949, being sections  
10 552.401 to 552.402 of the Michigan Compiled Laws.

11 (l) The circuit court family counseling services act, Act  
12 No. 155 of the Public Acts of 1964, being sections 551.331 to  
13 551.344 of the Michigan Compiled Laws.

14 (m) The child custody act of 1970, Act No. 91 of the Public  
15 Acts of 1970, being sections 722.21 to 722.29 of the Michigan  
16 Compiled Laws.

17 (n) The friend of the court act, Act No. 294 of the Public  
18 Acts of 1982, being sections 552.501 to 552.535 of the Michigan  
19 Compiled Laws.

20 (o) Sections 1, 2, 4, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19,  
21 21, 23, 27, 31, 32, 33, 35, 37, 39, 41, 42, 44, 46, 48, 49, and  
22 50 of the support and visitation enforcement act, Act No. 295 of  
23 the Public Acts of 1982, being sections 552.601, 552.602,  
24 552.604, 552.607, 552.609, 552.610, 552.611, 552.612, 552.613,  
25 552.614, 552.615, 552.617, 552.619, 552.621, 552.623, 552.627,  
26 552.631, 552.632, 552.633, 552.635, 552.637, 552.639, 552.641,

1 552.642, 552.644, 552.646, 552.648, 552.649, and 552.650 of the  
2 Michigan Compiled Laws.