

SENATE BILL No. 715

December 6, 1989, Introduced by Senators DINGELL,
POLLACK and WELBORN and referred to the
Committee on Judiciary.

A bill to amend sections 3a, 12, 12b, 13, 13a, and 30 of Act No. 8 of the Public Acts of 1952, entitled as amended "Revised uniform reciprocal enforcement of support act," sections 12, 12b, 13, and 13a as amended and sections 3a and 30 as added by Act No. 172 of the Public Acts of 1985, being sections 780.153a, 780.162, 780.162b, 780.163, 780.163a, and 780.180 of the Michigan Compiled Laws; and to add section 31a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3a, 12, 12b, 13, 13a, and 30 of Act
2 No. 8 of the Public Acts of 1952, sections 12, 12b, 13, and 13a
3 as amended and sections 3a and 30 as added by Act No. 172 of the
4 Public Acts of 1985, being sections 780.153, 780.162, 780.162b,
5 780.163a, 780.163a, and 780.180 of the Michigan Compiled Laws,
6 are amended and section 31a is added to read as follows:

1 Sec. 3a. (1) "Court" means the appropriate circuit court of
2 this state and, when the context requires, means the appropriate
3 court of any other state as defined in a substantially similar
4 reciprocal law.

5 (2) "Duty of support" means any duty of support owed to an
6 obligee whether imposed or imposable by law or by order, decree,
7 or judgment of any court, whether temporary or final or whether
8 incidental to an action for divorce, separation, separate mainte-
9 nance, or otherwise and includes the duty to pay arrearages of
10 support past due and unpaid. "Duty of support" also includes the
11 duty to reimburse a state or political subdivision for support
12 furnished to an obligee.

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

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

18 (5) "Initiating court" means the court in which a proceeding
19 is commenced.

20 (6) "Initiating state" means a state in which a proceeding
21 pursuant to this or a substantially similar reciprocal law is
22 commenced.

23 (7) "INTERSTATE CENTRAL REGISTRY" MEANS THE ENTITY IN A
24 STATE THAT IS ESTABLISHED PURSUANT TO FEDERAL REGULATION AND THAT
25 IS RESPONSIBLE FOR RECEIVING, REVIEWING, FORWARDING, AND RESPOND-
26 ING TO INQUIRIES ABOUT INTERSTATE CHILD SUPPORT ACTIONS.

(8) ~~-(7)-~~ "Law" means both common and statutory law.

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

(10) ~~-(9)-~~ "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

(11) ~~-(10)-~~ "Office of the friend of the court" means the agency created in section 3 of Act No. 294 of the Public Acts of 1982, being section 552.503 of the Michigan Compiled Laws.

Sec. 12. If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or the obligor's property, the initiating court shall so certify and cause ~~3 copies of the petition, and its certificate~~ A COMPLETED FORMS PACKAGE AS REQUIRED BY FEDERAL REGULATION and 1 copy of this act, to be sent to the responding ~~court~~ STATE'S INTERSTATE CENTRAL REGISTRY. Certification shall be in accordance with the requirements of the initiating state. ~~If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state, the initiating court shall cause the copies to be sent to the~~

1 ~~state information agency or other proper official of the~~
2 ~~responding state with a request that the agency or official for-~~
3 ~~ward them to the proper court, and that the court of the respond-~~
4 ~~ing state acknowledge their receipt to the initiating court.~~

5 Sec. 12b. (1) The office of child support of the state
6 department of social services is designated as the state informa-
7 tion agency AND THE INTERSTATE CENTRAL REGISTRY under this act,
8 and it shall do all of the following:

9 (a) ~~Annually compile a list of the courts and their~~
10 ~~addresses in this state having jurisdiction under this act and~~
11 ~~transmit the list to the state information agency of every other~~
12 ~~state which has adopted this or a substantially similar act. The~~
13 ~~agency shall distribute~~ DISTRIBUTE copies of any amendments to
14 the act and a statement of their effective date to all other
15 state information agencies.

16 (b) Maintain a ~~register of the lists of courts received~~
17 ~~from other states and transmit copies of those lists promptly to~~
18 ~~every court in this state having jurisdiction under this act~~
19 LIST OF EACH INTERSTATE CENTRAL REGISTRY IN THE UNITED STATES AND
20 ITS ADDRESS, AND PROVIDE THE LIST TO EVERY PROSECUTOR'S OFFICE
21 AND OFFICE OF THE FRIEND OF THE COURT IN THIS STATE.

22 (c) Maintain a supply of duplicated copies of this act, as
23 amended, for the use of court officers in preparing cases to be
24 forwarded to responding states.

25 (d) Act generally as a clearing center for information and
26 maintain general liaison with the council of state governments,

1 law enforcement agencies, the legislature, other governmental or
2 private agencies concerned with this act, and the public.

3 (e) Forward to the court in this state which has proper
4 venue, as determined under section 10, the petitions, certifi-
5 cates, and copies of the act it receives from courts or informa-
6 tion agencies of other states.

7 (2) If the state information agency does not know the loca-
8 tion of the obligor or the obligor's property, the agency shall
9 use its state locator service to obtain this information.

10 Sec. 13. (1) When the court of this state, acting as a
11 responding court, receives from the ~~court of an initiating~~
12 INTERSTATE CENTRAL REGISTRY OF THIS state copies of the petition,
13 certificate, and act, the clerk of the court shall docket the
14 case and notify the prosecuting attorney of the county, who shall
15 be charged with the duty of carrying on the proceedings.

16 (2) The prosecuting attorney shall take all action necessary
17 in accordance with the laws of this state to enable the court to
18 obtain jurisdiction over the obligor or the obligor's property.
19 He or she shall prosecute the case diligently.

20 (3) A prosecuting attorney petitioning for child support
21 under this act shall utilize as a guideline the child support
22 formula developed under section 19 of the friend of the court
23 act, Act No. 294 of the Public Acts of 1982, being section
24 552.519 of the Michigan Compiled Laws.

25 Sec. 13a. 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 the 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~~
12 ~~the information agency or other proper official~~ UPON APPROVAL OF
13 THE INITIATING STATE, TO THE INTERSTATE CENTRAL REGISTRY of the
14 state in which the obligor or the property of the obligor can be
15 located with a request that the documents be forwarded to the
16 proper court. All powers and duties provided by this act apply
17 to the recipient of the documents forwarded pursuant to this
18 section. If the clerk of a court of the responding state for-
19 wards documents to another court, he or she shall immediately
20 notify the court of the initiating state. If a prosecuting
21 attorney does not have any information as to the location of the
22 obligor or the property of the obligor, he or she shall inform
23 the court of the initiating state of that fact.

24 Sec. 30. (1) An obligee seeking to register a foreign sup-
25 port order in a court of this state shall transmit to the clerk
26 of the court ~~3 certified copies~~ THROUGH THE INTERSTATE CENTRAL
27 REGISTRY OF THIS STATE 3 COPIES of the order, 1 OF WHICH SHALL BE

1 CERTIFIED, with all modifications of the order, 1 copy of the
2 reciprocal enforcement of support act of the state in which the
3 order was made, and a statement verified and signed by the obli-
4 gee, showing the post-office address of the obligee, the last
5 known place of residence and post-office address of the obligor,
6 the amount of support remaining unpaid, a description and the
7 location of any property of the obligor available upon execution,
8 and a list of the states in which the order is registered. Upon
9 receipt of these documents the clerk of the court, without pay-
10 ment of a filing fee or other cost to the obligee, shall file
11 them in the registry of foreign support orders. The filing con-
12 stitutes registration under this act.

13 (2) Promptly upon registration of the foreign support order,
14 the clerk of the court shall docket the case and shall notify the
15 friend of the court of the registration of the foreign support
16 order. The friend of the court shall mail by certified or regis-
17 tered mail, return receipt requested, to the obligor at the
18 address given, or serve upon the obligor under the Michigan court
19 rules, a notice of the registration with a copy of the registered
20 support order and the post office address of the obligee.

21 (3) Within 28 days after service, the obligor may petition
22 the court to vacate the registration or to seek other relief. If
23 the obligor does not petition the court within 28 days after
24 service to vacate the registration or to seek other relief, the
25 registered support order is confirmed. If the obligor does peti-
26 tion the court to vacate the registration or seek other relief,

1 the obligor shall send a copy of the petition to the friend of
2 the court.

3 (4) If the obligor petitions the court to vacate the regis-
4 tration or for other relief, a hearing shall be scheduled. At
5 the hearing, the obligor may present only matters that would be
6 available to the obligor as defenses in an action to enforce a
7 foreign money judgment. If the obligor shows to the court that
8 an appeal from the order is pending or will be taken or that a
9 stay of execution has been granted, the court shall stay enforce-
10 ment of the order until the appeal is concluded, the time for
11 appeal has expired, or the order is vacated, upon satisfactory
12 proof that the obligor has furnished security for payment of the
13 support ordered as required by the rendering state. If the obli-
14 gor shows to the court any ground upon which enforcement of a
15 support order of this state may be stayed, the court shall stay
16 enforcement of the order for an appropriate period if the obligor
17 furnishes the same security for payment of the support ordered
18 that is required for a support order of this state.

19 SEC. 31A. (1) IF THERE IS NO MICHIGAN SUPPORT ORDER BUT
20 THERE IS A VALID, EXISTING FOREIGN SUPPORT ORDER, UPON REQUEST OF
21 THE OBLIGEE OR THE DEPARTMENT OF SOCIAL SERVICES IF SUPPORT HAS
22 BEEN ASSIGNED TO IT, THE FRIEND OF THE COURT IN THE COUNTY WHERE
23 THE OBLIGEE RESIDES SHALL INFORM THE SOURCE OF SUPPORT PAYMENTS
24 TO TRANSMIT THE PAYMENTS TO THE FRIEND OF THE COURT.

25 (2) THE FRIEND OF THE COURT SHALL RECEIVE, RECORD, DISBURSE,
26 AND MONITOR PAYMENTS MADE PURSUANT TO THE FOREIGN SUPPORT ORDER.

1 (3) A COPY OF THE FOREIGN SUPPORT ORDER SHALL BE FILED WITH
2 THE CLERK OF THE COURT.

3 (4) THE FILING OF A SUPPORT ORDER PURSUANT TO THIS SECTION
4 IS NOT A REGISTRATION AS DESCRIBED IN SECTION 30.