

# HOUSE BILL No. 4824

June 17, 1999, Introduced by Reps. Jansen and Hart and referred to the Committee on Family and Children Services.

A bill to amend 1985 PA 216, entitled "Interstate income withholding act," by amending sections 3, 5, and 10 (MCL 552.673, 552.675, and 552.680), section 3 as amended by 1996 PA 11 and section 5 as amended by 1990 PA 354.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. As used in this act:

2       (a) "Agency" means the court or entity in ~~any other~~  
3 ANOTHER jurisdiction with functions similar to those assigned in  
4 this act to the office of the friend of the court and the office  
5 of child support relative to the issuance and enforcement of sup-  
6 port orders.

7       (b) "Child" means ~~any~~ A child, whether above or below the  
8 age of majority, with respect to whom a support order exists.

1 (c) "Court" means the circuit court of this state and, when  
2 the context requires, the court or entity of another jurisdiction  
3 with functions similar to those assigned in this act to the cir-  
4 cuit court of this state relative to the issuance and enforcement  
5 of support orders.

6 (d) "Income" means income as defined in section 2 of the  
7 support and parenting time enforcement act, ~~being section~~  
8 ~~552.602 of the Michigan Compiled Laws~~ MCL 552.602.

9 (e) "Income derived in this jurisdiction" means ~~any~~  
10 income, the source of income of which is subject to the jurisdic-  
11 tion of this state for the purpose of imposing and enforcing  
12 income withholding under the support and parenting time enforce-  
13 ment act.

14 (f) "Jurisdiction" means ~~any~~ A state or political subdivi-  
15 sion, territory, or possession of the United States; the District  
16 of Columbia; or the Commonwealth of Puerto Rico.

17 (g) "Obligee" means ~~any~~ A person or entity that is enti-  
18 tled to receive support under a support order, and includes an  
19 entity of another jurisdiction to which a person has assigned his  
20 or her right to support.

21 (h) "Obligor" means ~~any~~ A person required to make payments  
22 under the terms of a support order for a child, spouse, or former  
23 spouse.

24 (i) "Office of child support" means the entity ~~created~~  
25 ESTABLISHED in section 2 of the office of child support act, ~~Act~~  
26 ~~No. 174 of the Public Acts of 1971, being section 400.232 of the~~  
27 ~~Michigan Compiled Laws~~ 1971 PA 174, MCL 400.232.

1 (j) "Office of the friend of the court" means ~~the entity~~  
2 AN OFFICE created in section 3 of the friend of the court act,  
3 ~~Act No. 294 of the Public Acts of 1982, being section 552.503 of~~  
4 ~~the Michigan Compiled Laws~~ 1982 PA 294, MCL 552.503.

5 (k) "Order of income withholding" means order of income  
6 withholding as defined in section 2 of the support and parenting  
7 time enforcement act, MCL 552.602, or the equivalent document  
8 issued in another jurisdiction.

9 (l) "Source of income" means source of income as defined in  
10 section 2 of the support and parenting time enforcement act, MCL  
11 552.602.

12 (M) "STATE DISBURSEMENT UNIT" OR "SDU" MEANS THE ENTITY  
13 ESTABLISHED IN SECTION 6 OF THE OFFICE OF CHILD SUPPORT ACT, 1971  
14 PA 174, MCL 400.236.

15 (N) ~~(m)~~ "Support and parenting time enforcement act" means  
16 ~~Act No. 295 of the Public Acts of 1982, being sections 552.601~~  
17 ~~to 552.650 of the Michigan Compiled Laws~~ 1982 PA 295, MCL  
18 552.601 TO 552.650.

19 (O) ~~(n)~~ "Support order" means ~~any~~ AN order or judgment  
20 for the support, or for the payment of arrearages on the support,  
21 of a child, spouse, or former spouse issued by a court or agency  
22 of another jurisdiction, whether interlocutory or final, whether  
23 or not prospectively or retroactively modifiable, whether inci-  
24 dental to a proceeding for divorce, separate maintenance, pater-  
25 nity, guardianship, or equivalent proceeding, or otherwise.

26 Sec. 5. On behalf of ~~any~~ A client for whom the office of  
27 the friend of the court is already providing services, or on

1 application of a resident of this state, an obligee or obligor of  
2 a support order issued by this state ~~—,~~ or an entity to whom the  
3 obligee has assigned support rights, OR the office of the friend  
4 of the court in the county where the support order was entered  
5 or, if there is no such order, in the county where the obligee or  
6 obligor resides, shall promptly request the agency of another  
7 jurisdiction in which the obligor of a support order derives  
8 income to enter the order for the purpose of obtaining income  
9 withholding against that income. The office of the friend of the  
10 court shall compile and transmit promptly to the agency of the  
11 other jurisdiction all documentation required to enter a support  
12 order for this purpose and shall file the documentation with the  
13 clerk of the court. The office of the friend of the court also  
14 shall transmit immediately to the agency of the other jurisdic-  
15 tion a certified copy of any subsequent modifications of the sup-  
16 port order. If the office of the friend of the court receives  
17 notice that the obligor is contesting income withholding in  
18 another jurisdiction, it shall immediately notify the individual  
19 obligee of the date, time, and place of the hearings and of the  
20 obligee's right to attend. The office of the friend of the court  
21 shall ~~receive, record, disburse, and~~ monitor payments made pur-  
22 suant to an order of income withholding.

23       Sec. 10. (1) An order of income withholding under this act  
24 shall direct payment to be made to the office of the friend of  
25 the court OR THE STATE DISBURSEMENT UNIT, AS APPROPRIATE. The  
26 office of the friend of the court OR SDU shall promptly transmit  
27 payments received pursuant to an order of income withholding

1 based on a support order of another jurisdiction entered under  
2 this act to the agency or person designated in section  
3 6(2)(e)(iii).

4 (2) A support order entered pursuant to section 6 does not  
5 nullify and is not nullified by a support order entered by the  
6 court in this state pursuant to ~~any other~~ ANOTHER law or a sup-  
7 port order entered by a court of ~~any other~~ ANOTHER state. If  
8 more than 1 support order is in effect for the support of 1  
9 person by the same obligor, then ~~any~~ amounts collected by  
10 income withholding and credited against an amount owing for a  
11 particular time period under any 1 order shall be credited  
12 against amounts owing for the same time period under all such  
13 orders.

14 Enacting section 1. This amendatory act does not take  
15 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
16 (request no. 03398'99) of the 90th Legislature is enacted into  
17 law.