

# HOUSE BILL No. 6299

September 17, 2002, Introduced by Rep. Wojno 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, 6, 7, 9, 10, 10a, 11, and 12 (MCL  
552.673, 552.675, 552.676, 552.677, 552.679, 552.680, 552.680a,  
552.681, and 552.682), sections 3, 5, and 10 as amended and sec-  
tion 10a as added by 1999 PA 154 and sections 6, 7, and 9 as  
amended by 1996 PA 11.

## 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 another jurisdic-  
3       tion with functions similar to those assigned in this act to the  
4       office of the friend of the ~~court~~ CHILD and the office of child  
5       support relative to the issuance and enforcement of support  
6       orders.

1       (b) "Child" means a child, whether above or below the age of  
2 majority, with respect to whom a support order exists.

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

8       (d) "Income" means income as defined in section 2 of the  
9 support and parenting time enforcement act, MCL 552.602.

10       (e) "Income derived in this jurisdiction" means income, the  
11 source of income of which is subject to the jurisdiction of this  
12 state for the purpose of imposing and enforcing income withhold-  
13 ing under the support and parenting time enforcement act.

14       (f) "Jurisdiction" means a state or political subdivision,  
15 territory, or possession of the United States; the District of  
16 Columbia; or the Commonwealth of Puerto Rico.

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

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

24       (i) "Office of child support" means the entity established  
25 in section 2 of the office of child support act, 1971 PA 174, MCL  
26 400.232.

1 (j) "Office of the friend of the ~~court~~ CHILD" means an  
2 office created in section 3 of the friend of the ~~court~~ CHILD  
3 act, 1982 PA 294, MCL 552.503.

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

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

11 (m) "State disbursement unit" or "SDU" means the entity  
12 established in section 6 of the office of child support act, 1971  
13 PA 174, MCL 400.236.

14 (n) "Support and parenting time enforcement act" means 1982  
15 PA 295, MCL 552.601 to 552.650.

16 (o) "Support order" means an order or judgment for the sup-  
17 port, or for the payment of arrearages on the support, of a  
18 child, spouse, or former spouse issued by a court or agency of  
19 another jurisdiction, whether interlocutory or final, whether or  
20 not prospectively or retroactively modifiable, whether incidental  
21 to a proceeding for divorce, separate maintenance, paternity,  
22 guardianship, or equivalent proceeding, or otherwise.

23 Sec. 5. On behalf of a client for whom the office of the  
24 friend of the ~~court~~ CHILD is already providing services, or on  
25 application of a resident of this state, an obligee or obligor of  
26 a support order issued by this state or an entity to whom the  
27 obligee has assigned support rights, or the office of the friend

1 of the ~~court~~ CHILD in the county where the support order was  
2 entered or, if there is no such order, in the county where the  
3 obligee or obligor resides, shall promptly request the agency of  
4 another jurisdiction in which the obligor of a support order  
5 derives income to enter the order for the purpose of obtaining  
6 income withholding against that income. The office of the friend  
7 of the ~~court~~ CHILD shall compile and transmit promptly to the  
8 agency of the other jurisdiction all documentation required to  
9 enter a support order for this purpose and shall file the docu-  
10 mentation with the clerk of the court. The office of the friend  
11 of the ~~court~~ CHILD also shall transmit immediately to the  
12 agency of the other jurisdiction a certified copy of any subse-  
13 quent modifications of the support order. If the office of the  
14 friend of the ~~court~~ CHILD receives notice that the obligor is  
15 contesting income withholding in another jurisdiction, it shall  
16 immediately notify the individual obligee of the date, time, and  
17 place of the hearings and of the obligee's right to attend. The  
18 office of the friend of the ~~court~~ CHILD shall monitor payments  
19 made ~~pursuant to~~ UNDER an order of income withholding.

20       Sec. 6. (1) Upon receiving a support order of another  
21 jurisdiction with the documentation specified in subsection (2)  
22 from an agency, an obligee, an obligor, or an attorney for  
23 either, the office of child support shall forward the documen-  
24 tation to the office of the friend of the ~~court~~ CHILD in the  
25 county in which withholding is being sought and the office of the  
26 friend of the ~~court~~ CHILD shall file the documents with the  
27 clerk of the court in that county. The clerk of the court shall

1 accept the documents filed and the acceptance constitutes entry  
2 of the support order only for the purposes of this act.

3 (2) The following documentation is required for the entry of  
4 a support order of another jurisdiction:

5 (a) A certified copy of the support order with all  
6 modifications.

7 (b) A certified copy of an order of income withholding still  
8 in effect, if any.

9 (c) A copy of the portion of the income withholding statute  
10 of the jurisdiction that issued the support order that states the  
11 amount of arrearages necessary to mandate income withholding  
12 under the law of that jurisdiction.

13 (d) A sworn statement of the obligee or certified statement  
14 of the agency of the amount of arrearages, including the approxi-  
15 mate dates the arrearages accrued, and the assignment of support  
16 rights, if any.

17 (e) A statement of all of the following:

18 (i) The name, address, and social security number of the  
19 obligor, if known.

20 (ii) The name and address of the obligor's employer or of  
21 any other source of income of the obligor derived in this state  
22 against which income withholding is sought.

23 (iii) The name and address of the agency or person to whom  
24 support payments collected by income withholding shall be  
25 transmitted.

26 (iv) The amount of income withholding requested.

1 (f) A statement of eligibility for services under part D of  
2 title IV of the social security act, chapter 531, 49 Stat. 620,  
3 42 U.S.C. 651 to ~~669~~ 655, 656 TO 657, 658a TO 660, AND 663 TO  
4 669b, signed by the obligee.

5 (g) A copy of proof of service or other evidence that the  
6 court or agency that issued the support order had personal juris-  
7 diction over the obligor.

8 (h) Notification of any known support orders involving the  
9 same parties and the same children.

10 (3) If the documentation received by the office of child  
11 support under subsection (1) does not conform to the requirements  
12 of subsection (2), the office of child support shall remedy any  
13 defect that it can without the assistance of the requesting  
14 agency or party. If the office of child support is unable to  
15 make such corrections, the office of child support shall immedi-  
16 ately notify the requesting agency or party of the necessary  
17 additions or corrections. In neither case shall the documen-  
18 tation be returned. If the substantive requirements of subsec-  
19 tion (2) are met, the office of child support and the clerk of  
20 the court shall accept the documentation required by subsection  
21 (2), even if the documentation is not in the usual form required  
22 by this state.

23 (4) Except as otherwise provided in sections 7 to 13, a sup-  
24 port order entered under subsection (1) is enforceable by income  
25 withholding against income derived in this state in the same  
26 manner and with the same effect as provided in sections 7 to 23  
27 of the support and parenting time enforcement act, ~~being~~

~~sections 552.607 to 552.623 of the Michigan Compiled Laws~~ MCL  
552.607 TO 552.623, for support orders entered in this state.  
Entry of the order does not confer jurisdiction on the courts of  
this state for any purpose other than income withholding.

Sec. 7. (1) On the date a support order is entered under  
section 6, the office of the friend of the ~~court~~ CHILD shall  
send to the obligor, in the manner provided in section 7 of the  
support and parenting time enforcement act, ~~being section~~  
~~552.507 of the Michigan Compiled Laws~~ MCL 552.507, a notice of  
the proposed income withholding. The notice shall contain the  
same information required in that section and shall also advise  
the obligor that the income withholding was requested on the  
basis of a support order of another jurisdiction.

(2) If the obligor requests a hearing to contest the pro-  
posed income withholding, the office of the friend of the ~~court~~  
CHILD shall immediately notify the agency or person that sent the  
documentation under ~~subsection (1)~~ SECTION 6 of the date, time,  
and place of the hearing and of the obligee's right to attend the  
hearing.

Sec. 9. If the obligor does not request a hearing in the  
time provided, or if a hearing is held and it is determined that  
the obligee has or is entitled to income withholding under the  
law of the jurisdiction that issued the support order, income  
withholding shall be ordered and shall take effect in the manner  
provided in section 7 of the support and parenting time enforce-  
ment act, ~~being section 552.607 of the Michigan Compiled Laws~~  
MCL 552.607. The office of the friend of the ~~court~~ CHILD shall

1 notify the agency or party that sent the documentation under  
2 section 6 of the date upon which withholding will begin.

3       Sec. 10. (1) An order of income withholding under this act  
4 shall direct payment to be made to the office of the friend of  
5 the ~~court~~ CHILD or the state disbursement unit, as  
6 appropriate. The office of the friend of the ~~court~~ CHILD or  
7 SDU shall promptly transmit payments received ~~pursuant to~~ UNDER  
8 an order of income withholding based on a support order of  
9 another jurisdiction entered under this act to the agency or  
10 person designated in section 6(2)(e)(iii).

11       (2) A support order entered ~~pursuant to~~ AS PROVIDED IN  
12 section 6 does not nullify and is not nullified by a support  
13 order entered by the court in this state ~~pursuant to~~ UNDER  
14 another law or a support order entered by a court of another  
15 state. If more than 1 support order is in effect for the support  
16 of 1 person by the same obligor, then amounts collected by income  
17 withholding and credited against an amount owing for a particular  
18 time period under any 1 order shall be credited against amounts  
19 owing for the same time period under all such orders.

20       Sec. 10a. The department, the SDU, and each office of the  
21 friend of the ~~court~~ CHILD shall cooperate in the transition to  
22 the centralized receipt and disbursement of support and fees. An  
23 office of the friend of the ~~court~~ CHILD shall continue to  
24 receive and disburse support and fees through the transition,  
25 based on the schedule developed as required by section ~~6~~ 7 of  
26 the office of child support act, 1971 PA 174, MCL ~~400.236~~



1 400.237, and modifications to that schedule as the department  
2 considers necessary.

3       Sec. 11. If the office of the friend of the ~~court~~ CHILD  
4 determines that the obligor has obtained employment in another  
5 state or has a new or additional source of income in another  
6 state, it shall notify the person or agency ~~which~~ THAT  
7 requested the income withholding of the changes within 7 days  
8 after receiving that information and shall forward to that person  
9 or agency all information it has or can obtain with respect to  
10 the obligor's new address and the name and address of the  
11 obligor's new employer or other source of income.

12       Sec. 12. A person who is the obligor on a support order of  
13 another jurisdiction may obtain voluntary income withholding by  
14 filing with the office of the friend of the ~~court~~ CHILD in the  
15 county in which withholding is sought a request for income with-  
16 holding and a certified copy of the support order of the other  
17 jurisdiction. The court shall enter an order of income withhold-  
18 ing and the order shall take effect immediately. An order of  
19 income withholding entered under this section shall be treated in  
20 all respects in the same manner as other orders of income with-  
21 holding entered ~~pursuant to~~ UNDER this act.

22       Enacting section 1. This amendatory act does not take  
23 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6317  
24 (request no. 07684'02) of the 91st Legislature is enacted into  
25 law.