



# HOUSE BILL No. 4498

March 1, 1995, Introduced by Reps. Bullard, Brewer, Dobb, Bush, Hammerstrom, Gernaat, London, Curtis, Oxender, Brackenridge, Pitoniak, Voorhees, Goschka, Dalman, Hill, DeLange and Martinez and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 3 of Act No. 295 of the Public Acts of 1982, entitled as amended

"Support and visitation enforcement act,"

as amended by Act No. 256 of the Public Acts of 1993, being section 552.603 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 295 of the Public Acts of  
2 1982, as amended by Act No. 256 of the Public Acts of 1993, being  
3 section 552.603 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 3. (1) A support order issued by a court of this state  
6 shall be enforced ~~pursuant to~~ AS PROVIDED IN this section.

7 (2) Except as otherwise provided in this section, a support  
8 order that is part of a judgment or is an order in a domestic  
9 relations matter as defined in section 31 of the friend of the

1 court act, Act No. 294 of the Public Acts of 1982, being section  
2 552.531 of the Michigan Compiled Laws, is a judgment on and after  
3 the date each support payment is due, with the full force,  
4 effect, and attributes of a judgment of this state, and is not,  
5 on and after the date it is due, subject to retroactive  
6 modification. Retroactive modification of a support payment due  
7 under a support order is permissible with respect to any period  
8 during which there is pending a petition for modification, but  
9 only from the date that notice of the petition was given to the  
10 payer or recipient of support. THE OFFICE OF THE FRIEND OF THE  
11 COURT SHALL CONSIDER A SUPPORT PAYMENT PAID ON THE DATE THE PAY-  
12 MENT IS RECEIVED BY THE OFFICE OF THE FRIEND OF THE COURT.

13 (3) ON JANUARY 1 AND JULY 1 OF EACH YEAR, INTEREST CALCU-  
14 LATED AT A 10% ANNUAL RATE SHALL BE ADDED TO SUPPORT PAYMENTS  
15 THAT ARE PAST DUE AS OF THOSE DATES. INTEREST UNDER THIS SUBSEC-  
16 TION SHALL NOT BE ADDED TO SUPPORT ORDERED UNDER THE PATERNITY  
17 ACT, ACT NO. 205 OF THE PUBLIC ACTS OF 1956, BEING SECTIONS  
18 722.711 TO 722.730 OF THE MICHIGAN COMPILED LAWS, WHICH SUPPORT  
19 IS FOR A TIME PERIOD BEFORE THE DATE OF THE SUPPORT ORDER.

20 (4) ~~-(3)-~~ This section does not apply to an ex parte interim  
21 support order or a temporary support order entered pursuant to  
22 supreme court rule.

23 (5) ~~-(4)-~~ The office of the friend of the court shall make  
24 available to a payer or payee the forms and instructions  
25 described in section 17a of the friend of the court act, Act  
26 No. 294 of the Public Acts of 1982, being section 552.517a of the  
27 Michigan Compiled Laws.

1       (6) ~~-(5)-~~ This section does not prohibit a court approved  
2 agreement between the parties to retroactively modify a support  
3 order. This section does not limit other enforcement remedies  
4 available under this act or any other act.

5       (7) ~~-(6)-~~ Every support order that is part of a judgment  
6 issued by a court of this state or that is an order in a domestic  
7 relations matter as defined in section 31 of the friend of the  
8 court act, Act No. 294 of the Public Acts of 1982, shall include  
9 both of the following:

10       (a) Substantially the following statement: "Except as oth-  
11 erwise provided in section 3 of the support and visitation  
12 enforcement act, Mich. Comp. Laws §552.603 (1979), a support  
13 order that is part of a judgment or that is an order in a domes-  
14 tic relations matter as defined in section 31 of the friend of  
15 the court act, Mich. Comp. Laws §552.531 (1979), is a judgment on  
16 and after the date each support payment is due, with the full  
17 force, effect, and attributes of a judgment of this state, and is  
18 not, on and after the date it is due, subject to retroactive  
19 modification. INTEREST WILL BE ADDED TO SUPPORT PAYMENTS THAT  
20 ARE PAST DUE AS PROVIDED IN SECTION 3 OF THE SUPPORT AND VISITA-  
21 TION ENFORCEMENT ACT, MICH. COMP. LAWS §552.603 (1979).".

22       (b) A requirement that, within 21 days after the payer or  
23 payee changes his or her address, that person report the new  
24 address in writing to the friend of the court.