

INTERSTATE INCOME WITHHOLDING ACT (EXCERPT)
Act 216 of 1985

552.678 Prima facie proof; defenses of obligor; burden; duties of court.

Sec. 8.

(1) At any hearing contesting proposed income withholding based on a support order entered under section 6, the support order, accompanying sworn or certified statement, and a certified copy of an order of income withholding still in effect, if any, shall constitute prima facie proof, without further proof or foundation, that the support order is valid, that the amount of current support payments and arrearages is as stated, and that the obligee would be entitled to income withholding under the law of the jurisdiction which issued the support order.

(2) Once a prima facie case has been established as provided in subsection (1), the obligor may raise only the following defenses:

(a) That withholding is not proper because of a mistake of fact concerning the amount of current or overdue support or the identity of the obligor.

(b) That the court or agency which issued the support order entered under this act lacked personal jurisdiction over the obligor.

(c) That the support order entered under this act was obtained by fraud.

(d) That the statute of limitations under section 13 (3) precludes enforcement of all or part of the arrearages.

(3) The burden shall be on the obligor to establish a defense under subsection (2).

(4) If the obligor presents evidence which constitutes a full or partial defense, the court shall, on the request of the obligee, continue the hearing to permit further evidence relative to the defense to be adduced by either party. However, if the obligor acknowledges liability sufficient to entitle the obligee to income withholding, the court shall require income withholding for the payment of current support payments under the support order and of so much of any arrearage as is not in dispute, while continuing the hearing with respect to those matters still in dispute. The court shall determine promptly those matters still in dispute and, if appropriate, shall modify the withholding order to conform to that determination.

History: 1985, Act 216, Eff. Mar. 1, 1986