

HOUSE BILL No. 5259

November 5, 2003, Introduced by Reps. Stahl, Lipsey, Bieda, Elkins, Meisner, Rocca, Howell, Rivet, Meyer, Hart, Phillips, Casperson, Tabor, Bradstreet, Hummel, Voorhees, Vander Veen, Huizenga, Newell, Mortimer, Ehardt, Ruth Johnson, Walker, Woronchak, Pumford, Caswell, Gaffney, Richardville, Palsrok, Palmer, Garfield, Drolet, Taub, Stakoe, Brown, Sheltroun, Anderson and Gillard and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 11 (MCL 552.511), as amended by 2002 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Each office shall initiate 1 or more support
2 enforcement measures under the support and parenting time
3 enforcement act when 1 of the following applies:

4 (a) Except as otherwise provided in this subdivision, the
5 arrearage under the support order is equal to or greater than the
6 monthly amount of support payable under the order. If the
7 support order was entered ex parte, an office shall not initiate
8 enforcement under this subdivision until the office receives a
9 copy of proof of service for the order and at least 1 month has
10 elapsed since the date of service. An office is not required to
11 initiate enforcement under this subdivision if 1 or more of the

1 following circumstances exist:

2 (i) Despite the existence of the arrearage, an order of
3 income withholding is effective and payment is being made under
4 the order of income withholding in the amount required under the
5 order.

6 (ii) Despite the existence of the arrearage and even though
7 an order of income withholding is not effective, payment is being
8 made in the amount required under the order.

9 (iii) One or more support enforcement measures have been
10 initiated and an objection to 1 or more of those measures has not
11 been resolved.

12 (b) A parent fails to obtain or maintain health care coverage
13 for the parent's child as ordered by the court. The office shall
14 initiate enforcement under this subdivision at the following
15 times:

16 (i) Within 60 days after the entry of a support order
17 containing health care coverage provisions.

18 (ii) When a review is conducted as provided in section 17.

19 (iii) Concurrent with enforcement initiated by the office
20 under subdivision (a).

21 (iv) Upon receipt of a written complaint from a party.

22 (v) Upon receipt of a written complaint from the department
23 if the child for whose benefit health care coverage is ordered is
24 a recipient of public assistance or medical assistance.

25 (c) A person legally responsible for the actual care of a
26 child incurs an uninsured health care expense and submits to the
27 office a written complaint that meets the requirements of section

1 11a.

2 (2) An arrearage amount that arises at the moment a court
3 issues an order imposing or modifying support, because the order
4 relates back to a petition or motion filing date, shall not be
5 considered as an arrearage for the purpose of initiating support
6 enforcement measures, centralizing enforcement, or other action
7 required or authorized in response to a support arrearage under
8 this act or the support and parenting time enforcement act,
9 unless the payer fails to become current with the court ordered
10 support payments within 2 months after entry of the order
11 imposing or modifying support.

12 (3) A title IV-D agency shall comply with the amnesty program
13 established under section 3b of the office of child support act,
14 1971 PA 174, MCL 400.233b. If prosecution has been initiated
15 under section 161, 165, or 167 of the Michigan penal code, 1931
16 PA 328, MCL 750.161, 750.165, and 750.167, before the payer seeks
17 participation in the child support amnesty program, the
18 individual is not eligible to participate in the child support
19 amnesty program.

20 Enacting section 1. This amendatory act does not take
21 effect unless House Bill No. 4654 of the 92nd Legislature is
22 enacted into law.