



THE ENFORCER

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What Do You Mean They Took My Hunting License?

In Michigan, the way to a man's heart is through his hunting license. One of the enforcement tools available for non-support is license suspension. However, this process is cumbersome and requires our overburdened Friends of the Court to petition the Court for suspension.

Currently, MCL 552.628 provides that an obligor's license may be suspended if the obligor is in arrears with his child support order. Specifically, MCL 552.628(1) provides:

- (1) For a friend of the court case, the office of the friend of the court may petition the court for an order to suspend a payer's occupational license, driver's license, or recreational or sporting license, or any combination of the licenses, if all of the following circumstances are true:
 - (a) An arrearage has accrued in an amount greater than the amount of periodic support payments payable for 2 months under the payer's support order.
 - (b) The payer holds an occupational license, driver's license, or recreational or sporting license or the payer's occupation requires an occupational license.

Additionally, MCL 552.629 provides that an obligor may request a hearing on the proposed suspension.

A more practical solution exists in other states. They require every licensed professional to annually certify that they are in compliance with any child or spousal support order to which they are subject. Non-compliance with any support order results in the suspension of a occupational, driver's, recreational, or sporting license due to their false certification.

Lawyers are familiar with the IOLTA compliance statement which appears at the bottom of our bar dues statement. In

Colorado, they add a child support compliance statement. False certification (or failure to certify) results in license suspension. Colorado's rules governing the admission to the Colorado bar under '26-13-123(a) require applicants to certify that they are in compliance with any child support order as defined by '26-13-123(a), C.R.S. Section 26-13-123(a) states that:

- (a) "Child support order" means any administrative or court order requiring the payment of child support, child support arrears, child support debt, retroactive support, or medical support, whether or not such order is combined with an order for maintenance.

Colorado also authorizes the state child support enforcement agency to identify scofflaws at least once annually, and to send them notice of their non-compliance. If the obligor fails to comply with the state child enforcement agency, the obligor's driver's license may be suspended. Specifically, §26-13-123 provides:

- (2)(a) The state child support enforcement agency shall, at least on an annual basis, identify as obligors subject to the provisions of this section any person who owes the following and has failed to execute and comply with the terms of an agreement to pay.(3)(a) At least on an annual basis, the state child support enforcement agency shall issue a written notice of noncompliance to any obligor identified in subsection (2) of this section.(5)(a) Upon receipt of the notice of failure to comply from the state child support enforcement agency, the department of revenue shall suspend the obligor's driver's license pursuant to section 42-2-127.5, C.R.S. Such suspension shall not be grounds for a hearing or any other administrative review by the department of revenue. The department of revenue shall refer all requests for a hearing regarding the obligor's child support order to the state child support enforcement agency for referral to the delegate child support enforcement unit.

Furthermore, Colorado has created a procedure for obtaining verification regarding current orders for child



support. Other professional licensees are subject to similar procedures under the Professional Occupational Licensing Suspension (POLS) Program. Under this program, self-employed workers and people who employ others in their practices are directly affected. This program motivates the individual to immediately contact the County Child Support Technician to determine what is required in order for he or she to become compliant and thereby prevent his or her license from being revoked.

In Michigan, every licensed profession should be required to certify that they are in compliance with any support order to which they are subject. Implementing a program similar to the program in Colorado would affect numerous licensed officials. Moreover, this strategy would be particularly successful as it is likely to be directed at the self-employed.

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