

# HOUSE BILL No. 6122

September 23, 1992, Introduced by Reps. Yokich, Pitoniak, Porreca, Webb, Dobronski, DeMars, Profit, Leland, Brown, Baade, Stallworth and Byrum and referred to the Committee on Insurance.

A bill to amend the title and section 2 of Act No. 295 of the Public Acts of 1982, entitled as amended "Support and visitation enforcement act," as amended by Act No. 240 of the Public Acts of 1990, being section 552.602 of the Michigan Compiled Laws; and to add sections 4a, 26, and 27a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and section 2 of Act No. 295 of the  
2 Public Acts of 1982, as amended by Act No. 240 of the Public Acts  
3 of 1990, being section 552.602 of the Michigan Compiled Laws, are  
4 amended and sections 4a, 26, and 27a are added to read as  
5 follows:

## TITLE

1  
2 An act TO PROVIDE FOR AND to supplement statutes ~~which~~  
3 THAT provide for the enforcement of support and visitation orders  
4 with respect to divorce, separate maintenance, paternity, child  
5 custody, and spouse support; TO PRESCRIBE CERTAIN PROVISIONS OF  
6 THOSE ORDERS; to prescribe the powers and duties of the circuit  
7 court and friend of the court; to prescribe certain duties of  
8 certain employers and other sources of income; to provide for  
9 penalties and remedies; and to repeal certain acts and parts of  
10 acts.

11 Sec. 2. As used in this act:

12 (a) "Employer" means ~~any~~ AN individual, sole proprietor-  
13 ship, partnership, association, or private or public corporation,  
14 the United States or ~~any~~ A federal agency, this state or ~~any~~  
15 A political subdivision of this state, ~~any other~~ ANOTHER state  
16 or a political subdivision of another state, or any other legal  
17 entity ~~which~~ THAT hires and pays an individual for his or her  
18 services.

19 (b) "Friend of the court act" means Act No. 294 of the  
20 Public Acts of 1982, being sections 552.501 to 552.535 of the  
21 Michigan Compiled Laws.

22 (C) "HEALTH CARE COVERAGE" MEANS A PLAN FOR PAYMENT OF THE  
23 EXPENSES OF MEDICAL, DENTAL, OR OTHER HEALTH CARE THROUGH INSUR-  
24 ANCE OR OTHERWISE.

25 (D) ~~(c)~~ "Income" means any of the following:

1 (i) Commissions, earnings, salaries, wages, ~~and~~ OR other  
 2 income due or to be due in the future from ~~his or her~~ THE  
 3 PAYER'S employer and successor employers.

4 (ii) ~~Any~~ A payment due or to be due in the future from a  
 5 profit-sharing plan, pension plan, insurance contract, OR annuity  
 6 ~~,~~ OR FROM social security, unemployment compensation, supple-  
 7 mental unemployment benefits, ~~and~~ OR worker's compensation.

8 (iii) ~~Any amount of money which~~ MONEY THAT is due to the  
 9 payer under a support order as a debt of ~~any other~~ AN individu-  
 10 al, partnership, association, or private or public corporation,  
 11 the United States or ~~any~~ A federal agency, this state or ~~any~~  
 12 A political subdivision of this state, ~~any other~~ ANOTHER state  
 13 or a political subdivision of another state, or any other legal  
 14 entity ~~which~~ THAT is indebted to the payer..

15 (E) ~~(d)~~ "Office of child support" means the office of  
 16 child support established in section 2 of THE OFFICE OF CHILD  
 17 SUPPORT ACT, Act No. 174 of the Public Acts of 1971, being sec-  
 18 tion 400.232 of the Michigan Compiled Laws.

19 (F) ~~(e)~~ "Office of the friend of the court" means the  
 20 agency created in section 3 of the friend of the court act, being  
 21 section 552.503 of the Michigan Compiled Laws.

22 (G) ~~(f)~~ "Order of income withholding" means an order  
 23 entered by the circuit court providing for the withholding of a  
 24 payer's income to enforce a support order pursuant to this act.

25 (H) ~~(g)~~ "Payer" means a person who is ordered by the cir-  
 26 cuit court to pay support.

1 (I) ~~(h)~~ "Political subdivision" means a county, city,  
 2 village, township, educational institution, school district, or  
 3 special district or authority of the state or of a local unit of  
 4 government.

5 (J) ~~(i)~~ "Recipient of support" means the following:

6 (i) The spouse, if the support order orders support for the  
 7 spouse.

8 (ii) The custodial parent or guardian, if the support order  
 9 orders support for a minor child or a child who is 18 years of  
 10 age or older.

11 (iii) The state department of social services, if support  
 12 has been assigned to the department.

13 (K) ~~(j)~~ "Referee" means a person who is designated as a  
 14 referee pursuant to the friend of the court act.

15 (L) ~~(k)~~ "Source of income" means an employer or successor  
 16 employer or any other individual or entity that owes or will owe  
 17 income to the payer.

18 (M) ~~(l)~~ "Support" means either of the following:

19 (i) The payment of money for a child or a spouse ordered by  
 20 the circuit court, whether the order is embodied in an interim,  
 21 temporary, permanent, or modified order or judgment. Support may  
 22 include payment of 1 OR MORE OF the ~~expenses~~ FOLLOWING:

23 (A) EXPENSES of medical, dental, and other health care ~~or~~  
 24 ~~child~~ OR COST OF HEALTH CARE COVERAGE.

25 (B) CHILD care expenses. ~~and educational.~~

26 (C) EDUCATIONAL expenses.

1       (ii) The payment of money ordered by the circuit court under  
2 the paternity act, Act No. 205 of the Public Acts of 1956, being  
3 sections 722.711 to 722.730 of the Michigan Compiled Laws, for  
4 the necessary expenses incurred by or for the mother in connec-  
5 tion with her confinement or of other expenses in connection with  
6 the pregnancy of the mother.

7       (N) ~~(n)~~ "Support order" means ~~any~~ AN order entered by  
8 the circuit court for the payment of support, whether or not a  
9 sum certain.

10       SEC. 4A. (1) IF A COURT ISSUES A SUPPORT ORDER AND HEALTH  
11 CARE COVERAGE IS AVAILABLE AT A REASONABLE COST TO A PARENT AS A  
12 BENEFIT OF EMPLOYMENT OR UNDER HEALTH CARE COVERAGE MAINTAINED BY  
13 A SELF-EMPLOYED PARENT, THE COURT SHALL REQUIRE THAT 1 OR BOTH  
14 PARENTS OBTAIN AND MAINTAIN HEALTH CARE COVERAGE FOR EACH MINOR  
15 CHILD OF THE PARENTS. THE COURT MAY ORDER 1 PARENT TO OBTAIN THE  
16 HEALTH CARE COVERAGE AND THE OTHER TO PAY THE COVERAGE'S COST.

17       (2) IF SUBSECTION (1) DOES NOT OTHERWISE REQUIRE THE COURT  
18 TO ORDER HEALTH CARE COVERAGE, THE COURT MAY REQUIRE EITHER OR  
19 BOTH PARENTS TO OBTAIN AND MAINTAIN HEALTH CARE COVERAGE FOR EACH  
20 OF THEIR MINOR CHILDREN, IF AVAILABLE AT A REASONABLE COST.

21       (3) IF THERE IS A DISPUTE AS TO WHICH OF 2 OR MORE PLANS FOR  
22 HEALTH CARE COVERAGE IS TO BE PROVIDED BY 1 OR BOTH PARENTS, THE  
23 COURT MAY RESOLVE THE DISPUTE BY CHOOSING A PLAN OR BY SPECIFYING  
24 THE TERMS OF THE HEALTH CARE COVERAGE THAT IS REQUIRED TO BE  
25 OBTAINED AND MAINTAINED, INCLUDING 1 OR MORE OF THE FOLLOWING:

26       (A) MINIMUM POLICY LIMITS.

1 (B) MINIMUM COVERAGE.

2 (C) MAXIMUM DEDUCTIBLES OR COPAYMENTS.

3 (D) OTHER SIGNIFICANT TERMS.

4 (4) IN DETERMINING UNDER THIS SECTION IF HEALTH CARE COVER-  
5 AGE IS AVAILABLE AT A REASONABLE COST, THE COURT SHALL CONSIDER  
6 EACH OF THE FOLLOWING FACTORS:

7 (A) THE CHILD'S PRESENT AND ANTICIPATED NEEDS FOR MEDICAL  
8 CARE.

9 (B) THE FINANCIAL ABILITY OF THE PARENTS TO AFFORD HEALTH  
10 CARE COVERAGE.

11 (C) THE EXTENT TO WHICH THE COST OF THE PLAN IS SUBSIDIZED  
12 OR REDUCED BY PARTICIPATION ON A GROUP BASIS OR OTHERWISE.

13 (5) IF THE ACT UNDER WHICH A SUPPORT ORDER IS ISSUED AUTHO-  
14 RIZES THE COURT TO ORDER SUPPORT FOR A CHILD AFTER THE CHILD  
15 REACHES 18 YEARS OF AGE, THIS SECTION APPLIES IN REGARD TO THAT  
16 CHILD AFTER THE CHILD REACHES 18 YEARS OF AGE AS PROVIDED IN THE  
17 ACT UNDER WHICH THE SUPPORT ORDER IS ISSUED.

18 SEC. 26. (1) IN ADDITION TO OTHER ENFORCEMENT ACTION PRO-  
19 VIDED BY THIS OR ANOTHER ACT, IF A SUPPORT ORDER INCLUDES AN  
20 ORDER FOR HEALTH CARE COVERAGE, THE OFFICE OF THE FRIEND OF THE  
21 COURT SHALL ENFORCE THE ORDER FOR HEALTH CARE COVERAGE AS PRO-  
22 VIDED IN THIS SECTION.

23 (2) IF A PARENT ORDERED TO OBTAIN AND MAINTAIN HEALTH CARE  
24 COVERAGE CAN DO SO AS A BENEFIT OF EMPLOYMENT AND DOES NOT, THE  
25 OFFICE OF THE FRIEND OF THE COURT SHALL SEND A NOTICE TO THE  
26 PARENT STATING THAT THE FRIEND OF THE COURT WILL NOTIFY THE  
27 PARENT'S EMPLOYER, INSURER, HEALTH MAINTENANCE ORGANIZATION,

1 HEALTH CARE CORPORATION, OR OTHER HEALTH CARE COVERAGE ENTITY TO  
2 ENROLL THE CHILD THAT IS THE SUBJECT OF THE ORDER UNLESS THE  
3 PARENT DOES 1 OF THE FOLLOWING WITHIN 14 DAYS AFTER MAILING OF  
4 THE NOTICE:

5 (A) SUBMITS TO THE FRIEND OF THE COURT PROOF OF THE CHILD'S  
6 ENROLLMENT IN THE PARENT'S HEALTH CARE COVERAGE.

7 (B) REQUESTS A HEARING TO CONTEST THE AVAILABILITY OR REA-  
8 SONABLE COST OF THE HEALTH CARE COVERAGE, OR TO SHOW THAT THE  
9 OTHER PARENT CAN OBTAIN LESS COSTLY HEALTH CARE COVERAGE.

10 (3) IF A PARENT DOES NOT SUBMIT PROOF OR REQUEST A HEARING  
11 AS PROVIDED IN SUBSECTION (2) OR IF, AFTER A HEARING, THE PARENT  
12 IS DETERMINED TO BE REQUIRED TO ENROLL THE CHILD IN THE PARENT'S  
13 HEALTH CARE COVERAGE, THE FRIEND OF THE COURT SHALL NOTIFY THE  
14 PARENT'S EMPLOYER, INSURER, HEALTH MAINTENANCE ORGANIZATION,  
15 HEALTH CARE CORPORATION, OR OTHER HEALTH CARE COVERAGE ENTITY TO  
16 ENROLL THE CHILD IN THE HEALTH CARE COVERAGE. THE EMPLOYER SHALL  
17 DEDUCT THE COST OF THE HEALTH CARE COVERAGE FROM THE PARENT'S  
18 INCOME.

19 (4) IF A PARENT DOES NOT COMPLY WITH AN ORDER TO OBTAIN AND  
20 MAINTAIN HEALTH CARE COVERAGE, THE COURT MAY HOLD THE PARENT IN  
21 CONTEMPT FOR FAILURE TO OBEY AND PERFORM A SUPPORT ORDER AS PRO-  
22 VIDED IN SECTION 31. THE PARENT SUBJECT TO THE HEALTH CARE COV-  
23 ERAGE ORDER IS LIABLE TO THE OTHER PARENT FOR THE CHILD'S HEALTH  
24 CARE EXPENSES INCURRED BY THAT OTHER PARENT, INCLUDING THE  
25 AMOUNTS PAID FOR INSURANCE OR ANOTHER TYPE OF HEALTH CARE  
26 COVERAGE. THE LIABILITY IS ENFORCEABLE AS AN ARREARAGE IN  
27 SUPPORT PAYMENTS.

1       (5) IN ADDITION TO OTHER REMEDIES PROVIDED BY LAW, IF A  
2 PARENT WHO IS MAINTAINING HEALTH CARE COVERAGE UNDER A SUPPORT  
3 ORDER FAILS TO PROVIDE THE OTHER PARENT WITH A FORM, IDENTIFICA-  
4 TION CARD, OR OTHER INFORMATION NECESSARY FOR THE CHILD TO USE  
5 THE HEALTH CARE, UPON THE OTHER PARENT'S COMPLAINT, THE OFFICE OF  
6 THE FRIEND OF THE COURT MAY NOTIFY THE INSURER OR OTHER TYPE OF  
7 HEALTH CARE COVERAGE SO THAT THE OTHER PARENT MAY DEAL DIRECTLY  
8 WITH THE HEALTH CARE COVERAGE.

9       SEC. 27A. IF ANOTHER ACT OF THIS STATE PROVIDES THAT THIS  
10 ACT APPLIES TO SUPPORT ORDERS ISSUED UNDER THE OTHER ACT AND IF  
11 THAT OTHER ACT CONTAINS A SPECIFIC PROVISION REGARDING THE CON-  
12 TENTS OR ENFORCEMENT OF THE SUPPORT ORDER THAT CONFLICTS WITH  
13 THIS ACT, THE OTHER ACT CONTROLS IN REGARD TO THAT PROVISION.