



HOUSE BILL No. 5398

November 9, 1995, Introduced by Reps. Ryan, Perricone, McManus, Whyman, Geiger, Byl, Horton and Jamian and referred to the Committee on Human Services.

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. 141 of the Public Acts of 1995, being section 552.602 of the Michigan Compiled Laws; and to add sections 7a and 29a.

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. 141 of the Public Acts
3 of 1995, being section 552.602 of the Michigan Compiled Laws, are
4 amended and sections 7a and 29a are added to read as follows:

TITLE

6 An act TO PROVIDE FOR, AND to supplement statutes ~~which~~
7 THAT provide for, the enforcement of support and visitation
8 orders with respect to divorce, separate maintenance, paternity,

1 child custody, and ~~spouse~~ SPOUSAL support; TO PRESCRIBE AND
2 AUTHORIZE CERTAIN PROVISIONS OF THOSE ORDERS; to prescribe the
3 powers and duties of the circuit court and friend of the court;
4 to prescribe certain duties of certain employers and other
5 sources of income; to provide for penalties and remedies; and to
6 repeal ~~certain~~ acts and parts of acts.

7 Sec. 2. As used in this act:

8 (a) "Employer" means an individual, sole proprietorship,
9 partnership, association, or private or public corporation, the
10 United States or a federal agency, this state or a political sub-
11 division of this state, another state or a political subdivision
12 of another state, or another legal entity that hires and pays an
13 individual for his or her services.

14 (b) "EXTRACURRICULAR ACTIVITY" MEANS PARTICIPATION IN AN
15 ACTIVITY THAT IS NOT PART OF THE REGULAR HIGH SCHOOL ACADEMIC
16 CURRICULUM INCLUDING, BUT NOT LIMITED TO, PARTICIPATION IN ATH-
17 LETICS, THEATER, CREATIVE ARTS, OR NEWSPAPER OR YEARBOOK
18 PRODUCTION. EXTRACURRICULAR ACTIVITY DOES NOT INCLUDE A
19 WORK-STUDY PROGRAM.

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

23 (d) ~~(c)~~ "Income" means any of the following:

24 (i) Commissions, earnings, salaries, wages, and other income
25 due or to be due in the future from his or her employer and suc-
26 cessor employers.

1 (ii) A payment due or to be due in the future from a
2 profit-sharing plan, A pension plan, AN insurance contract, AN
3 annuity, social security, unemployment compensation, supplemental
4 unemployment benefits, ~~and~~ OR worker's compensation.

5 (iii) An amount of money that is due to the payer under a
6 support order as a debt of another individual, partnership, asso-
7 ciation, or private or public corporation, the United States or a
8 federal agency, this state or a political subdivision of this
9 state, another state or a political subdivision of another state,
10 or another legal entity that is indebted to the payer.

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

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

18 (G) ~~(f)~~ "Order of income withholding" means an order
19 entered by the circuit court providing for the withholding of a
20 payer's income to enforce a support order under this act.

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

23 (I) ~~(h)~~ "Political subdivision" means a county, city, vil-
24 lage, township, educational institution, school district, or spe-
25 cial district or authority of the state or of a local unit of
26 government.

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

2 (i) The spouse, if the support order orders support for the
3 spouse.

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

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

9 (K) ~~(j)~~ "Referee" means a person who is designated as a
10 referee under the friend of the court act.

11 (l) ~~(k)~~ "Source of income" means an employer or successor
12 employer or another individual or entity that owes or will owe
13 income to the payer.

14 (M) ~~(l)~~ "Support" means all of the following:

15 (i) The payment of money for a child or a spouse ordered by
16 the circuit court, whether the order is embodied in an interim,
17 temporary, permanent, or modified order or judgment. Support may
18 include payment of the expenses of medical, dental, and other
19 health care, child care expenses, and educational expenses.

20 (ii) The payment of money ordered by the circuit court under
21 the paternity act, Act No. 205 of the Public Acts of 1956, being
22 sections 722.711 to 722.730 of the Michigan Compiled Laws, for
23 the necessary expenses incurred by or for the mother in connec-
24 tion with her confinement or of other expenses in connection with
25 the pregnancy of the mother.

26 (iii) A fee accumulated under section 3a.

1 (N) ~~(m)~~ "Support order" means an order entered by the
2 circuit court for the payment of support, whether or not a sum
3 certain.

4 SEC. 7A. (1) IF THE FIXED AMOUNT OF ARREARAGE DETERMINED
5 UNDER SECTION 11 OF THE FRIEND OF THE COURT ACT, BEING SECTION
6 552.511 OF THE MICHIGAN COMPILED LAWS, IS REACHED AND THE PAYER
7 IS ATTENDING HIGH SCHOOL, THE OFFICE OF THE FRIEND OF THE COURT
8 SHALL INCLUDE IN THE NOTICE OF THE ARREARAGE TO THE PAYER NOTICE
9 THAT THE PAYER IS PROHIBITED FROM PARTICIPATING IN A HIGH SCHOOL
10 EXTRACURRICULAR ACTIVITY UNTIL PAYMENT OF THE ENTIRE ARREARAGE.

11 (2) THE FRIEND OF THE COURT SHALL NOTIFY THE PRINCIPAL OF
12 THE PAYER'S HIGH SCHOOL ABOUT THE PROHIBITION. THE PRINCIPAL
13 SHALL INFORM THE FRIEND OF THE COURT AS TO WHETHER THE PAYER IS
14 PARTICIPATING IN A HIGH SCHOOL EXTRACURRICULAR ACTIVITY.

15 (3) IF THE SUPPORT ARREARAGE IS PAID, THE FRIEND OF THE
16 COURT SHALL NOTIFY THE HIGH SCHOOL PRINCIPAL THAT THE PAYER IS NO
17 LONGER PROHIBITED FROM PARTICIPATING IN AN EXTRACURRICULAR
18 ACTIVITY.

19 SEC. 29A. IF THE PAYER IS ATTENDING HIGH SCHOOL, A SUPPORT
20 ORDER SHALL INCLUDE A PROVISION THAT, IF THE PAYER IS 1 MONTH OR
21 MORE IN ARREARS IN PAYMENT OF SUPPORT, THE PAYER IS PROHIBITED
22 FROM PARTICIPATION IN A HIGH SCHOOL EXTRACURRICULAR ACTIVITY.
23 THE SUPPORT ORDER SHALL REQUIRE THE PAYER TO KEEP THE OFFICE OF
24 THE FRIEND OF THE COURT INFORMED OF THE NAME, THE ADDRESS, AND
25 THE NAME OF THE PRINCIPAL OF THE HIGH SCHOOL THAT THE PAYER IS
26 CURRENTLY ATTENDING.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5397 (request
3 no. 01655'95 a *) of the 88th Legislature is enacted into law.