

SUBSTITUTE FOR
HOUSE BILL NO. 6010

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending section 2 (MCL 552.602), as amended by 1999 PA 160,
and by adding section 5d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Account" means any of the following:
- 3 (i) A demand deposit account.
- 4 (ii) A draft account.
- 5 (iii) A checking account.
- 6 (iv) A negotiable order of withdrawal account.
- 7 (v) A share account.
- 8 (vi) A savings account.
- 9 (vii) A time savings account.

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1 (viii) A mutual fund account.

2 (ix) A securities brokerage account.

3 (x) A money market account.

4 (xi) A retail investment account.

5 (b) "Account" does not mean any of the following:

6 (i) A trust.

7 (ii) An annuity.

8 (iii) A qualified individual retirement account.

9 (iv) An account covered by the employee retirement income
10 security act of 1974, Public Law 93-406, 88 Stat. 829.

11 (v) A pension or retirement plan.

12 (vi) An insurance policy.

13 (c) "Address" means the primary address shown on the records
14 of a financial institution used by the financial institution to
15 contact the account holder.

16 (D) "CASH" MEANS MONEY OR THE EQUIVALENT OF MONEY, SUCH AS A
17 MONEY ORDER, CASHIER'S CHECK, OR NEGOTIABLE CHECK OR A PAYMENT BY
18 DEBIT OR CREDIT CARD, WHICH EQUIVALENT IS ACCEPTED AS CASH BY THE
19 AGENCY ACCEPTING THE PAYMENT.

20 (E) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
21 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
22 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
23 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY
24 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
25 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

26 (F) ~~-(d)-~~ "Department" means the family independence
27 agency.

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1 (G) "DOMESTIC RELATIONS MATTER" MEANS A CIRCUIT COURT
2 PROCEEDING AS TO CHILD CUSTODY OR PARENTING TIME, OR CHILD OR
3 SPOUSAL SUPPORT, THAT ARISES OUT OF LITIGATION UNDER A STATUTE OF
4 THIS STATE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

5 (i) 1846 RS 84, MCL 552.1 TO 552.45.

6 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO
7 552.459.

8 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO
9 722.31.

10 (iv) 1968 PA 293, MCL 722.1 TO 722.6.

11 (v) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

12 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
13 1952 PA 8, MCL 780.151 TO 780.183.

14 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996
15 PA 310, MCL 552.1101 TO 552.1901.

16 (H) ~~-(e)-~~ "Driver's license" means license as that term is
17 defined in section 25 of the Michigan vehicle code, 1949 PA 300,
18 MCL 257.25.

19 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
20 ship, partnership, association, or private or public corporation,
21 the United States or a federal agency, this state or a political
22 subdivision of this state, another state or a political subdivi-
23 sion of another state, or another legal entity that hires and
24 pays an individual for his or her services.

25 (J) ~~-(g)-~~ "Financial asset" means a deposit, account, money
26 market fund, stock, bond, or similar instrument.

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1 (K) ~~(h)~~ "Financial institution" means any of the
2 following:

3 (i) A state or national bank.

4 (ii) A state or federally chartered savings and loan
5 association.

6 (iii) A state or federally chartered savings bank.

7 (iv) A state or federally chartered credit union.

8 (v) An insurance company.

9 (vi) An entity that offers any of the following to a resi-
10 dent of this state:

11 (A) A mutual fund account.

12 (B) A securities brokerage account.

13 (C) A money market account.

14 (D) A retail investment account.

15 (vii) An entity regulated by the securities and exchange
16 commission that collects funds from the public.

17 (viii) An entity that is a member of the national associa-
18 tion of securities dealers and that collects funds from the
19 public.

20 (ix) Another entity that collects funds from the public.

21 (l) ~~(i)~~ "Friend of the court act" means 1982 PA 294, MCL
22 552.501 to 552.535.

23 (M) ~~(j)~~ "Income" means any of the following:

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

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

6 (iii) An amount of money that is due to an individual as a
7 debt of another individual, partnership, association, or private
8 or public corporation, the United States or a federal agency,
9 this state or a political subdivision of this state, another
10 state or a political subdivision of another state, or another
11 legal entity that is indebted to the individual.

12 (N) ~~(K)~~ "Insurer" means an insurer, health maintenance
13 organization, health care corporation, or other group, plan, or
14 entity that provides health care coverage in accordance with any
15 of the following acts:

16 (i) The public health code, 1978 PA 368, MCL 333.1101 to
17 333.25211.

18 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
19 500.8302.

20 (iii) The nonprofit health care corporation reform act, 1980
21 PA 350, MCL 550.1101 to 550.1704.

22 (O) ~~(I)~~ "Medical assistance" means medical assistance as
23 established under title XIX of the social security act, chapter
24 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6,
25 and 1396r-8 to 1396v.

26 (P) ~~(M)~~ "Occupational license" means a certificate,
27 registration, or license issued by a state department, bureau, or

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1 agency that has regulatory authority over an individual that
2 allows an individual to legally engage in a regulated occupation
3 or that allows the individual to use a specific title in the
4 practice of an occupation, profession, or vocation.

5 (Q) ~~(n)~~ "Office of child support" means the office of
6 child support established in section 2 of the office of child
7 support act, 1971 PA 174, MCL 400.232.

8 (R) ~~(o)~~ "Office of the friend of the court" means an
9 agency created in section 3 of the friend of the court act, MCL
10 552.503.

11 (S) ~~(p)~~ "Order of income withholding" means an order
12 entered by the circuit court providing for the withholding of a
13 payer's income to enforce a support order under this act.

14 (T) ~~(q)~~ "Payer" means an individual who is ordered by the
15 circuit court to pay support.

16 (U) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
17 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

18 (V) ~~(r)~~ "Plan administrator" means that term as used in
19 relation to a group health plan under section 609 of part 6 of
20 subtitle B of title I of the employee retirement income security
21 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
22 care coverage plan of the individual who is responsible for pro-
23 viding a child with health care coverage is subject to that act.

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

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1 (X) ~~-(t)-~~ "Recipient of support" means the following:

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

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 department, if support has been assigned to that
8 department.

9 (Y) ~~-(u)-~~ "Recreational or sporting license" means a hunt-
10 ing, fishing, or fur harvester's license issued under the natural
11 resources and environmental protection act, 1994 PA 451, MCL
12 324.101 to 324.90106, but does not include a commercial fishing
13 license or permit issued under part 473 of the natural resources
14 and environmental protection act, 1994 PA 451, MCL 324.47301 to
15 324.47362.

16 (Z) ~~-(v)-~~ "Referee" means a person who is designated as a
17 referee under the friend of the court act.

18 (AA) ~~-(w)-~~ "Source of income" means an employer or successor
19 employer or another individual or entity that owes or will owe
20 income to the payer.

21 (BB) ~~-(x)-~~ "State disbursement unit" or "SDU" means the
22 entity established in section 6 of the office of child support
23 act, 1971 PA 174, MCL 400.236.

24 (CC) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS
25 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19
26 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

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1 (DD) ~~(y)~~ "Support" means all of the following:

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

7 (ii) The payment of money ordered by the circuit court under
8 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
9 necessary expenses incurred by or for the mother in connection
10 with her confinement, for other expenses in connection with the
11 pregnancy of the mother, or for the repayment of genetic testing
12 expenses.

13 (iii) A surcharge accumulated under section 3a.

14 (EE) ~~(z)~~ "Support order" means an order entered by the
15 circuit court for the payment of support, whether or not a sum
16 certain.

17 (FF) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
18 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 657,
19 658a TO 660, AND 663 TO 669b.

20 (GG) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PER-
21 FORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON PER-
22 FORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF THE
23 FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

24 (HH) ~~(aa)~~ "Work activity" means any of the following:

25 (i) Unsubsidized employment.

26 (ii) Subsidized private sector employment.

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1 (iii) Subsidized public sector employment.

2 (iv) Work experience, including work associated with the
3 refurbishing of publicly assisted housing, if sufficient private
4 sector employment is not available.

5 (v) On-the-job training.

6 (vi) Job search and job readiness assistance.

7 (vii) Community service programs.

8 (viii) Vocational educational training, not to exceed 12
9 months with respect to an individual.

10 (ix) Job skills training directly related to employment.

11 (x) Education directly related to employment, in the case of
12 an individual who has not received a high school diploma or a
13 certificate of high school equivalency.

14 (xi) Satisfactory attendance at secondary school or in a
15 course of study leading to a certificate of general equivalence,
16 in the case of an individual who has not completed secondary
17 school or received such a certificate.

18 (xii) The provisions of child care services to an individual
19 who is participating in a community service program.

20 SEC. 5D. (1) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
21 THAT ADDED THIS SECTION, EACH SUPPORT ORDER THE COURT ENTERS OR
22 MODIFIES SHALL INCLUDE SUBSTANTIALLY THE FOLLOWING PROVISIONS:

23 (A) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER
24 IS UNDER THE STATE'S JURISDICTION AND IS PLACED IN FOSTER CARE,
25 SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE FAMILY INDE-
26 PENDENCE AGENCY.

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1 (B) SUBSTANTIALLY THE FOLLOWING STATEMENTS:

2 (i) "THE OFFICE OF THE FRIEND OF THE COURT MAY CONSIDER THE
3 PERSON RESPONSIBLE FOR THE ACTUAL CARE, SUPPORT, AND MAINTENANCE
4 OF A CHILD FOR WHOM SUPPORT IS ORDERED AS THE RECIPIENT OF SUP-
5 PORT FOR THE CHILD AND MAY REDIRECT SUPPORT PAID FOR THAT CHILD
6 TO THAT RECIPIENT OF SUPPORT, SUBJECT TO THE PROCEDURES PRE-
7 SCRIBED IN SECTION 5D OF THE SUPPORT AND PARENTING TIME ENFORCE-
8 MENT ACT, 1982 PA 295, MCL 552.605D.".

9 (ii) "IF THE PAYER RESIDES FULL-TIME WITH A CHILD FOR WHOM
10 SUPPORT IS PAYABLE UNDER THIS ORDER, SUPPORT FOR THAT CHILD
11 ABATES IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE STATE
12 FRIEND OF THE COURT BUREAU AND SUBJECT TO THE PROCEDURES PRE-
13 SCRIBED IN SECTION 5D OF THE SUPPORT AND PARENTING TIME ENFORCE-
14 MENT ACT, 1982 PA 295, MCL 552.605D.".

15 (2) A SUPPORT ORDER THAT WAS ENTERED BEFORE THE EFFECTIVE
16 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL BE CON-
17 sidered TO INCLUDE, BY OPERATION OF LAW, THE PROVISIONS STATED IN
18 SUBSECTION (1).

19 (3) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER
20 IS UNDER THE STATE'S JURISDICTION AND IS PLACED IN FOSTER CARE,
21 SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE DEPARTMENT.
22 AN ASSIGNMENT OF SUPPORT TO THE DEPARTMENT AS REQUIRED BY THIS
23 SUBSECTION HAS PRIORITY OVER A REDIRECTION OF SUPPORT AUTHORIZED
24 BY THIS SECTION.

25 (4) SUBJECT TO SUBSECTION (5), THE OFFICE OF THE FRIEND OF
26 THE COURT MAY CONSIDER THE PERSON RESPONSIBLE FOR THE ACTUAL
27 CARE, SUPPORT, AND MAINTENANCE OF A CHILD FOR WHOM SUPPORT IS

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1 ORDERED AS THE RECIPIENT OF SUPPORT FOR THE CHILD AND MAY
2 REDIRECT SUPPORT PAID FOR THAT CHILD TO THAT RECIPIENT OF
3 SUPPORT. SUBJECT TO SUBSECTION (5), THE OFFICE OF THE FRIEND OF
4 THE COURT SHALL ABATE SUPPORT UNDER A SUPPORT ORDER THAT IS PAY-
5 ABLE AS SUPPORT FOR A CHILD WHO RESIDES FULL-TIME WITH THE PAYER,
6 IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE STATE FRIEND OF
7 THE COURT BUREAU.

8 (5) A PARTY TO A SUPPORT ORDER MAY OBJECT TO REDIRECTION OR
9 ABATEMENT OF SUPPORT UNDER THIS SECTION. SUPPORT SHALL NOT BE
10 REDIRECTED OR ABATED UNDER THIS SECTION UNTIL [21] DAYS AFTER THE
11 OFFICE OF THE FRIEND OF THE COURT NOTIFIES EACH PARTY OF THE PRO-
12 POSED ACTION, ADVISING THE PARTY OF THE RIGHT TO OBJECT. IF A
13 PARTY OBJECTS WITHIN [21] DAYS AFTER THE NOTIFICATION, SUPPORT
14 SHALL NOT BE REDIRECTED OR ABATED UNDER THIS SECTION. AFTER AN
15 OBJECTION, THE OFFICE OF THE FRIEND OF THE COURT SHALL REVIEW THE
16 SUPPORT ORDER UNDER SECTION 17 OF THE FRIEND OF THE COURT ACT,
17 1982 PA 294, MCL 522.517, OR SHALL NOTIFY EACH PARTY THAT THE
18 PARTY MAY FILE A MOTION TO MODIFY SUPPORT.

19 (6) THE STATE FRIEND OF THE COURT BUREAU MAY IMPLEMENT POLI-
20 CIES TO ASSIST OFFICES OF THE FRIEND OF THE COURT IN DETERMINING
21 WHEN AN OFFICE OF THE FRIEND OF THE COURT SHOULD GIVE NOTICE OF A
22 PROPOSED REDIRECTION OR ABATEMENT OF SUPPORT UNDER THIS SECTION.

23 Enacting section 1. This amendatory act takes effect June
24 1, 2003.