

**SENATE 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) UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA 310,  
15 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) "FRIEND OF THE COURT CASE" MEANS THAT TERM AS DEFINED IN  
24 SECTION 2 OF THE FRIEND OF THE COURT ACT, MCL 552.502. THE TERM  
25 "FRIEND OF THE COURT CASE", WHEN USED IN A PROVISION OF THIS ACT,  
26 IS NOT EFFECTIVE UNTIL ON AND AFTER THE EFFECTIVE DATE OF SECTION  
27 5A OF THE FRIEND OF THE COURT ACT, MCL 552.505A.

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1 (N) ~~-(j)-~~ "Income" means any of the following:

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

5 (ii) A payment due or to be due in the future to an individ-  
6 ual from a profit-sharing plan, a pension plan, an insurance con-  
7 tract, an annuity, social security, unemployment compensation,  
8 supplemental unemployment benefits, or worker's compensation.

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

15 (O) ~~-(K)-~~ "Insurer" means an insurer, health maintenance  
16 organization, health care corporation, or other group, plan, or  
17 entity that provides health care coverage in accordance with any  
18 of the following acts:

19 (i) ~~The public~~ PUBLIC health code, 1978 PA 368, MCL  
20 333.1101 to 333.25211.

21 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to  
22 500.8302.

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

25 (P) ~~-(I)-~~ "Medical assistance" means medical assistance as  
26 established under title XIX of the social security act, chapter

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1 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6  
2 ~~—~~ and 1396r-8 to 1396v.

3 (Q) ~~(m)~~ "Occupational license" means a certificate, regis-  
4 tration, or license issued by a state department, bureau, or  
5 agency that has regulatory authority over an individual that  
6 allows an individual to legally engage in a regulated occupation  
7 or that allows the individual to use a specific title in the  
8 practice of an occupation, profession, or vocation.

9 (R) ~~(n)~~ "Office of child support" means the office of  
10 child support established in section 2 of the office of child  
11 support act, 1971 PA 174, MCL 400.232.

12 (S) ~~(o)~~ "Office of the friend of the court" means an  
13 agency created in section 3 of the friend of the court act, MCL  
14 552.503.

15 (T) ~~(p)~~ "Order of income withholding" means an order  
16 entered by the circuit court providing for the withholding of a  
17 payer's income to enforce a support order under this act.

18 (U) ~~(q)~~ "Payer" means an individual who is ordered by the  
19 circuit court to pay support.

20 (V) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
21 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

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

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1 providing a child with health care coverage is subject to that  
2 act.

3 (X) ~~-(s)-~~ "Political subdivision" means a county, city, vil-  
4 lage, township, educational institution, school district, or spe-  
5 cial district or authority of the state or of a local unit of  
6 government.

7 (Y) ~~-(t)-~~ "Recipient of support" means the following:

8 (i) The spouse, if the support order orders spousal  
9 support.

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

13 (iii) The department, if support has been assigned to that  
14 department.

15 (Z) ~~-(u)-~~ "Recreational or sporting license" means a hunt-  
16 ing, fishing, or fur harvester's license issued under the natural  
17 resources and environmental protection act, 1994 PA 451, MCL  
18 324.101 to 324.90106, but does not include a commercial fishing  
19 license or permit issued under part 473 of the natural resources  
20 and environmental protection act, 1994 PA 451, MCL 324.47301 to  
21 324.47362.

22 (AA) ~~-(v)-~~ "Referee" means a person who is designated as a  
23 referee under the friend of the court act.

24 (BB) ~~-(w)-~~ "Source of income" means an employer or successor  
25 employer or another individual or entity that owes or will owe  
26 income to the payer.

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1       (CC) ~~-(x)-~~ "State disbursement unit" or "SDU" means the  
2       entity established in section 6 of the office of child support  
3       act, 1971 PA 174, MCL 400.236.

4       (DD) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS  
5       CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19  
6       OF THE FRIEND OF THE COURT ACT, MCL 552.519.

7       (EF) ~~-(y)-~~ "Support" means all of the following:

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

13      (ii) The payment of money ordered by the circuit court under  
14      the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the  
15      necessary expenses incurred by or for the mother in connection  
16      with her confinement, for other expenses in connection with the  
17      pregnancy of the mother, or for the repayment of genetic testing  
18      expenses.

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

20      (FF) ~~-(z)-~~ "Support order" means an order entered by the  
21      circuit court for the payment of support, whether or not a sum  
22      certain.

23      (GG) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL  
24      SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,  
25      656 TO 657, 658a TO 660, AND 663 TO 669b.

26      (HH) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE  
27      PERFORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON



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1 PERFORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF  
2 THE FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

3 (II) ~~(aa)~~ "Work activity" means any of the following:

4 (i) Unsubsidized employment.

5 (ii) Subsidized private sector employment.

6 (iii) Subsidized public sector employment.

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

10 (v) On-the-job training.

11 (vi) ~~Job~~ REFERRAL TO AND PARTICIPATION IN THE WORK FIRST  
12 PROGRAM PRESCRIBED IN THE SOCIAL WELFARE ACT, 1939 PA 280, MCL  
13 400.1 TO 400.119B, OR OTHER JOB search and job readiness  
14 assistance.

15 (vii) Community service programs.

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

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

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

22 (xi) Satisfactory attendance at secondary school or in a  
23 course of study leading to a certificate of general equivalence,  
24 in the case of an individual who has not completed secondary  
25 school or received such a certificate.

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

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1        SEC. 5D. (1) ON AND AFTER THE EFFECTIVE DATE OF THE  
2        AMENDATORY ACT THAT ADDED THIS SECTION, EACH SUPPORT ORDER THE  
3        COURT ENTERS OR MODIFIES SHALL INCLUDE SUBSTANTIALLY THE FOLLOW-  
4        ING PROVISIONS:

5        (A) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER  
6        IS UNDER THE STATE'S JURISDICTION AND IS PLACED IN FOSTER CARE,  
7        SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE DEPARTMENT.

8        (B) FOR A FRIEND OF THE COURT CASE, SUBSTANTIALLY THE FOL-  
9        LOWING STATEMENTS:

10        (i) "THE OFFICE OF THE FRIEND OF THE COURT MAY CONSIDER THE  
11        PERSON LEGALLY RESPONSIBLE FOR THE ACTUAL CARE, SUPPORT, AND  
12        MAINTENANCE OF A CHILD FOR WHOM SUPPORT IS ORDERED AS THE RECIPI-  
13        ENT OF SUPPORT FOR THE CHILD AND MAY REDIRECT SUPPORT PAID FOR  
14        THAT CHILD TO THAT RECIPIENT OF SUPPORT, SUBJECT TO THE PROCE-  
15        DURES PRESCRIBED IN SECTION 5D OF THE SUPPORT AND PARENTING TIME  
16        ENFORCEMENT ACT, 1982 PA 295, MCL 552.605D.".

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

23        (2) IF IT IS A FRIEND OF THE COURT CASE, A SUPPORT ORDER  
24        THAT WAS ENTERED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT  
25        THAT ADDED THIS SECTION SHALL BE CONSIDERED TO INCLUDE, BY OPERA-  
26        TION OF LAW, THE PROVISIONS STATED IN SUBSECTION (1).

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1           (3) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER  
2 IS UNDER THE STATE'S JURISDICTION AND IS PLACED IN FOSTER CARE,  
3 SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE DEPARTMENT.  
4 AN ASSIGNMENT OF SUPPORT TO THE DEPARTMENT AS REQUIRED BY THIS  
5 SUBSECTION HAS PRIORITY OVER A REDIRECTION OF SUPPORT AUTHORIZED  
6 BY THIS SECTION.

7           (4) SUBJECT TO SUBSECTION (5), FOR A FRIEND OF THE COURT  
8 CASE, THE OFFICE OF THE FRIEND OF THE COURT MAY CONSIDER THE  
9 PERSON LEGALLY RESPONSIBLE FOR THE ACTUAL CARE, SUPPORT, AND  
10 MAINTENANCE OF A CHILD FOR WHOM SUPPORT IS ORDERED AS THE RECIPI-  
11 ENT OF SUPPORT FOR THE CHILD AND MAY REDIRECT SUPPORT PAID FOR  
12 THAT CHILD TO THAT RECIPIENT OF SUPPORT. SUBJECT TO SUBSECTION  
13 (5), THE OFFICE OF THE FRIEND OF THE COURT SHALL ABATE SUPPORT  
14 UNDER A SUPPORT ORDER THAT IS PAYABLE AS SUPPORT FOR A CHILD WHO  
15 RESIDES FULL-TIME WITH THE PAYER, IN ACCORDANCE WITH POLICIES  
16 ESTABLISHED BY THE STATE FRIEND OF THE COURT BUREAU.

17           (5) A PARTY TO A SUPPORT ORDER MAY OBJECT TO REDIRECTION OR  
18 ABATEMENT OF SUPPORT UNDER THIS SECTION. SUPPORT SHALL NOT BE  
19 REDIRECTED OR ABATED UNDER THIS SECTION UNTIL 21 DAYS AFTER THE  
20 OFFICE OF THE FRIEND OF THE COURT NOTIFIES EACH PARTY OF THE PRO-  
21 POSED ACTION, ADVISING THE PARTY OF THE RIGHT TO OBJECT. IF A  
22 PARTY OBJECTS WITHIN 21 DAYS AFTER THE NOTIFICATION, SUPPORT  
23 SHALL NOT BE REDIRECTED OR ABATED UNDER THIS SECTION. AFTER AN  
24 OBJECTION, THE OFFICE OF THE FRIEND OF THE COURT SHALL REVIEW THE  
25 SUPPORT ORDER UNDER SECTION 17 OF THE FRIEND OF THE COURT ACT,  
26 1982 PA 294, MCL 522.517, OR SHALL NOTIFY EACH PARTY THAT THE  
27 PARTY MAY FILE A MOTION TO MODIFY SUPPORT.

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1           (6) THE STATE FRIEND OF THE COURT BUREAU MAY IMPLEMENT  
2 POLICIES TO ASSIST OFFICES OF THE FRIEND OF THE COURT IN DETER-  
3 MINING WHEN AN OFFICE OF THE FRIEND OF THE COURT SHOULD GIVE  
4 NOTICE OF A PROPOSED REDIRECTION OR ABATEMENT OF SUPPORT UNDER  
5 THIS SECTION.

6           Enacting section 1. This amendatory act takes effect June  
7 1, 2003.