

HOUSE BILL No. 6010

May 7, 2002, Introduced by Reps. Jansen, Tabor, Hummel, Kooiman, DeRossett, Howell, Newell, Vander Veen, Voorhees, Patterson, Palmer, Raczkowski, Caul, Julian, Bisbee, Vear and George and referred to the Committee on Family and Children Services.

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.

(viii) A mutual fund account.

(ix) A securities brokerage account.

(x) A money market account.

(xi) A retail investment account.

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

(i) A trust.

(ii) An annuity.

(iii) A qualified individual retirement account.

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

(v) A pension or retirement plan.

(vi) An insurance policy.

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

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

(E) "COURT FAMILY SERVICES OFFICE" MEANS AN AGENCY CREATED IN SECTION 3 OF THE COURT FAMILY SERVICES OFFICE ACT, MCL 552.503.

(F) "COURT FAMILY SERVICES OFFICE ACT" MEANS 1982 PA 294, MCL 552.501 TO 552.535.

(G) ~~-(d)-~~ "Department" means the family independence agency.

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

4 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
5 ship, partnership, association, or private or public corporation,
6 the United States or a federal agency, this state or a political
7 subdivision of this state, another state or a political subdivi-
8 sion of another state, or another legal entity that hires and
9 pays an individual for his or her services.

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

12 (K) ~~-(h)-~~ "Financial institution" means any of the
13 following:

14 (i) A state or national bank.

15 (ii) A state or federally chartered savings and loan
16 association.

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

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

19 (v) An insurance company.

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

22 (A) A mutual fund account.

23 (B) A securities brokerage account.

24 (C) A money market account.

25 (D) A retail investment account.

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

1 (viii) An entity that is a member of the national
2 association of securities dealers and that collects funds from
3 the public.

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

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

7 (l) ~~(j)~~ "Income" means any of the following:

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

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

15 (iii) An amount of money that is due to an individual as a
16 debt of another individual, partnership, association, or private
17 or public corporation, the United States or a federal agency,
18 this state or a political subdivision of this state, another
19 state or a political subdivision of another state, or another
20 legal entity that is indebted to the individual.

21 (M) ~~(K)~~ "Insurer" means an insurer, health maintenance
22 organization, health care corporation, or other group, plan, or
23 entity that provides health care coverage in accordance with any
24 of the following acts:

25 (i) The public health code, 1978 PA 368, MCL 333.1101 to
26 333.25211.

1 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
2 500.8302.

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

5 (N) "IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PERFORMING
6 THE FUNCTIONS UNDER PART D OF TITLE IV OF THE SOCIAL SECURITY
7 ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655, 656 TO 660,
8 AND 663 TO 669b, AND INCLUDES A PERSON PERFORMING THOSE FUNCTIONS
9 UNDER CONTRACT INCLUDING A COURT FAMILY SERVICES OFFICE OR A
10 PROSECUTING ATTORNEY.

11 (O) ~~-(I)-~~ "Medical assistance" means medical assistance as
12 established under title XIX of the social security act, chapter
13 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6
14 ~~—,~~ and 1396r-8 to 1396v.

15 (P) ~~-(m)-~~ "Occupational license" means a certificate, regis-
16 tration, or license issued by a state department, bureau, or
17 agency that has regulatory authority over an individual that
18 allows an individual to legally engage in a regulated occupation
19 or that allows the individual to use a specific title in the
20 practice of an occupation, profession, or vocation.

21 (Q) ~~-(n)-~~ "Office of child support" means the office of
22 child support established in section 2 of the office of child
23 support act, 1971 PA 174, MCL 400.232.

24 ~~-(o) "Office of the friend of the court" means an agency~~
25 ~~created in section 3 of the friend of the court act,~~
26 ~~MCL 552.503.~~

1 (R) ~~(p)~~ "Order of income withholding" means an order
2 entered by the circuit court providing for the withholding of a
3 payer's income to enforce a support order under this act.

4 (S) ~~(q)~~ "Payer" means an individual who is ordered by the
5 circuit court to pay support.

6 (T) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
7 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

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

14 (V) ~~(s)~~ "Political subdivision" means a county, city, vil-
15 lage, township, educational institution, school district, or spe-
16 cial district or authority of the state or of a local unit of
17 government.

18 (W) ~~(t)~~ "Recipient of support" means the following:

19 (i) The spouse, if the support order orders spousal
20 support.

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

24 (iii) The department, if support has been assigned to that
25 department.

26 (X) ~~(u)~~ "Recreational or sporting license" means a
27 hunting, fishing, or fur harvester's license issued under the

1 natural resources and environmental protection act, 1994 PA 451,
2 MCL 324.101 to 324.90106, but does not include a commercial fish-
3 ing license or permit issued under part 473 of the natural
4 resources and environmental protection act, 1994 PA 451,
5 MCL 324.47301 to 324.47362.

6 (Y) ~~(v)~~ "Referee" means ~~a person~~ AN INDIVIDUAL who is
7 designated as a referee under the friend of the court act.

8 (Z) ~~(w)~~ "Source of income" means an employer or successor
9 employer or another individual or entity that owes or will owe
10 income to the payer.

11 (AA) ~~(x)~~ "State disbursement unit" or "SDU" means the
12 entity established in section 6 of the office of child support
13 act, 1971 PA 174, MCL 400.236.

14 (BB) "STATE COURT FAMILY SERVICES OFFICE BUREAU" IS THE
15 STATE COURT FAMILY SERVICES OFFICE BUREAU CREATED IN THE STATE
16 COURT ADMINISTRATIVE OFFICE IN SECTION 19 OF THE COURT FAMILY
17 SERVICES OFFICE ACT, MCL 552.519.

18 (CC) ~~(y)~~ "Support" means all 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 the expenses of medical, dental, and other
23 health care, child care expenses, and educational expenses.

24 (ii) The payment of money ordered by the circuit court under
25 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
26 necessary expenses incurred by or for the mother in connection
27 with her confinement, for other expenses in connection with the

1 pregnancy of the mother, or for the repayment of genetic testing
2 expenses.

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

4 (DD) ~~-(z)-~~ "Support order" means an order entered by the
5 circuit court for the payment of support, whether or not a sum
6 certain.

7 (EE) ~~-(aa)-~~ "Work activity" means any of the following:

8 (i) Unsubsidized employment.

9 (ii) Subsidized private sector employment.

10 (iii) Subsidized public sector employment.

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

14 (v) On-the-job training.

15 (vi) Job search and job readiness assistance.

16 (vii) Community service programs.

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

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

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

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

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

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

6 (A) IF A CHILD FOR WHOM SUPPORT IS PAYABLE UNDER THE ORDER
7 IS UNDER THE STATE'S JURISDICTION AND IS PLACED IN FOSTER CARE,
8 SUPPORT PAYABLE UNDER THE ORDER IS ASSIGNED TO THE FAMILY INDE-
9 PENDENCE AGENCY.

10 (B) SUBSTANTIALLY THE FOLLOWING STATEMENTS:

11 (i) "THE COURT FAMILY SERVICES OFFICE MAY CONSIDER THE
12 PERSON RESPONSIBLE FOR THE ACTUAL CARE, SUPPORT, AND MAINTENANCE
13 OF A CHILD FOR WHOM SUPPORT IS ORDERED AS THE RECIPIENT OF SUP-
14 PORT FOR THE CHILD AND MAY REDIRECT SUPPORT PAID FOR THAT CHILD
15 TO THAT RECIPIENT OF SUPPORT, SUBJECT TO THE PROCEDURES PRE-
16 SCRIBED IN SECTION 5D OF THE SUPPORT AND PARENTING TIME ENFORCE-
17 MENT ACT, 1982 PA 295, MCL 552.605D.".

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

24 (2) A SUPPORT ORDER THAT WAS ENTERED BEFORE THE EFFECTIVE
25 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION SHALL BE CON-
26 SIDERED TO INCLUDE, BY OPERATION OF LAW, THE PROVISIONS STATED IN
27 SUBSECTION (1).

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), THE COURT FAMILY SERVICES
8 OFFICE MAY CONSIDER THE PERSON RESPONSIBLE FOR THE ACTUAL CARE,
9 SUPPORT, AND MAINTENANCE OF A CHILD FOR WHOM SUPPORT IS ORDERED
10 AS THE RECIPIENT OF SUPPORT FOR THE CHILD AND MAY REDIRECT SUP-
11 PORT PAID FOR THAT CHILD TO THAT RECIPIENT OF SUPPORT. SUBJECT
12 TO SUBSECTION (5), THE COURT FAMILY SERVICES OFFICE SHALL ABATE
13 SUPPORT UNDER A SUPPORT ORDER THAT IS PAYABLE AS SUPPORT FOR A
14 CHILD WHO RESIDES FULL-TIME WITH THE PAYER, IN ACCORDANCE WITH
15 POLICIES ESTABLISHED BY THE STATE COURT FAMILY SERVICES OFFICE
16 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 14 DAYS AFTER THE
20 COURT FAMILY SERVICES OFFICE NOTIFIES EACH PARTY OF THE PROPOSED
21 ACTION, ADVISING THE PARTY OF THE RIGHT TO OBJECT. IF A PARTY
22 OBJECTS WITHIN 14 DAYS AFTER THE NOTIFICATION, SUPPORT SHALL NOT
23 BE REDIRECTED OR ABATED UNDER THIS SECTION. AFTER AN OBJECTION,
24 THE COURT FAMILY SERVICES OFFICE SHALL REVIEW THE SUPPORT ORDER
25 UNDER SECTION 17 OF THE COURT FAMILY SERVICES OFFICE ACT, 1982
26 PA 294, MCL 522.517, OR SHALL NOTIFY EACH PARTY THAT THE PARTY
27 MAY FILE A MOTION TO MODIFY SUPPORT.

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