

SUBSTITUTE FOR  
HOUSE BILL NO. 5472

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 2 (MCL 552.602), as amended by 2009 PA 193, and  
by adding section 35a.

**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.

- 1 (vii) A time savings account.  
2 (viii) A mutual fund account.  
3 (ix) A securities brokerage account.  
4 (x) A money market account.  
5 (xi) A retail investment account.  
6 (b) "Account" does not mean any of the following:  
7 (i) A trust.  
8 (ii) An annuity.  
9 (iii) A qualified individual retirement account.  
10 (iv) An account covered by the employee retirement income  
11 security act of 1974, Public Law 93-406.  
12 (v) A pension or retirement plan.  
13 (vi) An insurance policy.

14 (C) **"ALTERNATIVE CONTEMPT TRACK" MEANS THE ALTERNATIVE**  
15 **CONTEMPT TRACK DOCKET ESTABLISHED UNDER SECTION 35A.**

16 (D) ~~(e)~~—"Cash" means money or the equivalent of money, such as  
17 a 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) ~~(d)~~—"Custody or parenting time order violation" means an  
21 individual's act or failure to act that interferes with a parent's  
22 right to interact with his or her child in the time, place, and  
23 manner established in the order that governs custody or parenting  
24 time between the parent and the child and to which the individual  
25 accused of interfering is subject.

26 (F) ~~(e)~~—"Department" means the department of human services.

27 (G) ~~(f)~~—"Domestic relations matter" means a circuit court

1 proceeding as to child custody, parenting time, child support, or  
2 spousal support, that arises out of litigation under a statute of  
3 this state, including, but not limited to, the following:

4 (i) 1846 RS 84, MCL 552.1 to 552.45.

5 (ii) The family support act, 1966 PA 138, MCL 552.451 to  
6 552.459.

7 (iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to  
8 722.31.

9 (iv) 1968 PA 293, MCL 722.1 to 722.6.

10 (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

11 (vi) The revised uniform reciprocal enforcement of support act,  
12 1952 PA 8, MCL 780.151 to 780.183.

13 (vii) The uniform interstate family support act, 1996 PA 310,  
14 MCL 552.1101 to 552.1901.

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

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

24 (J) ~~(i)~~—"Financial asset" means a deposit, account, money  
25 market fund, stock, bond, or similar instrument.

26 (K) ~~(j)~~—"Financial institution" means any of the following:

27 (i) A state or national bank.

1           (ii) A state or federally chartered savings and loan  
2 association.

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

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

5           (v) An insurance company.

6           (vi) An entity that offers any of the following to a resident  
7 of this state:

8           (A) A mutual fund account.

9           (B) A securities brokerage account.

10          (C) A money market account.

11          (D) A retail investment account.

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

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

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

17          (I) ~~(k)~~—"Friend of the court act" means the friend of the court  
18 act, 1982 PA 294, MCL 552.501 to 552.535.

19          (M) ~~(l)~~—"Friend of the court case" means that term as defined  
20 in section 2 of the friend of the court act, MCL 552.502.

21          (N) ~~(m)~~—"Income" means any of the following:

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

25           (ii) A payment due or to be due in the future to an individual  
26 from a profit-sharing plan, a pension plan, an insurance contract,  
27 an annuity, social security, unemployment compensation,

1 supplemental unemployment benefits, or worker's compensation.

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

8 (O) ~~(n)~~—"Insurer" means an insurer, health maintenance  
9 organization, health care corporation, or other group, plan, or  
10 entity that provides health care coverage in accordance with any of  
11 the following acts:

12 (i) The public health code, 1978 PA 368, MCL 333.1101 to  
13 333.25211.

14 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to  
15 500.8302.

16 (iii) The nonprofit health care corporation reform act, 1980 PA  
17 350, MCL 550.1101 to 550.1704.

18 (P) ~~(e)~~—"Medical assistance" means medical assistance as  
19 established under title XIX of the social security act, 42 USC 1396  
20 to ~~1396v~~-1396W-5.

21 (Q) ~~(p)~~—"Most recent semiannual obligation" means the total  
22 amount of current child support owed by a parent during the  
23 preceding January 1 to June 30 or July 1 to December 31.

24 (R) ~~(q)~~—"Occupational license" means a certificate,  
25 registration, or license issued by a state department, bureau, or  
26 agency that has regulatory authority over an individual that allows  
27 an individual to legally engage in a regulated occupation or that

1 allows the individual to use a specific title in the practice of an  
2 occupation, profession, or vocation.

3 (S) ~~(r)~~—"Office of child support" means the office of child  
4 support established in section 2 of the office of child support  
5 act, 1971 PA 174, MCL 400.232.

6 (T) ~~(s)~~—"Office of the friend of the court" means an agency  
7 created in section 3 of the friend of the court act, MCL 552.503.

8 (U) ~~(t)~~—"Order of income withholding" means an order entered  
9 by the circuit court providing for the withholding of a payer's  
10 income to enforce a support order under this act.

11 (V) ~~(u)~~—"Payer" means an individual who is ordered by the  
12 circuit court to pay support.

13 (W) ~~(v)~~—"Person" means an individual, partnership,  
14 corporation, association, governmental entity, or other legal  
15 entity.

16 (X) ~~(w)~~—"Plan administrator" means that term as used in  
17 relation to a group health plan under section 609 of title I of the  
18 employee retirement income security act of 1974, 29 USC 1169, if  
19 the health care coverage plan of the individual who is responsible  
20 for providing a child with health care coverage is subject to that  
21 act.

22 (Y) ~~(x)~~—"Political subdivision" means a county, city, village,  
23 township, educational institution, school district, or special  
24 district or authority of this state or of a local unit of  
25 government.

26 (Z) ~~(y)~~—"Recipient of support" means the following:

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

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

4           (iii) The department, if support has been assigned to that  
5 department.

6           (iv) The county, if the minor child is in county-funded foster  
7 care.

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

15           **(BB)** ~~(aa)~~—"Referee" means a person who is designated as a  
16 referee under the friend of the court act.

17           **(CC)** ~~(bb)~~—"Source of income" means an employer or successor  
18 employer, a labor organization, or another individual or entity  
19 that owes or will owe income to the payer.

20           **(DD)** ~~(cc)~~—"State disbursement unit" or "SDU" means the entity  
21 established in section 6 of the office of child support act, 1971  
22 PA 174, MCL 400.236.

23           **(EE)** ~~(dd)~~—"State friend of the court bureau" means that bureau  
24 as created in the state court administrative office under section  
25 19 of the friend of the court act, MCL 552.519.

26           **(FF)** ~~(ee)~~—"Support" means all of the following:

27           (i) The payment of money for a child or a spouse ordered by the

1 circuit court, whether the order is embodied in an interim,  
2 temporary, permanent, or modified order or judgment. Support may  
3 include payment of the expenses of medical, dental, and other  
4 health care, child care expenses, and educational expenses.

5 (ii) The payment of money ordered by the circuit court under  
6 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the  
7 necessary expenses connected to the mother's pregnancy or the birth  
8 of the child, or for the repayment of genetic testing expenses.

9 (iii) A surcharge under section 3a.

10 (GG) ~~(ff)~~—"Support order" means an order entered by the  
11 circuit court for the payment of support, whether or not a sum  
12 certain.

13 (HH) ~~(gg)~~—"Title IV-D" means part D of title IV of the social  
14 security act, 42 USC 651 to 669b.

15 (II) ~~(hh)~~—"Title IV-D agency" means the agency in this state  
16 performing the functions under title IV-D and includes a person  
17 performing those functions under contract, including an office of  
18 the friend of the court or a prosecuting attorney.

19 (JJ) ~~(ii)~~—"Work activity" means any of the following:

20 (i) Unsubsidized employment.

21 (ii) Subsidized private sector employment.

22 (iii) Subsidized public sector employment.

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

26 (v) On-the-job training.

27 (vi) Referral to and participation in the work first **OR**

1 **SUCCESSOR** program prescribed in the social welfare act, 1939 PA  
2 280, MCL 400.1 to 400.119b, or other job search and job readiness  
3 assistance.

4 (vii) A community service program.

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

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

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

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

15 (xii) The provision of child care services to an individual who  
16 is participating in a community service program.

17 **SEC. 35A. (1) A PAYER WHO MEETS THE CRITERIA IN SUBSECTION (2)**  
18 **MAY, WITH THE CONSENT OF THE COURT, AGREE TO HAVE HIS OR HER CASE**  
19 **PLACED ON AN ALTERNATIVE CONTEMPT TRACK DOCKET.**

20 **(2) THE ALTERNATIVE CONTEMPT TRACK IS AVAILABLE FOR A PAYER**  
21 **WHO IS DETERMINED BY THE COURT TO HAVE DIFFICULTY MAKING SUPPORT**  
22 **PAYMENTS DUE TO ANY OF THE FOLLOWING:**

23 **(A) A DOCUMENTED MEDICAL CONDITION.**

24 **(B) A DOCUMENTED PSYCHOLOGICAL DISORDER.**

25 **(C) SUBSTANCE USE DISORDER.**

26 **(D) ILLITERACY.**

27 **(E) HOMELESSNESS.**

1 (F) A TEMPORARY CURABLE CONDITION THAT THE PAYER HAS  
2 DIFFICULTY CONTROLLING WITHOUT ASSISTANCE.

3 (G) UNEMPLOYMENT LASTING LONGER THAN 27 WEEKS.

4 (3) THE ALTERNATIVE CONTEMPT TRACK SHALL PROVIDE FOR ALL OF  
5 THE FOLLOWING:

6 (A) A PAYER WHO IS IN THE ALTERNATIVE CONTEMPT TRACK IS  
7 SUBJECT TO PROBATION FOR A PERIOD OF UP TO 1 YEAR.

8 (B) THE COURT SHALL APPROVE A PLAN TO ADDRESS THE CONDITIONS  
9 IN SUBSECTION (2).

10 (C) THE COURT MAY DIRECT THE SHERIFF TO TAKE INTO CUSTODY A  
11 PAYER WHO FAILS TO COMPLY WITH THE PLAN DESCRIBED IN SUBDIVISION  
12 (B) UNDER THE CONDITIONS AND FOR THE TIME THAT THE COURT DIRECTS TO  
13 BRING THE PAYER INTO COMPLIANCE WITH THE PLAN DESCRIBED UNDER  
14 SUBDIVISION (B). A PAYER SHALL NOT BE ORDERED TO REMAIN IN THE  
15 SHERIFF'S CUSTODY LONGER THAN 45 DAYS FOR ANY SINGLE PLAN  
16 VIOLATION.

17 (D) IF A PAYER WILLFULLY FAILS TO COMPLY WITH THE TERMS OF THE  
18 PLAN DESCRIBED IN SUBDIVISION (B), THE COURT MAY PUNISH THAT PAYER  
19 BY ORDERING HIS OR HER COMMITMENT TO JAIL FOR A PERIOD NOT TO  
20 EXCEED 10 DAYS.

21 (E) THE PAYER IS REQUIRED TO APPEAR FOR REVIEW HEARINGS AS  
22 SCHEDULED BY THE COURT AND IS SUBJECT TO ARREST ACCORDING TO  
23 SECTION 31.

24 (F) THE PLAN DESCRIBED IN SUBDIVISION (B) MAY PROVIDE NOTICE  
25 OF MODIFICATION TO THE PAYER AND RECIPIENT OF SUPPORT. THE COURT  
26 MAY ENTER A TEMPORARY SUPPORT ORDER OR STAY THE CURRENT ORDER BASED  
27 ON THE PERSON'S ABILITY DURING THE PERIOD A PAYER IS UNDER AN

1 ALTERNATIVE CONTEMPT TRACK PLAN. SUBJECT TO SECTION 3(2), THE COURT  
2 SHALL ENTER A FINAL SUPPORT ORDER UPON COMPLETION OR TERMINATION OF  
3 THE PLAN DESCRIBED IN SUBDIVISION (B). EITHER PARTY MAY OBJECT TO A  
4 PROPOSED FINAL SUPPORT ORDER RESULTING FROM A PLAN DESCRIBED IN  
5 SUBDIVISION (B). IF AN OBJECTION IS MADE, THE COURT MUST HOLD A  
6 SEPARATE HEARING ON THE MATTER OF ENTRY OF A FINAL SUPPORT ORDER.

7 (G) THE COURT MAY DISCHARGE ARREARS OWED TO THE STATE WITH THE  
8 STATE'S APPROVAL AND MAY ALSO DISCHARGE ARREARS OWED TO A PAYEE  
9 WITH THE PAYEE'S CONSENT UPON SUCCESSFUL COMPLETION OF THE  
10 ALTERNATIVE CONTEMPT TRACK.

11 (4) EACH COURT THAT USES AN ALTERNATIVE CONTEMPT TRACK MUST  
12 SUBMIT A PLAN FOR THE ALTERNATIVE CONTEMPT TRACK AND OBTAIN  
13 APPROVAL OF THE PLAN BY THE STATE COURT ADMINISTRATIVE OFFICE UNDER  
14 THE SUPERVISION OF THE SUPREME COURT.

15 Enacting section 1. This amendatory act takes effect 90 days  
16 after the date it is enacted into law.