

SENATE BILL No. 523

September 19, 2013, Introduced by Senator NOFS and referred to the Committee on Families, Seniors and Human 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 2009 PA 193.

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.

(xii) A QUALIFIED INDIVIDUAL RETIREMENT ACCOUNT.

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

(i) A trust.

(ii) An annuity.

~~(iii) A qualified individual retirement account.~~

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

(iv) ~~(v)~~ A pension or retirement plan.

(v) ~~(vi)~~ An insurance policy.

(c) "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.

(d) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(e) "Department" means the department of human services.

(f) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of

1 this state, including, but not limited to, the following:

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

3 (ii) The family support act, 1966 PA 138, MCL 552.451 to
4 552.459.

5 (iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to
6 722.31.

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

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

9 (vi) The revised uniform reciprocal enforcement of support act,
10 1952 PA 8, MCL 780.151 to 780.183.

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

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

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

22 (i) "Financial asset" means a deposit, account, money market
23 fund, stock, bond, or similar instrument.

24 (j) "Financial institution" means any of the following:

25 (i) A state or national bank.

26 (ii) A state or federally chartered savings and loan
27 association.

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

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

3 (v) An insurance company.

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

6 (A) A mutual fund account.

7 (B) A securities brokerage account.

8 (C) A money market account.

9 (D) A retail investment account.

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

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

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

15 (k) "Friend of the court act" means the friend of the court
16 act, 1982 PA 294, MCL 552.501 to 552.535.

17 (l) "Friend of the court case" means that term as defined in
18 section 2 of the friend of the court act, MCL 552.502.

19 (m) "Income" means any of the following:

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

23 (ii) A payment due or to be due in the future to an individual
24 from a profit-sharing plan, a pension plan, an insurance contract,
25 an annuity, social security, unemployment compensation,
26 supplemental unemployment benefits, or worker's compensation.

27 (iii) An amount of money that is due to an individual as a debt

1 of another individual, partnership, association, or private or
2 public corporation, the United States or a federal agency, this
3 state or a political subdivision of this state, another state or a
4 political subdivision of another state, or another legal entity
5 that is indebted to the individual.

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

10 (i) The public health code, 1978 PA 368, MCL 333.1101 to
11 333.25211.

12 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
13 500.8302.

14 (iii) The nonprofit health care corporation reform act, 1980 PA
15 350, MCL 550.1101 to 550.1704.

16 (o) "Medical assistance" means medical assistance as
17 established under title XIX of the social security act, 42 USC 1396
18 to ~~1396v~~-1396W-5.

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

22 (q) "Occupational license" means a certificate, registration,
23 or license issued by a state department, bureau, or agency that has
24 regulatory authority over an individual that allows an individual
25 to legally engage in a regulated occupation or that allows the
26 individual to use a specific title in the practice of an
27 occupation, profession, or vocation.

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

4 (s) "Office of the friend of the court" means an agency
5 created in section 3 of the friend of the court act, MCL 552.503.

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

9 (u) "Payer" means an individual who is ordered by the circuit
10 court to pay support.

11 (v) "Person" means an individual, partnership, corporation,
12 association, governmental entity, or other legal entity.

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

18 (x) "Political subdivision" means a county, city, village,
19 township, educational institution, school district, or special
20 district or authority of this state or of a local unit of
21 government.

22 (y) "Recipient of support" means the following:

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

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

27 (iii) The department, if support has been assigned to that

1 department.

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

4 (z) "Recreational or sporting license" means a hunting,
5 fishing, or fur harvester's license issued under the natural
6 resources and environmental protection act, 1994 PA 451, MCL
7 324.101 to 324.90106, but does not include a commercial fishing
8 license or permit issued under part 473 of the natural resources
9 and environmental protection act, 1994 PA 451, MCL 324.47301 to
10 324.47362.

11 (aa) "Referee" means a person who is designated as a referee
12 under the friend of the court act.

13 (bb) "Source of income" means an employer or successor
14 employer, a labor organization, or another individual or entity
15 that owes or will owe income to the payer.

16 (cc) "State disbursement unit" or "SDU" means the entity
17 established in section 6 of the office of child support act, 1971
18 PA 174, MCL 400.236.

19 (dd) "State friend of the court bureau" means that bureau as
20 created in the state court administrative office under section 19
21 of the friend of the court act, MCL 552.519.

22 (ee) "Support" means all of the following:

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

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

(iii) A surcharge under section 3a.

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

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

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

(ii) "Work activity" means any of the following:

(i) Unsubsidized employment.

(ii) Subsidized private sector employment.

(iii) Subsidized public sector employment.

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

(v) On-the-job training.

(vi) Referral to and participation in the ~~work first~~ **PATH: PARTNERSHIP. ACCOUNTABILITY. TRAINING. HOPE. WORK PARTNERSHIP** program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(vii) A community service program.

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

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

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

7 (xi) Satisfactory attendance at secondary school or in a course
8 of study leading to a certificate of general equivalence, in the
9 case of an individual who has not completed secondary school or
10 received such a certificate.

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

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 97th Legislature are
15 enacted into law:

16 (a) Senate Bill No. 524.

17
18 (b) Senate Bill No. 525.