

HOUSE BILL No. 4336

February 27, 2013, Introduced by Rep. Ananich and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 2 and 5b (MCL 552.602 and 552.605b), 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.

10 (viii) A mutual fund account.

1 (ix) A securities brokerage account.

2 (x) A money market account.

3 (xi) A retail investment account.

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

5 (i) A trust.

6 (ii) An annuity.

7 (iii) A qualified individual retirement account.

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

10 (v) A pension or retirement plan.

11 (vi) An insurance policy.

12 (c) "Cash" means money or the equivalent of money, such as a
13 money order, cashier's check, or negotiable check or a payment by
14 debit or credit card, which equivalent is accepted as cash by the
15 agency accepting the payment.

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

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

23 **(F) "DEVELOPMENTAL DISABILITY" MEANS THAT TERM AS IT IS**
24 **DEFINED IN SECTION 100A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL**
25 **330.1100A.**

26 **(G) ~~(f)~~**"Domestic relations matter" means a circuit court
27 proceeding as to child custody, parenting time, child support, or

1 spousal support, that arises out of litigation under a statute of
2 this state, including, but not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

26 (i) A state or national bank.

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

1 association.

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

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

4 (v) An insurance company.

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

7 (A) A mutual fund account.

8 (B) A securities brokerage account.

9 (C) A money market account.

10 (D) A retail investment account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (Q) **"MENTAL RETARDATION" MEANS THAT TERM AS IT IS DEFINED IN**
21 **SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.**

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

25 (S) ~~(q)~~—"Occupational license" means a certificate,
26 registration, or license issued by a state department, bureau, or
27 agency that has regulatory authority over an individual that allows

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

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

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

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

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

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

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

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

27 (AA) ~~(y)~~—"Recipient of support" means the following:

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

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

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

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

9 **(BB)** ~~(z)~~—"Recreational or sporting license" means a hunting,
10 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 **(CC)** ~~(aa)~~—"Referee" means a person who is designated as a
17 referee under the friend of the court act.

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

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

24 **(FF)** ~~(dd)~~—"State friend of the court bureau" means that bureau
25 as created in the state court administrative office under section
26 19 of the friend of the court act, MCL 552.519.

27 **(GG)** ~~(ee)~~—"Support" means all of the following:

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

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

10 (iii) A surcharge under section 3a.

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

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

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

20 (KK) ~~(ii)~~—"Work activity" means any of the following:

21 (i) Unsubsidized employment.

22 (ii) Subsidized private sector employment.

23 (iii) Subsidized public sector employment.

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

27 (v) On-the-job training.

1 (vi) Referral to and participation in the ~~work first-JET~~
2 program prescribed in the social welfare act, 1939 PA 280, MCL
3 400.1 to 400.119b, or other job search and job readiness
4 assistance.

5 (vii) A community service program.

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

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

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

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

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

18 Sec. 5b. (1) A court that orders child support may order
19 support for a child after the child reaches 18 years of age as
20 provided in this section.

21 (2) The court may order child support for the time a child is
22 regularly attending high school on a full-time basis with a
23 reasonable expectation of completing sufficient credits to graduate
24 from high school while residing on a full-time basis with the
25 recipient of support or at an institution. ~~, but in no case after~~
26 ~~the child reaches 19 years and 6 months of age. IF THE CHILD IS NOT~~
27 **REGULARLY ATTENDING HIGH SCHOOL AS DESCRIBED IN THIS SUBSECTION,**

1 THE COURT MAY, IN ITS DISCRETION, ORDER SUPPORT FOR THE CHILD AFTER
2 HE OR SHE REACHES 18 YEARS OF AGE IF HE OR SHE IS A CHILD WITH A
3 DEVELOPMENTAL DISABILITY OR MENTAL RETARDATION. A complaint or
4 motion requesting support as provided in this section may be filed
5 at any time. ~~before the child reaches 19 years and 6 months of age.~~

6 (3) A support order entered under this section shall include a
7 provision that the support terminates on the last day of a
8 specified month, regardless of the actual graduation date. **THIS**
9 **SUBSECTION DOES NOT APPLY TO A SUPPORT ORDER ENTERED FOR A CHILD**
10 **WITH A DEVELOPMENTAL DISABILITY OR MENTAL RETARDATION IF THE COURT**
11 **HAS ORDERED THAT SUPPORT SHALL CONTINUE FOR THAT CHILD AFTER HE OR**
12 **SHE REACHES 18 YEARS OF AGE.**

13 (4) A provision contained in a judgment or an order entered
14 before October 10, 1990 that provides for the support of a child
15 after the child reaches 18 years of age, without an agreement of
16 the parties as described in subsection (5), is valid and
17 enforceable to the extent the provision provides support for the
18 child for the time the child is regularly attending high school on
19 a full-time basis with a reasonable expectation of completing
20 sufficient credits to graduate from high school while residing on a
21 full-time basis with the recipient of support or at an institution,
22 but in no case after the child reaches 19 years and 6 months of age
23 **UNLESS HE OR SHE IS A CHILD WITH A DEVELOPMENTAL DISABILITY OR**
24 **MENTAL RETARDATION.** This subsection does not require payment of
25 support for a child after the child reaches 18 years of age for any
26 period between November 8, 1989 and October 10, 1990, or
27 reimbursement of support paid between November 8, 1989 and October

1 10, 1990, in those judicial circuits that did not enforce support
2 for a child after the child reached 18 years of age during the
3 period between November 8, 1989 and October 10, 1990.

4 (5) A provision contained in a judgment or an order entered
5 under this act before, on, or after September 30, 2001 that
6 provides for the support of a child after the child reaches 18
7 years of age is valid and enforceable if 1 or more of the following
8 apply:

9 (a) The provision is contained in the judgment or order by
10 agreement of the parties as stated in the judgment or order.

11 (b) The provision is contained in the judgment or order by
12 agreement of the parties as evidenced by the approval of the
13 substance of the judgment or order by the parties or their
14 attorneys.

15 (c) The provision is contained in the judgment or order by
16 written agreement signed by the parties.

17 (d) The provision is contained in the judgment or order by
18 oral agreement of the parties as stated on the record by the
19 parties or their attorneys.

20 **(E) THE PROVISION IS CONTAINED IN THE JUDGMENT OR ORDER FOR A**
21 **CHILD WITH A DEVELOPMENTAL DISABILITY OR MENTAL RETARDATION.**