



SENATE BILL No. 881

February 27, 1996, Introduced by Senators BOUCHARD and
GOUGEON and referred to the Committee on Families,
Mental Health and Human Services.

A bill to amend sections 2, 3, 23, 33, 35, and 44 of Act
No. 295 of the Public Acts of 1982, entitled as amended
"Support and parenting time enforcement act,"
section 2 as amended by Act No. 236 of the Public Acts of 1995,
sections 3 and 44 as amended by Act No. 25 of the Public Acts of
1996, and sections 23 and 35 as amended by Act No. 210 of the
Public Acts of 1985, being sections 552.602, 552.603, 552.623,
552.633, 552.635, and 552.644 of the Michigan Compiled Laws; and
to add sections 7a, 7b, and 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, 23, 33, 35, and 44 of Act No. 295
2 of the Public Acts of 1982, section 2 as amended by Act No. 236
3 of the Public Acts of 1995, sections 3 and 44 as amended by Act
4 No. 25 of the Public Acts of 1996, and sections 23 and 35 as
5 amended by Act No. 210 of the Public Acts of 1985, being sections

1 552.602, 552.603, 552.623, 552.633, 552.635, and 552.644 of the
2 Michigan Compiled Laws, are amended and sections 7a, 7b, and 7c
3 are added to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Employer" means an individual, sole proprietorship,
6 partnership, association, or private or public corporation, the
7 United States or a federal agency, this state or a political sub-
8 division of this state, another state or a political subdivision
9 of another state, or another legal entity that hires and pays an
10 individual for his or her services.

11 (b) "Friend of the court act" means Act No. 294 of the
12 Public Acts of 1982, being sections 552.501 to 552.535 of the
13 Michigan Compiled Laws.

14 (c) "Income" means any of the following:

15 (i) Commissions, earnings, salaries, wages, and other income
16 due or to be due in the future from ~~his or her~~ AN INDIVIDUAL'S
17 employer and successor employers.

18 (ii) A payment due or to be due in the future from a
19 profit-sharing plan, A pension plan, AN insurance contract, AN
20 annuity, social security, unemployment compensation, supplemental
21 unemployment benefits, ~~and~~ OR worker's compensation.

22 (iii) An amount of money that is due to ~~the payer~~ AN
23 INDIVIDUAL under a support order as a debt of another individual,
24 partnership, association, or private or public corporation, the
25 United States or a federal agency, this state or a political sub-
26 division of this state, another state or a political subdivision

1 of another state, or another legal entity that is indebted to the
2 ~~payer~~ INDIVIDUAL.

3 (d) "Insurer" means an insurer, health maintenance organiza-
4 tion, health care corporation, or other group, plan, or entity
5 that provides health care coverage in accordance with any of the
6 following acts:

7 (i) The public health code, Act No. 368 of the Public Acts
8 of 1978, being sections 333.1101 to 333.25211 of the Michigan
9 Compiled Laws.

10 (ii) The insurance code of 1956, Act No. 218 of the Public
11 Acts of 1956, being sections 500.100 to 500.8302 of the Michigan
12 Compiled Laws.

13 (iii) The nonprofit health care corporation reform act, Act
14 No. 350 of the Public Acts of 1980, being sections 550.1101 to
15 550.1704 of the Michigan Compiled Laws.

16 (e) "Medical assistance" means medical assistance as estab-
17 lished under title XIX of the social security act, chapter 531,
18 49 Stat. 620, 42 U.S.C. 1396 to 1396g and 1396i to 1396v.

19 (F) "OCCUPATIONAL LICENSE" MEANS A CERTIFICATE, REGISTRA-
20 TION, OR LICENSE ISSUED BY AN OCCUPATIONAL REGULATORY AGENCY THAT
21 ALLOWS AN INDIVIDUAL TO LEGALLY ENGAGE IN A REGULATED OCCUPATION
22 OR THAT ALLOWS THE INDIVIDUAL TO USE A SPECIFIC TITLE IN THE
23 PRACTICE OF AN OCCUPATION, PROFESSION, OR VOCATION.

24 (G) "OCCUPATIONAL REGULATORY AGENCY" MEANS A STATE DEPART-
25 MENT, BUREAU, OR AGENCY THAT HAS REGULATORY AUTHORITY OVER AN
26 INDIVIDUAL ISSUED AN OCCUPATIONAL LICENSE.

1 (H) ~~(f)~~ "Office of child support" means the office of
2 child support established in section 2 of the office of child
3 support act, Act No. 174 of the Public Acts of 1971, being sec-
4 tion 400.232 of the Michigan Compiled Laws.

5 (I) ~~(g)~~ "Office of the friend of the court" means the
6 agency created in section 3 of the friend of the court act, being
7 section 552.503 of the Michigan Compiled Laws.

8 (J) ~~(h)~~ "Order of income withholding" means an order
9 entered by the circuit court providing for the withholding of a
10 payer's income to enforce a support order under this act.

11 (K) ~~(i)~~ "Payer" means ~~a person~~ AN INDIVIDUAL who is
12 ordered by the circuit court to pay support.

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

19 (M) ~~(k)~~ "Political subdivision" means a county, city, vil-
20 lage, township, educational institution, school district, or spe-
21 cial district or authority of the state or of a local unit of
22 government.

23 (N) ~~(l)~~ "Recipient of support" means the following:

24 (i) The spouse, if the support order orders support for the
25 spouse.

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
3 age or older.

4 (iii) The state department of social services, if support
5 has been assigned to the department.

6 (O) ~~(m)~~ "Referee" means a person who is designated as a
7 referee under the friend of the court act.

8 (P) ~~(n)~~ "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 (Q) ~~(o)~~ "Support" means all of the following:

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

17 (ii) The payment of money ordered by the circuit court under
18 the paternity act, Act No. 205 of the Public Acts of 1956, being
19 sections 722.711 to 722.730 of the Michigan Compiled Laws, for
20 the necessary expenses incurred by or for the mother in connec-
21 tion with her confinement or of other expenses in connection with
22 the pregnancy of the mother.

23 (iii) A fee accumulated under section 3a.

24 (R) ~~(p)~~ "Support order" means an order entered by the cir-
25 cuit court for the payment of support, whether or not a sum
26 certain.

1 Sec. 3. (1) A support order issued by a court of this state
2 shall be enforced as provided in this section.

3 (2) Except as otherwise provided in this section, a support
4 order that is part of a judgment or is an order in a domestic
5 relations matter as defined in section 31 of the friend of the
6 court act, being section 552.531 of the Michigan Compiled Laws,
7 is a judgment on and after the date each support payment is due,
8 with the full force, effect, and attributes of a judgment of this
9 state, and is not, on and after the date it is due, subject to
10 retroactive modification. Retroactive modification of a support
11 payment due under a support order is permissible with respect to
12 any period during which there is pending a petition for modifica-
13 tion, but only from the date that notice of the petition was
14 given to the payer or recipient of support.

15 (3) This section does not apply to an ex parte interim sup-
16 port order or a temporary support order entered ~~pursuant to~~
17 UNDER supreme court rule.

18 (4) The office of the friend of the court shall make avail-
19 able to a payer or payee the forms and instructions described in
20 section 17a of the friend of the court act, being section
21 552.517a of the Michigan Compiled Laws.

22 (5) This section does not prohibit a court approved agree-
23 ment between the parties to retroactively modify a support
24 order. This section does not limit other enforcement remedies
25 available under this act or any other act.

26 (6) Every support order that is part of a judgment issued by
27 a court of this state or that is an order in a domestic relations

1 matter as defined in section 31 of the friend of the court act
2 shall include ~~both~~ ALL of the following:

3 (a) Substantially the following statement: "Except as oth-
4 erwise provided in section 3 of the support and parenting time
5 enforcement act, Mich. Comp. Laws §552.603 (1979), a support
6 order that is part of a judgment or that is an order in a domes-
7 tic relations matter as defined in section 31 of the friend of
8 the court act, Mich. Comp. Laws §552.531 (1979), is a judgment on
9 and after the date each support payment is due, with the full
10 force, effect, and attributes of a judgment of this state, and is
11 not, on and after the date it is due, subject to retroactive
12 modification. A surcharge will be added to support payments that
13 are past due as provided in section 3a of the support and parent-
14 ing time enforcement act, Mich. Comp. Laws §552.603a (1979).".

15 (b) A requirement that, within 21 days after the payer or
16 payee changes his or her address, that person report the new
17 address in writing to the friend of the court.

18 (c) A REQUIREMENT THAT BOTH THE PAYER AND PAYEE KEEP THE
19 OFFICE OF THE FRIEND OF THE COURT INFORMED IF HE OR SHE HOLDS AN
20 OCCUPATIONAL LICENSE.

21 (7) A support order shall not accrue interest.

22 SEC. 7A. (1) THE OFFICE OF THE FRIEND OF THE COURT MAY SEND
23 TO A PAYER A NOTICE OF INTENT TO ORDER THE SUSPENSION OF THE
24 PAYER'S OCCUPATIONAL LICENSE IF ALL OF THE FOLLOWING CIRCUM-
25 STANCES ARE TRUE:

1 (A) AN ARREARAGE HAS ACCRUED IN AN AMOUNT GREATER THAN THE
2 AMOUNT OF PERIODIC SUPPORT PAYMENTS PAYABLE FOR 3 MONTHS UNDER
3 THE PAYER'S SUPPORT ORDER.

4 (B) THE PAYER HOLDS AN OCCUPATIONAL LICENSE OR THE PAYER'S
5 OCCUPATION REQUIRES AN OCCUPATIONAL LICENSE.

6 (C) AN ORDER OF INCOME WITHHOLDING IS NOT APPLICABLE OR HAS
7 BEEN UNSUCCESSFUL IN ASSURING REGULAR PAYMENTS ON THE SUPPORT
8 OBLIGATION AND REGULAR PAYMENTS ON THE ARREARAGE.

9 (2) THE NOTICE DESCRIBED IN SUBSECTION (1) SHALL CONTAIN THE
10 FOLLOWING INFORMATION:

11 (A) THE AMOUNT OF THE ARREARAGE.

12 (B) THAT THE PAYER'S OCCUPATIONAL LICENSE MAY BE SUBJECT TO
13 AN ORDER OF SUSPENSION.

14 (C) THAT THE SUSPENSION ORDER WILL BE ENTERED AND SENT TO
15 THE OCCUPATIONAL REGULATORY AGENCY ISSUING THE PAYER'S OCCUPA-
16 TIONAL LICENSE UNLESS THE PAYER RESPONDS BY PAYING THE ARREARAGE
17 OR REQUESTING A HEARING WITHIN 21 DAYS AFTER THE DATE OF MAILING
18 THE NOTICE.

19 (D) THAT, AT THE HEARING, THE PAYER MAY DO EITHER OF THE
20 FOLLOWING:

21 (i) OBJECT TO THE PROPOSED SUSPENSION BASED ON A MISTAKE OF
22 FACT CONCERNING THE OVERDUE SUPPORT AMOUNT OR THE PAYER'S
23 IDENTITY.

24 (ii) SUGGEST TO THE COURT A SCHEDULE FOR THE PAYMENT OF THE
25 ARREARAGE.

26 (E) THAT, IF THE PAYER BELIEVES THAT THE AMOUNT OF SUPPORT
27 ORDERED SHOULD BE MODIFIED DUE TO A CHANGE IN CIRCUMSTANCES, THE

1 PAYER MAY FILE A PETITION WITH THE COURT FOR MODIFICATION OF THE
2 SUPPORT ORDER.

3 SEC. 7B. (1) WITHIN 21 DAYS AFTER THE DATE ON WHICH THE
4 NOTICE DESCRIBED IN SECTION 7A IS MAILED TO A PAYER, THE PAYER
5 MAY REQUEST A HEARING ON THE PROPOSED SUSPENSION. IF THE PAYER
6 REQUESTS A HEARING, ENTRY OF THE SUSPENSION ORDER SHALL BE
7 DELAYED PENDING THE OUTCOME OF THE HEARING. THE COURT SHALL HOLD
8 THE HEARING WITHIN 30 DAYS AFTER THE DATE OF THE PAYER'S
9 REQUEST.

10 (2) IF A PAYER FILES A PETITION FOR MODIFICATION OF THE SUP-
11 PORT ORDER AND THE PETITION IS PENDING AT THE DATE SCHEDULED FOR
12 A HEARING UNDER THIS SECTION, THE COURT SHALL CONSOLIDATE THE
13 HEARING UNDER THIS SECTION AND A HEARING ON THE PETITION FOR MOD-
14 IFICATION UNLESS THE COURT FINDS FOR GOOD CAUSE SHOWN ON THE
15 RECORD THAT THE HEARINGS SHOULD BE HELD SEPARATELY.

16 (3) IF THE COURT DETERMINES THAT THE PAYER HAS ACCRUED AN
17 ARREARAGE ON HIS OR HER SUPPORT ORDER AND THAT THE PAYER HAS, OR
18 COULD BY THE EXERCISE OF DUE DILIGENCE HAVE, THE CAPACITY TO PAY
19 ALL OR SOME PORTION OF THE AMOUNT DUE, THE COURT SHALL ORDER THE
20 PAYMENT OF THE ARREARAGE IN 1 OR MORE SCHEDULED INSTALLMENTS OF A
21 SUM CERTAIN.

22 (4) AFTER 21 DAYS AFTER THE DATE ON WHICH THE NOTICE
23 DESCRIBED IN SECTION 7A IS SENT, THE COURT MAY ORDER THE SUSPEN-
24 SION OF THE PAYER'S OCCUPATIONAL LICENSE UNDER EITHER OF THE FOL-
25 LOWING CIRCUMSTANCES:

1 (A) THE PAYER FAILS TO PAY THE ARREARAGE AND FAILS TO EITHER
2 REQUEST A HEARING AS PROVIDED IN SUBSECTION (1) OR APPEAR FOR A
3 HEARING SCHEDULED AFTER SUCH A REQUEST.

4 (B) THE PAYER FAILS TO COMPLY WITH AN ARREARAGE PAYMENT
5 SCHEDULE ORDERED UNDER THIS SECTION.

6 SEC. 7C. (1) IF THE COURT ORDERS A SUSPENSION OF AN OCCUPA-
7 TIONAL LICENSE UNDER SECTION 7B, 33, 35, OR 44, THE ORDER SHALL
8 INDICATE THAT THE OCCUPATIONAL REGULATORY AGENCY SHALL SUSPEND
9 THE OCCUPATIONAL LICENSE WITHIN 7 BUSINESS DAYS AFTER RECEIPT OF
10 THE SUSPENSION ORDER. THE OFFICE OF THE FRIEND OF THE COURT
11 SHALL SEND A COPY OF THE SUSPENSION ORDER TO THE OCCUPATIONAL
12 REGULATORY AGENCY THAT ISSUES THE OCCUPATIONAL LICENSE. IF THE
13 PAYER IS THE SUBJECT OF A SUSPENSION ORDER UNDER SECTION 7B AND
14 HAS FAILED TO RESPOND IN ANY MANNER TO THE NOTICE GIVEN UNDER
15 SECTION 7A, THE OFFICE OF THE FRIEND OF THE COURT SHALL NOT SEND
16 THE SUSPENSION ORDER TO THE AGENCY UNTIL AT LEAST 14 DAYS AFTER
17 THE DATE OF THE OFFICE FIRST ATTEMPTS SERVICE OF A COPY OF THE
18 ORDER ON THE PAYER BY PERSONAL SERVICE OR BY REGISTERED OR CERTI-
19 FIED MAIL, RETURN RECEIPT REQUESTED, WITH DELIVERY RESTRICTED TO
20 THE PAYER.

21 (2) AFTER ENTRY OF A SUSPENSION ORDER UNDER SECTION 7B, A
22 PAYER MAY AGREE TO AND THE COURT MAY ORDER A SCHEDULE FOR THE
23 PAYMENT OF THE ARREARAGE. IF THE COURT ORDERS A SCHEDULE FOR
24 PAYMENT OF THE ARREARAGE, THE COURT SHALL ENTER AN ORDER RESCIND-
25 ING THE SUSPENSION ORDER THAT IS EFFECTIVE AS PROVIDED IN SECTION
26 4 OF THE REGULATED OCCUPATION SUPPORT ENFORCEMENT ACT. WITHIN 7
27 BUSINESS DAYS AFTER ENTRY OF THE ORDER RESCINDING THE SUSPENSION

1 ORDER, THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND A COPY OF
2 THE ORDER RESCINDING THE SUSPENSION ORDER TO THE OCCUPATIONAL
3 REGULATORY AGENCY THAT ISSUES THE PAYER'S OCCUPATIONAL LICENSE.

4 Sec. 23. (1) ~~The~~ A source of income shall not use an
5 order of income withholding as a basis for refusing to employ,
6 discharging, or taking any disciplinary action or imposing any
7 penalty against a payer. A source of income who refuses to
8 employ, discharges, disciplines, or penalizes a payer in viola-
9 tion of this section is guilty of a misdemeanor, punishable by a
10 fine of not more than \$500.00, and shall be required to make full
11 restitution to the aggrieved payer, including reinstatement and
12 back pay.

13 (2) A SOURCE OF INCOME SHALL NOT USE THE SUSPENSION, AS PRO-
14 VIDED FOR IN THIS ACT, OF AN OCCUPATIONAL LICENSE AS THE BASIS
15 FOR REFUSING TO EMPLOY, DISCHARGING, TAKING DISCIPLINARY ACTION
16 AGAINST, OR IMPOSING A PENALTY AGAINST A PAYER UNLESS THE SUS-
17 PENDED LICENSE IS LEGALLY REQUIRED FOR THE PAYER'S PERFORMANCE OF
18 THE JOB. THIS ACT DOES NOT PREVENT A SOURCE OF INCOME FROM
19 REFUSING TO EMPLOY OR DISCHARGING AN INDIVIDUAL WHOSE OCCUPA-
20 TIONAL LICENSE IS SUSPENDED IF THAT LICENSE IS A NECESSARY PREDI-
21 CATE TO ENGAGING IN THAT OCCUPATION, VOCATION, OR PROFESSION.

22 Sec. 33. (1) The court may find a payer in contempt if the
23 court finds that the payer is in arrears and if the court is sat-
24 isfied that the payer has the capacity to pay out of currently
25 available resources all or some portion of the amount due under
26 the support order. In the absence of proofs to the contrary
27 introduced by the payer, the court shall presume that the payer

1 has currently available resources equal to 4 weeks of payments
 2 under the support order. The court shall not find that the payer
 3 has currently available resources of more than 4 weeks of pay-
 4 ments without proof of ~~such~~ THOSE resources by the office of
 5 the friend of the court or the recipient of support. Upon find-
 6 ing a payer in contempt of court under this section, the court
 7 may immediately enter AN ORDER DOING 1 of the following:

8 ~~orders:~~

9 (a) Committing the payer to the county jail.

10 (b) Committing the payer to the county jail with the privi-
 11 lege of leaving the jail ~~—~~ during ~~such~~ THE hours ~~as~~ the
 12 court determines, and under ~~such~~ THE supervision ~~as~~ the court
 13 considers, necessary ~~—~~ for the purpose of allowing the payer to
 14 go to and return from his or her place of employment.

15 (c) Committing the payer to ~~any~~ A penal or correctional
 16 facility in this state ~~which~~ THAT is not operated by the state
 17 department of corrections.

18 (D) IF THE PAYER HOLDS AN OCCUPATIONAL LICENSE, CONDITIONING
 19 THE CONTINUATION OF THE PAYER'S OCCUPATIONAL LICENSE UPON COMPLI-
 20 ANCE WITH AN ORDER FOR PAYMENT OF THE ARREARAGE IN 1 OR MORE
 21 SCHEDULED INSTALLMENTS OF A SUM CERTAIN.

22 (2) IF THE COURT ENTERS AN ORDER UNDER SUBSECTION (1)(D) AND
 23 THE PAYER FAILS TO COMPLY WITH THE ARREARAGE PAYMENT SCHEDULE,
 24 THE COURT SHALL ORDER SUSPENSION OF THE PAYER'S OCCUPATIONAL
 25 LICENSE AND PROCEED UNDER SECTION 7C.

26 Sec. 35. (1) The court may find a payer in contempt if the
 27 court finds that the payer is in arrears and if the court is

1 satisfied that by the exercise of diligence the payer could have
2 the capacity to pay all or some portion of the amount due under
3 the support order and ~~has failed or refused~~ FAILS OR REFUSES to
4 do so.

5 (2) Upon finding a payer in contempt of court under this
6 section, the court may immediately enter an order ~~committing~~
7 DOING EITHER OF THE FOLLOWING:

8 (A) COMMITTING the payer to the county jail with the privi-
9 lege of leaving the jail ~~—~~ during ~~such~~ THE hours ~~as~~ the
10 court determines, and under ~~such~~ THE supervision ~~as~~ the court
11 considers, necessary ~~—~~ for the purpose of allowing the payer to
12 go to and return from his or her place of employment or, if the
13 person wishes to seek employment, to seek employment.

14 (B) IF THE PAYER HOLDS AN OCCUPATIONAL LICENSE, CONDITIONING
15 THE CONTINUATION OF THE PAYER'S OCCUPATIONAL LICENSE UPON COMPLI-
16 ANCE WITH AN ORDER FOR PAYMENT OF THE ARREARAGE IN 1 OR MORE
17 SCHEDULED INSTALLMENTS OF A SUM CERTAIN.

18 (3) Notwithstanding the length of commitment imposed under
19 this section, an unemployed payer committed to a county jail
20 under this section who finds employment shall be released from
21 jail if either of the following applies:

22 (a) The payer is self-employed and has completed 2 consecu-
23 tive weeks at his or her employment.

24 (b) The payer is employed and has completed 2 consecutive
25 weeks at his or her employment and an order of income withholding
26 is effective.

1 (4) IF THE COURT ENTERS AN ORDER UNDER SUBSECTION (2)(B) AND
2 THE PAYER FAILS TO COMPLY WITH THE ARREARAGE PAYMENT SCHEDULE,
3 THE COURT SHALL ORDER SUSPENSION OF THE PAYER'S OCCUPATIONAL
4 LICENSE AND PROCEED UNDER SECTION 7C.

5 Sec. 44. (1) If the office of the friend of the court
6 determines THAT APPLICATION OF A MAKEUP PARENTING TIME POLICY
7 UNDER SECTION 41(1)(A) IS UNSUCCESSFUL IN RESOLVING A PARENTING
8 TIME DISPUTE OR that action should OTHERWISE be taken under sec-
9 tion 41(1)(b), the office of the friend of the court shall com-
10 mence a civil contempt proceeding to resolve a dispute concerning
11 parenting time ~~of~~ WITH a minor child by filing with the circuit
12 court a petition for an order to show cause why either parent who
13 has violated a parenting time order should not be held in
14 contempt. THE OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE
15 PARENT WHO IS THE SUBJECT OF THE PETITION. THE NOTICE SHALL
16 INCLUDE AT LEAST ALL OF THE FOLLOWING:

17 (A) A LIST OF EACH POSSIBLE SANCTION IF THE PARENT IS FOUND
18 IN CONTEMPT.

19 (B) THE RIGHT OF THE PARENT TO A HEARING ON A PROPOSED MODI-
20 FICATION OF PARENTING TIME IF REQUESTED WITHIN 14 DAYS AFTER THE
21 DATE OF THE NOTICE, AS PROVIDED IN SUBSECTION (6).

22 (2) If the court finds that either parent has violated a
23 parenting time order, the court shall find that parent in con-
24 tempt and may do 1 or more of the following:

25 (a) Require additional terms and conditions consistent with
26 the court's parenting time order.

1 (b) After notice to both parties and a hearing, if requested
2 by a party, on any proposed modification of parenting time,
3 modify the parenting time order to meet the best interests of the
4 child.

5 (c) Order that makeup parenting time be provided for the
6 noncustodial parent to take the place of wrongfully denied par-
7 enting time.

8 (d) Order the parent to pay a fine of not more than
9 \$100.00.

10 (e) Commit the parent to the county jail.

11 (f) Commit the parent to the county jail with the privilege
12 of leaving the jail ~~—~~ during ~~such~~ THE hours ~~as~~ the court
13 determines, and under ~~such~~ THE supervision as the court
14 considers, necessary ~~—~~ for the purpose of allowing the parent
15 to go to and return from his or her place of employment.

16 (G) IF THE PARENT HOLDS AN OCCUPATIONAL LICENSE, CONDITION
17 THE CONTINUATION OF THE PARENT'S OCCUPATIONAL LICENSE UPON COM-
18 PLIANCE WITH AN ORDER FOR MAKEUP AND ONGOING PARENTING TIME.

19 (3) A commitment under subsection (2)(e) or (f) shall not
20 exceed 45 days for the first finding of contempt or 90 days for
21 each subsequent finding of contempt. ~~(4)~~ A parent committed
22 under subsection (2)(e) or (f) shall be released if the court has
23 reasonable cause to believe that the parent will comply with the
24 parenting time order.

25 (4) IF THE COURT ENTERS AN ORDER UNDER SUBSECTION (2)(G) AND
26 THE PARENT FAILS TO COMPLY WITH THE MAKEUP AND ONGOING PARENTING
27 TIME SCHEDULE, THE COURT SHALL FIND THE PARENT IN CONTEMPT AND,

1 AFTER NOTICE AND AN OPPORTUNITY FOR A HEARING, MAY ORDER
2 SUSPENSION OF THE PARENT'S OCCUPATIONAL LICENSE AND PROCEED UNDER
3 SECTION 7C.

4 (5) AFTER ENTRY OF A SUSPENSION ORDER UNDER SUBSECTION (4),
5 A PARENT MAY AGREE TO A MAKEUP PARENTING TIME SCHEDULE. THE
6 COURT MAY ORDER A MAKEUP PARENTING TIME SCHEDULE IF THE PARENT
7 DEMONSTRATES A GOOD FAITH EFFORT TO COMPLY WITH THE PARENTING
8 TIME ORDER. IF THE COURT ORDERS A MAKEUP PARENTING TIME SCHED-
9 ULE, THE COURT SHALL ENTER AN ORDER RESCINDING THE SUSPENSION
10 ORDER THAT IS EFFECTIVE AS PROVIDED IN SECTION 4 OF THE REGULATED
11 OCCUPATION SUPPORT ENFORCEMENT ACT. WITHIN 7 BUSINESS DAYS AFTER
12 ENTRY OF THE ORDER RESCINDING THE SUSPENSION ORDER, THE OFFICE OF
13 THE FRIEND OF THE COURT SHALL SEND A COPY OF THE ORDER RESCINDING
14 THE SUSPENSION ORDER TO THE OCCUPATIONAL REGULATORY AGENCY THAT
15 ISSUES THE PARENT'S OCCUPATIONAL LICENSE.

16 (6) WITHIN 14 DAYS AFTER THE DATE OF THE NOTICE UNDER SUB-
17 SECTION (1), A PARENT WHO IS NOTIFIED OF A PETITION TO SHOW CAUSE
18 UNDER SUBSECTION (1) MAY REQUEST A HEARING ON A PROPOSED MODIFI-
19 CATION OF PARENTING TIME. THE COURT SHALL HOLD THE REQUESTED
20 HEARING UNLESS THE PARENTING TIME DISPUTE IS RESOLVED BY OTHER
21 MEANS. THE COURT SHALL COMBINE THE HEARING PRESCRIBED BY THIS
22 SUBSECTION WITH THE HEARING ON THE ORDER TO SHOW CAUSE UNLESS THE
23 COURT FINDS FOR GOOD CAUSE SHOWN ON THE RECORD THAT THE HEARINGS
24 SHOULD BE HELD SEPARATELY.

25 Section 2. This amendatory act shall not take effect unless
26 all of the following bills of the 88th Legislature are enacted
27 into law:

- 1 (a) House Bill No. 5385.
- 2 (b) House Bill No. 5386.
- 3 (c) House Bill No. 5387.