

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 521

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 3, 31, 32, 33, 37, 44, and 45 (MCL 552.603,
552.631, 552.632, 552.633, 552.637, 552.644, and 552.645), sections
3, 31, 33, 44, and 45 as amended by 2009 PA 193, section 32 as
amended by 2002 PA 567, and section 37 as amended by 1999 PA 160,
and by adding section 36; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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 is a judgment on and after the date the support

1 amount is due as prescribed in section 5c, with the full force,
2 effect, and attributes of a judgment of this state, and is not, on
3 and after the date it is due, subject to retroactive modification.
4 No additional action is necessary to reduce support to a final
5 judgment. Retroactive modification of a support payment due under a
6 support order is permissible with respect to a period during which
7 there is pending a petition for modification, but only from the
8 date that notice of the petition was given to the payer or
9 recipient of support.

10 (3) This section does not apply to an ex parte interim support
11 order or a temporary support order entered under supreme court
12 rule.

13 (4) The office of the friend of the court shall make available
14 to a payer or payee the forms and instructions described in section
15 5 of the friend of the court act, MCL 552.505.

16 (5) This section does not prohibit a court approved agreement
17 between the parties to retroactively modify a support order. This
18 section does not limit other enforcement remedies available under
19 this or another act.

20 (6) Every support order that is part of a judgment issued by a
21 court of this state or that is an order in a domestic relations
22 matter shall include all of the following:

23 (a) Substantially the following statement: "Except as
24 otherwise provided in section 3 of the support and parenting time
25 enforcement act, 1982 PA 295, MCL 552.603, a support order that is
26 part of a judgment or that is an order in a domestic relations
27 matter as defined in section 2 of the friend of the court act, 1982

1 PA 294, MCL 552.502, is a judgment on and after the date each
2 support payment is due, with the full force, effect, and attributes
3 of a judgment of this state, and is not, on and after the date it
4 is due, subject to retroactive modification. A surcharge may be
5 added to support amounts that are past due as provided in section
6 3a of the support and parenting time enforcement act, 1982 PA 295,
7 MCL 552.603a."

8 (b) Notice informing the payer of the imposition of liens by
9 operation of law and that the payer's real and personal property
10 can be encumbered or seized if an arrearage accrues in an amount
11 greater than the amount of periodic support payments payable under
12 the payer's support order for the time period specified in this
13 act.

14 (c) Notice that an order for dependent health care coverage
15 takes effect immediately and that, in a friend of the court case, a
16 national medical support notice will be sent to the parent's
17 current and subsequent employers and insurers if appropriate. The
18 notice shall inform the parent that he or she may contest the
19 action by requesting a review or hearing concerning availability of
20 health care coverage at a reasonable cost.

21 (7) A support order that is an order in a friend of the court
22 case shall require each party to provide all of the following
23 information to the friend of the court in writing:

24 (a) A single mailing address for the party, to which all
25 notices and papers in the case will be served.

26 (b) The party's residential address.

27 (c) The party's telephone number.

1 (d) A statement of whether the payer or payee holds an
2 occupational license, driver's license, or recreational license.

3 (e) The names, addresses, and telephone numbers of the payer's
4 and payee's current sources of income.

5 (f) The payer's and payee's social security numbers and
6 driver's license numbers. The requirement of this subdivision to
7 provide a social security number does not apply to a payer or payee
8 who demonstrates he or she is exempt under law from obtaining a
9 social security number or to a payer or payee who for religious
10 convictions is exempt under law from disclosure of his or her
11 social security number under these circumstances. The court shall
12 inform the payer and payee of this possible exemption.

13 (8) A support order that is an order in a friend of the court
14 case shall include a requirement that if any of the information
15 provided to the friend of the court under subsection (7) changes,
16 each party shall notify the friend of the court of the new
17 information within 21 days after the change and that a failure to
18 provide the new information may subject the party to imposition of
19 a fee under subsection (12). A notice of new information under this
20 subsection shall be in writing or by any other method allowed under
21 guidelines established by the state court administrative office
22 under the supervision and direction of the supreme court.

23 (9) Except as provided in sections 11 and 25a, service of
24 notices or other papers under this act and under the friend of the
25 court act shall be made by first-class mail, postage prepaid. If
26 mail is returned as undeliverable from that address **OR THE FRIEND**
27 **OF THE COURT OR THE DEPARTMENT DETERMINES THROUGH USE OF AN**

1 **AUTOMATED FEDERAL DATABASE THAT MAIL IS NOT DELIVERABLE TO THAT**
2 **ADDRESS**, the friend of the court may change the address ~~pursuant~~
3 **ACCORDING** to guidelines established by the state court
4 administrative office or the supreme court.

5 (10) Unless federal law or regulation requires otherwise, if
6 mail served under subsection (9) is returned from an address and a
7 new address has not been established within 21 days after the mail
8 is returned, the party waives his or her right to notice and the
9 friend of the court is not obligated to serve any notice or other
10 paper until the party submits a written change of address to the
11 friend of the court or until the friend of the court has changed
12 the address ~~pursuant~~**ACCORDING** to subsection (9).

13 (11) A support order shall not accrue interest.

14 (12) If a person fails to comply with the requirements of this
15 section, the court may impose a fee set ~~pursuant~~**ACCORDING** to a
16 policy established by the state court administrative office under
17 the supervision and direction of the supreme court. A fee ordered
18 under this subdivision shall be deposited in the friend of the
19 court fund created in section 2530 of the revised judicature act of
20 1961, 1961 PA 236, MCL 600.2530.

21 (13) In a proceeding to enforce support, a report, record, or
22 information from the Michigan child support enforcement system or
23 the support disbursement unit that relates to paid or unpaid
24 support is prima facie authentic and may be admitted into evidence
25 without extrinsic evidence of authenticity.

26 Sec. 31. (1) If a person is ordered to pay support under a
27 support order and fails or refuses to obey and perform the order,

1 and if an order of income withholding is inapplicable or
 2 unsuccessful, a recipient of support or the office of the friend of
 3 the court may commence a civil contempt proceeding ~~by filing in the~~
 4 ~~circuit court a petition for an order to show cause why the~~
 5 ~~delinquent payer should not be held in contempt.~~ **AS PROVIDED BY**
 6 **SUPREME COURT RULE.** If the payer fails to appear ~~in response to an~~
 7 ~~order to show cause,~~ **AT THE HEARING,** the court shall do 1 or more
 8 of the following **AS THE COURT CONSIDERS APPROPRIATE GIVEN THE**
 9 **INFORMATION AVAILABLE AT THE HEARING:**

10 (a) Find the payer in contempt for failure to appear.

11 (b) Find the payer in contempt ~~for the reasons stated in the~~
 12 ~~motion for the show cause hearing.~~ **UNDER SECTION 33.**

13 ~~— (c) Apply an enforcement remedy authorized under this act or~~
 14 ~~the friend of the court act for the nonpayment of support,~~
 15 ~~including suspending the payer's occupational license, driver's~~
 16 ~~license, or recreational or sporting license.~~

17 (C) ~~(d)~~ Issue a bench warrant for the payer's arrest requiring
 18 that the payer be brought before the court without unnecessary
 19 delay for further proceedings in connection with the ~~show cause or~~
 20 contempt proceedings.

21 (D) ~~(e)~~ Adjourn the hearing. **CONTEMPT PROCEEDING.**

22 (E) ~~(f)~~ Dismiss the ~~order to show cause~~ **CONTEMPT PROCEEDING** if
 23 the court determines that the payer is not in contempt.

24 ~~— (g) Enter an order that a law enforcement agency render any~~
 25 ~~vehicle owned by the payer temporarily inoperable, by booting or~~
 26 ~~another similar method, subject to release on deposit of an~~
 27 ~~appropriate bond.~~

1 ~~_____ (h) Place the payer under the supervision of the office for a~~
2 ~~term fixed by the court with reasonable conditions, including 1 or~~
3 ~~more of the following:~~

4 ~~_____ (i) Participating in a parenting program.~~

5 ~~_____ (ii) Participating in drug or alcohol counseling.~~

6 ~~_____ (iii) Participating in a work program.~~

7 ~~_____ (iv) Seeking employment.~~

8 ~~_____ (v) Participating in other counseling.~~

9 ~~_____ (vi) Continuing compliance with a current support or parenting~~
10 ~~time order.~~

11 ~~_____ (vii) Entering into and compliance with an arrearage payment~~
12 ~~plan.~~

13 **(2) IF THE COURT STAYS A COMMITMENT ORDER UNDER SECTION 37,**
14 **THE PAYER FAILS TO SATISFY THE CONDITIONS OF THE ORDER, AND THAT**
15 **FACT IS BROUGHT TO THE COURT'S ATTENTION BY THE FRIEND OF THE**
16 **COURT, THE COURT MAY ISSUE A BENCH WARRANT FOR THE PAYER'S ARREST**
17 **REQUIRING THE PAYER TO BE BROUGHT BEFORE THE COURT WITHOUT**
18 **UNNECESSARY DELAY FOR FURTHER PROCEEDINGS IN CONNECTION WITH THE**
19 **PAYER'S CONTEMPT.**

20 **(3) ~~(2)~~—In a bench warrant issued under this section, the**
21 **court shall decree that the payer is subject to arrest if**
22 **apprehended or detained anywhere in this state and shall require**
23 **that, upon arrest, unless the payer deposits a cash performance**
24 **bond in the manner required by section 32, the payer shall remain**
25 **in custody until the time of the hearing. The court shall specify**
26 **in the bench warrant the cash performance bond amount. The court**
27 **shall set the cash performance bond at not less than \$500.00 or 25%**

1 of the arrearage, whichever is greater. At its own discretion, the
2 court may set the cash performance bond at an amount up to 100% of
3 the arrearage and add to the amount of the required deposit the
4 amount of the costs the court may require under subsection ~~(3)~~
5 (4). If a payer is arrested on a felony warrant issued for a
6 violation of section 165 of the Michigan penal code, 1931 PA 328,
7 MCL 750.165, unless the payer deposits a cash performance bond in
8 the manner required by section 32, the court shall require that,
9 upon arrest, the payer remain in custody until the time of the
10 preliminary examination. Upon notification that a payer who has an
11 outstanding bench warrant under this section has been arrested or
12 arraigned on a felony warrant for a violation of section 165 of the
13 Michigan penal code, 1931 PA 328, MCL 750.165, the court may order
14 that the bench warrant be recalled.

15 (4) ~~(3)~~—If the court issues a bench warrant under this
16 section, except for good cause shown on the record, the court shall
17 order the payer to pay the costs related to the hearing, the
18 issuance of the warrant, the arrest, and any later hearings. Those
19 costs and costs ordered for failure to appear under section 32 or
20 44 shall be transmitted to the county treasurer for distribution as
21 required in section 2530 of the revised judicature act of 1961,
22 1961 PA 236, MCL 600.2530.

23 (5) IF THE COURT ISSUES A BENCH WARRANT UNDER THIS SECTION,
24 THE COURT MAY ENTER AN ORDER THAT A LAW ENFORCEMENT AGENCY RENDER
25 ANY VEHICLE OWNED BY THE PAYER TEMPORARILY INOPERABLE, BY BOOTING
26 OR ANOTHER SIMILAR METHOD, SUBJECT TO RELEASE ON DEPOSIT OF AN
27 APPROPRIATE BOND.

1 Sec. 32. (1) If a bench warrant was issued and the payer is
 2 arrested in the county that issued the warrant or another county in
 3 this state, the payer shall remain in custody until there is a
 4 hearing or the payer posts an adequate cash performance bond. If
 5 the payer cannot post the cash performance bond in the amount
 6 stated in the bench warrant, the payer is entitled to a hearing
 7 within 48 hours, excluding weekends and holidays. The issues to be
 8 considered at a hearing required under this subsection are limited
 9 to the payer's answer to the ~~order to show cause~~ **CONTEMPT**
 10 **PROCEEDING** and, if the payer was found in contempt, to further
 11 proceedings related to the payer's contempt. If the hearing is not
 12 held as provided in this subsection, the court shall review, based
 13 on criteria prescribed in the Michigan court rules, the amount of
 14 the cash performance bond to determine an amount that will ensure
 15 the payer's appearance and shall set a date for a hearing to be
 16 held under subsection (4) within the time limit prescribed in the
 17 Michigan court rules.

18 (2) The officer receiving a cash performance bond under
 19 subsection (1) shall give to the arrested payer a receipt for the
 20 cash performance bond on a form substantially as follows:

21 "Date _____

22 Received from _____ (referred to in this
 23 receipt as "the payer") to assure the performance of the payer's
 24 support obligation. The payer shall appear for hearing at a date
 25 noticed to the payer by the court at the following address:

26 _____

27 (address furnished by the payer for receipt of notice)

28 The hearing is for the payer to

1 answer **TO** the ~~show cause order~~
 2 **CONTEMPT PROCEEDING** and, if the payer was found in contempt, to
 3 further proceedings related to the payer's contempt.

4 If the payer fails to appear at the time and place indicated
 5 in the court's notice, fails to submit to the jurisdiction of the
 6 court, and fails to abide by an order of the court, the cash
 7 performance bond shall be transmitted to the friend of the court or
 8 to the state disbursement unit for payment of the arrearage to the
 9 recipient of support and of costs to the court. If the payer
 10 appears at the time and place indicated above and the court
 11 determines that the payer owes an arrearage under the support order
 12 that is the basis of the ~~order to show cause~~ **CONTEMPT PROCEEDING** or
 13 owes costs to the court, the cash performance bond deposited shall
 14 be transmitted to the office of the friend of the court or to the
 15 state disbursement unit for payment of the arrearage to the
 16 recipient of support and of costs to the court. By depositing the
 17 cash performance bond with the officer and accepting this receipt,
 18 the recipient of this receipt waives a claim to the money under the
 19 cash performance bond following its transmittal to the friend of
 20 the court or to the SDU.

21 _____
 22 Officer: _____ Dept.: _____".

23 (3) The officer receiving a cash performance bond shall in
 24 turn deposit the bond received under this section with the clerk of
 25 the court that issued the bench warrant. If the payer deposits a
 26 cash performance bond under this section, the date for a hearing to
 27 be held under subsection (4) shall be set within the time limit

1 prescribed in the Michigan court rules.

2 (4) At a hearing held after a payer deposits a cash
3 performance bond, the issues to be considered are limited to the
4 payer's answer to the ~~order to show cause~~ **CONTEMPT PROCEEDING** and,
5 if the payer was found in contempt, to further proceedings related
6 to the payer's contempt. On the basis of the hearing, the court by
7 order shall determine how much of the cash performance bond
8 deposited under this section is to be transmitted to the friend of
9 the court or to the SDU for payment to 1 or more recipients of
10 support and to the county treasurer for distribution as provided in
11 section 31. The balance, if any, shall be returned to the person
12 who posted the cash performance bond on the payer's behalf.

13 (5) If the payer fails to appear as required, the court shall
14 order the cash performance bond forfeited and transmit the bond to
15 the friend of the court or to the SDU for payment to 1 or more
16 recipients of support and to the county treasurer for distribution
17 as provided in section 31. In addition, the court may again issue a
18 bench warrant for the further appearance of the payer as provided
19 in section 31.

20 (6) The court may set aside a finding of contempt under
21 section 31 if the court finds, based on the hearing under this
22 section, that the payer is in compliance with the court's order or
23 for other good cause shown.

24 **(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A**
25 **PAYER FOR WHOM A BENCH WARRANT HAS BEEN ISSUED MAY VOLUNTARILY**
26 **APPEAR AT THE OFFICE OF THE FRIEND OF THE COURT TO ANSWER THE BENCH**
27 **WARRANT. THE PAYER SHALL DO EITHER OF THE FOLLOWING:**

1 (A) POST THE BOND SET BY THE COURT IN THE BENCH WARRANT.

2 (B) BE TAKEN PROMPTLY BEFORE THE COURT FOR FURTHER
3 PROCEEDINGS.

4 (8) IF A BOND IS POSTED UNDER SUBSECTION (7) (A), THE FRIEND OF
5 THE COURT OR THE CLERK OF THE COURT SHALL GIVE A RECEIPT TO THE
6 PAYER THAT SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS OF SUBSECTION
7 (2). THE RECEIPT SHALL DIRECT THE PAYER TO APPEAR BEFORE THE COURT
8 AT A SPECIFIC TIME AND DATE. THE FRIEND OF THE COURT OR THE CLERK
9 OF THE COURT SHALL NOTIFY A LOCAL LAW ENFORCEMENT AGENCY TO REMOVE
10 THE BENCH WARRANT FROM THE LAW ENFORCEMENT INFORMATION NETWORK AS
11 PROVIDED BY THE C.J.I.S. POLICY COUNCIL ACT, 1974 PA 163, MCL
12 28.211 TO 28.215.

13 Sec. 33. (1) The court may find a payer in contempt if the
14 court finds that the payer is in arrears and ~~if the court is~~
15 ~~satisfied that the payer has the capacity to pay out of currently~~
16 ~~available resources all or some portion of the amount due under the~~
17 ~~support order. In the absence of proofs to the contrary introduced~~
18 ~~by the payer, the court shall presume that the payer has currently~~
19 ~~available resources equal to 4 weeks of payments under the support~~
20 ~~order. The court shall not find that the payer has currently~~
21 ~~available resources of more than 4 weeks of payments without proof~~
22 ~~of these resources by the office of the friend of the court or the~~
23 ~~recipient of support. Upon finding a payer in contempt of court~~
24 ~~under this section, the court may immediately enter an order that~~
25 ~~does~~ 1 or more of the following APPLY:

26 (A) THE COURT IS SATISFIED THAT THE PAYER HAS THE CAPACITY TO
27 PAY OUT OF CURRENTLY AVAILABLE RESOURCES ALL OR SOME PORTION OF THE

1 AMOUNT DUE UNDER THE SUPPORT ORDER.

2 (B) THE COURT IS SATISFIED THAT BY THE EXERCISE OF DILIGENCE
3 THE PAYER COULD HAVE THE CAPACITY TO PAY ALL OR SOME PORTION OF THE
4 AMOUNT DUE UNDER THE SUPPORT ORDER AND THAT THE PAYER FAILS OR
5 REFUSES TO DO SO.

6 (C) THE PAYER HAS FAILED TO OBTAIN A SOURCE OF INCOME AND HAS
7 FAILED TO PARTICIPATE IN A WORK ACTIVITY AFTER REFERRAL BY THE
8 FRIEND OF THE COURT.

9 (2) UPON FINDING A PAYER IN CONTEMPT OF COURT UNDER THIS
10 SECTION, THE COURT MAY IMMEDIATELY ENTER AN ORDER THAT DOES 1 OR
11 MORE OF THE FOLLOWING:

12 (a) Commits the payer to the county jail or an alternative to
13 jail.

14 (b) Commits the payer to the county jail or an alternative to
15 jail with the privilege of leaving the jail or other place of
16 detention during the hours the court determines, and under the
17 supervision the court considers, necessary for the purpose of
18 allowing the payer to ~~go to and return from his or her place of~~
19 ~~employment.~~ **SATISFY THE TERMS AND CONDITIONS IMPOSED UNDER SECTION**
20 **37 IF THE PAYER'S RELEASE IS NECESSARY FOR THE PAYER TO COMPLY WITH**
21 **THOSE TERMS AND CONDITIONS.**

22 (c) Commits the payer to a penal or correctional facility in
23 this state that is not operated by the state department of
24 corrections.

25 ~~—— (d) If the payer holds an occupational license, driver's~~
26 ~~license, or recreational or sporting license, conditions a~~
27 ~~suspension of the payer's license, or any combination of the~~

1 ~~licenses, upon noncompliance with an order for payment of the~~
2 ~~arrearage in 1 or more scheduled installments of a sum certain. A~~
3 ~~court shall not order the sanction authorized by this subdivision~~
4 ~~unless the court finds that the payer has accrued an arrearage of~~
5 ~~support payments in an amount greater than the amount of periodic~~
6 ~~support payments payable for 2 months under the payer's support~~
7 ~~order.~~

8 (D) APPLY ANY OTHER ENFORCEMENT REMEDY AUTHORIZED UNDER THIS
9 ACT OR THE FRIEND OF THE COURT ACT FOR THE NONPAYMENT OF SUPPORT IF
10 THE PAYER'S ARREARAGE QUALIFIES AND THE EVIDENCE SUPPORTS APPLYING
11 THAT REMEDY.

12 (e) Orders the payer to participate in a work activity. This
13 subdivision does not alter the court's authority to include
14 provisions in an order issued under this section concerning a
15 payer's employment or his or her seeking of employment as that
16 authority exists on August 10, 1998.

17 (f) If available within the court's jurisdiction, orders the
18 payer to participate in a community corrections program established
19 as provided in the community corrections act, 1988 PA 511, MCL
20 791.401 to 791.414.

21 (g) Except as provided by federal law and regulations, orders
22 the parent to pay a fine of not more than \$100.00. A fine ordered
23 under this subdivision shall be deposited in the friend of the
24 court fund created in section 2530 of the revised judicature act of
25 1961, 1961 PA 236, MCL 600.2530.

26 (h) Places the payer under the supervision of the office for a
27 term fixed by the court with reasonable conditions, including, **BUT**

1 NOT LIMITED TO, 1 or more of the following:

2 (i) Participating in a parenting program.

3 (ii) Participating in drug or alcohol counseling.

4 (iii) Participating in a work program.

5 (iv) Seeking employment.

6 (v) Participating in other counseling.

7 (vi) Continuing compliance with a current support or parenting
8 time order.

9 (vii) Entering into and compliance with an arrearage payment
10 plan.

11 ~~—— (2) If the court enters an order under subsection (1) (d) and~~
12 ~~the payer fails to comply with the arrearage payment schedule,~~
13 ~~after notice and opportunity for a hearing, the court shall order~~
14 ~~suspension of the payer's license or licenses with respect to which~~
15 ~~the order under subsection (1) (d) was entered and shall proceed~~
16 ~~under section 30.~~

17 (3) IN THE ABSENCE OF PROOF TO THE CONTRARY INTRODUCED BY THE
18 PAYER, THE COURT SHALL PRESUME THAT THE PAYER HAS CURRENTLY
19 AVAILABLE RESOURCES EQUAL TO 1 MONTH OF PAYMENTS UNDER THE SUPPORT
20 ORDER. THE COURT SHALL NOT FIND THAT THE PAYER HAS CURRENTLY
21 AVAILABLE RESOURCES OF MORE THAN 1 MONTH OF PAYMENTS WITHOUT PROOF
22 OF THOSE RESOURCES BY THE OFFICE OF THE FRIEND OF THE COURT OR THE
23 RECIPIENT OF SUPPORT.

24 SEC. 36. IN ADDITION TO ANY REMEDY OR SANCTION PROVIDED IN
25 SECTION 31 OR 33, THE COURT MAY ASSESS THE PAYER THE ACTUAL
26 REASONABLE EXPENSE OF THE FRIEND OF THE COURT IN BRINGING ANY
27 ENFORCEMENT ACTION FOR NONCOMPLIANCE WITH A SPOUSAL SUPPORT ORDER

1 **THAT IS NOT ELIGIBLE FOR FUNDING UNDER TITLE IV-D.**

2 Sec. 37. (1) An order of commitment under section 33 ~~or 35~~
3 shall be entered only if other remedies appear unlikely to correct
4 the payer's failure or refusal to pay support.

5 (2) An order of commitment under section ~~33~~**33 (1) (A)** shall
6 ~~separately state both of the following:~~

7 ~~—— (a) The amount of the arrearage under the support order.~~

8 ~~—— (b) The~~**THE** amount to be paid by the payer in order to be
9 released from the order of commitment, which amount may not be
10 greater than the payer's currently available resources as found by
11 the court.

12 (3) An order of commitment under section ~~35~~**33 (1) (B) OR (C)**
13 shall ~~separately state both of the following:~~

14 ~~—— (a) The amount of arrearage under the support order.~~

15 ~~—— (b) The amount to be paid in order to be released from the~~
16 ~~order of commitment.~~**THE CONDITIONS THAT CONSTITUTE DILIGENCE IN**

17 **ORDER TO BE RELEASED FROM THE ORDER OF COMMITMENT, WHICH CONDITIONS**
18 **MUST BE WITHIN THE PAYER'S ABILITY TO PERFORM.**

19 (4) A commitment shall continue until the ~~amount ordered to be~~
20 ~~paid under subsection (2) (b) or (3) (b) is paid~~**PAYER PERFORMS THE**
21 **CONDITIONS SET FORTH IN THE ORDER OF COMMITMENT** but shall not
22 exceed 45 days for the first adjudication of contempt or 90 days
23 for a subsequent adjudication of contempt.

24 (5) The court may further direct that a portion or all of the
25 earnings of the payer in the facility or institution shall be paid
26 to and applied for support until the payer complies with the order
27 of the court, until the payer is released ~~pursuant~~**ACCORDING** to

1 this section from an order of commitment, or until the further
2 order of the court. ~~If it appears that the department has~~
3 ~~contributed towards the support of the minor child or children~~
4 ~~during the period of noncompliance with the order of the court, the~~
5 ~~court, in the contempt proceedings, may order all or part of a lump~~
6 ~~sum payment to the office of the friend of the court, state~~
7 ~~disbursement unit, or county clerk to be paid to the department not~~
8 ~~to exceed the amount of the contribution made by the department.~~
9 ~~The court may order the money paid to the person or persons~~
10 ~~entitled to the money in weekly or monthly installments by the~~
11 ~~office of the friend of the court, SDU, or county clerk to the~~
12 ~~extent that the court considers installments necessary for support.~~

13 (6) NOTWITHSTANDING THE LENGTH OF COMMITMENT IMPOSED UNDER
14 THIS SECTION, THE COURT MAY RELEASE A PAYER WHO IS UNEMPLOYED IF
15 COMMITTED TO A COUNTY JAIL UNDER THIS SECTION AND WHO FINDS
16 EMPLOYMENT IF EITHER OF THE FOLLOWING APPLIES:

17 (A) THE PAYER IS SELF-EMPLOYED, COMPLETES 2 CONSECUTIVE WEEKS
18 AT HIS OR HER EMPLOYMENT, AND MAKES A SUPPORT PAYMENT AS REQUIRED
19 BY THE COURT.

20 (B) THE PAYER IS EMPLOYED AND COMPLETES 2 CONSECUTIVE WEEKS AT
21 HIS OR HER EMPLOYMENT AND AN ORDER OF INCOME WITHHOLDING IS
22 EFFECTIVE.

23 (7) IF THE COURT ENTERS A COMMITMENT ORDER UNDER SUBSECTION
24 33(1)(B) OR (C), AND THE COURT FINDS THAT THE PAYER BY PERFORMING
25 THE CONDITIONS SET FORTH IN THE ORDER OF COMMITMENT WILL HAVE THE
26 ABILITY TO PAY SPECIFIC AMOUNTS, THE COURT MAY ESTABLISH A SPECIFIC
27 AMOUNT FOR THE PAYER TO PAY AND DO ANY OF THE FOLLOWING:

1 (A) STAY THE ORDER OF COMMITMENT CONDITIONED UPON THE PAYER'S
2 MAKING THE SPECIFIED PAYMENTS.

3 (B) STAY THE ORDER OF COMMITMENT AND ORDER THAT UPON DEFAULT
4 OF THE PAYER IN MAKING A SPECIFIED PAYMENT, THE PAYER SHALL BE
5 BROUGHT BEFORE THE COURT FOR FURTHER PROCEEDINGS IN CONNECTION WITH
6 THE CONTEMPT PROCEEDINGS THAT MAY INCLUDE COMMITTING THE PAYER FOR
7 THE NUMBER OF DAYS THAT THE PAYER WOULD HAVE BEEN COMMITTED HAD THE
8 COURT NOT STAYED THE ORDER.

9 (C) GIVE CREDIT TOWARD THE PAYER'S POTENTIAL MAXIMUM
10 COMMITMENT FOR EACH SPECIFIED PAYMENT MADE IN COMPLIANCE WITH THE
11 ORDER OF COMMITMENT.

12 (8) IF THE COURT ENTERS A COMMITMENT ORDER UNDER SUBSECTION
13 33(1)(B) OR (C), THE COURT MAY DO ANY OF THE FOLLOWING:

14 (A) STAY THE ORDER OF COMMITMENT CONDITIONED UPON THE PAYER'S
15 COMPLYING WITH THE CONDITIONS SET FORTH IN THE ORDER OF COMMITMENT.

16 (B) STAY THE ORDER OF COMMITMENT AND ORDER THAT UPON DEFAULT
17 OF THE PAYER TO SATISFY A CONDITION OF THE ORDER, THE PAYER SHALL
18 BE BROUGHT BEFORE THE COURT FOR FURTHER PROCEEDINGS IN CONNECTION
19 WITH THE CONTEMPT PROCEEDINGS THAT MAY INCLUDE COMMITTING THE PAYER
20 FOR THE NUMBER OF DAYS THE PAYER WOULD HAVE BEEN COMMITTED HAD THE
21 ORDER NOT BEEN STAYED.

22 (C) GIVE CREDIT TOWARD THE PAYER'S POTENTIAL MAXIMUM
23 COMMITMENT FOR COMPLYING WITH CONDITIONS IN THE ORDER.

24 (D) INCARCERATE THE PAYER WITH THE PRIVILEGE OF LEAVING JAIL
25 TO COMPLY WITH CONDITIONS IN THE ORDER OF COMMITMENT.

26 Sec. 44. (1) If the office of the friend of the court
27 determines that a procedure for resolving a parenting time dispute

1 authorized under section 41 other than a civil contempt proceeding
2 is unsuccessful in resolving the parenting time dispute, the office
3 of the friend of the court shall commence a civil contempt
4 proceeding to resolve the dispute ~~by filing with the circuit court~~
5 ~~a petition for an order to show cause why either parent who has~~
6 ~~violated a parenting time order should not be held in contempt. The~~
7 ~~office of the friend of the court shall notify the parent who is~~
8 ~~the subject of the petition.~~ **AS PROVIDED BY THE SUPREME COURT RULE.**
9 The **CONTEMPT PROCEEDING** notice shall include, **EITHER IN THE NOTICE**
10 **OR BY REFERENCE TO ANOTHER DOCUMENT ATTACHED TO THE NOTICE, A**
11 **STATEMENT OF THE ALLEGATIONS UPON WHICH THE DISPUTE IS BASED AND** at
12 least all of the following:

13 (a) A list of each possible sanction if the parent is found in
14 contempt.

15 (b) The right of the parent to a hearing on a proposed
16 modification of parenting time if requested within 21 days after
17 the date of the notice, as provided in section 45.

18 (2) If the court finds that either parent has violated a
19 parenting time order without good cause, the court shall find that
20 parent in contempt and may do 1 or more of the following:

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

23 (b) After notice to both parties and a hearing, if requested
24 by a party, on a proposed modification of parenting time, modify
25 the parenting time order to meet the best interests of the child.

26 (c) Order that makeup parenting time be provided for the
27 wrongfully denied parent to take the place of wrongfully denied

1 parenting time.

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

3 (e) Commit the parent to the county jail or an alternative to
4 jail.

5 (f) Commit the parent to the county jail or an alternative to
6 jail with the privilege of leaving the jail or other place of
7 detention during the hours the court determines necessary, and
8 under the supervision the court considers necessary, for the
9 purpose of allowing the parent to go to and return from his or her
10 place of employment.

11 (g) If the parent holds an occupational license, driver's
12 license, or recreational or sporting license, condition the
13 suspension of the license, or any combination of the licenses, upon
14 noncompliance with an order for makeup and ongoing parenting time.

15 (h) If available within the court's jurisdiction, order the
16 parent to participate in a community corrections program
17 established as provided in the community corrections act, 1988 PA
18 511, MCL 791.401 to 791.414.

19 (i) Place the parent under the supervision of the office for a
20 term fixed by the court with reasonable conditions, including 1 or
21 more of the following:

22 (i) Participating in a parenting program.

23 (ii) Participating in drug or alcohol counseling.

24 (iii) Participating in a work program.

25 (iv) Seeking employment.

26 (v) Participating in other counseling.

27 (vi) Continuing compliance with a current support or parenting

1 time order.

2 (vii) Entering into and compliance with an arrearage payment
3 plan.

4 (viii) Facilitating makeup parenting time.

5 (3) The court shall state on the record the reason the court
6 is not ordering a sanction listed in subsection (2). For the
7 purpose of subsection (2), "good cause" includes, but is not
8 limited to, consideration of the safety of a child or party who is
9 governed by the parenting time order.

10 (4) A commitment under subsection (2)(e) or (f) shall not
11 exceed 45 days for the first finding of contempt or 90 days for
12 each subsequent finding of contempt. A parent committed under
13 subsection (2)(e) or (f) shall be released if the court has
14 reasonable cause to believe that the parent will comply with the
15 parenting time order.

16 (5) If a parent fails to appear in response to ~~an order to~~
17 ~~show cause,~~ **A CONTEMPT PROCEEDING**, the court may issue a bench
18 warrant requiring that the parent be brought before the court
19 without unnecessary delay to show cause why the parent should not
20 be held in contempt. Except for good cause shown on the record, the
21 court shall further order the parent to pay the costs of the
22 hearing, the issuance of the warrant, the arrest, and any later
23 hearings, which costs shall be transmitted to the county treasurer
24 for distribution as provided in section 31. If the hearing cannot
25 be held immediately after the parent's arrest, the parent may be
26 released if a bond in the amount of the fines, costs, and sanctions
27 imposed under this section and any additional amount the court

1 determines is necessary to secure the parent's appearance is
2 deposited with the court.

3 (6) If the court finds that a party to a parenting time
4 dispute has acted in bad faith, the court shall order the party to
5 pay a sanction of not more than \$250.00 for the first time the
6 party is found to have acted in bad faith, not more than \$500.00
7 for the second time, and not more than \$1,000.00 for the third or a
8 subsequent time. A sanction ordered under this subsection shall be
9 deposited in the friend of the court fund created in section 2530
10 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2530,
11 and shall be used to fund services that are not title IV-D
12 services.

13 (7) A fine ordered under subsection (2), costs ordered under
14 subsection (5), or a sanction ordered under subsection (6) is a
15 judgment at the time the order is entered.

16 (8) If the court finds that a party to a parenting time
17 dispute has acted in bad faith, the court shall order the party to
18 pay the other party's costs.

19 **(9) IF THE COURT ISSUES A BENCH WARRANT UNDER THIS SECTION,**
20 **THE COURT MAY ENTER AN ORDER THAT A LAW ENFORCEMENT AGENCY RENDER**
21 **ANY VEHICLE OWNED BY THE PAYER TEMPORARILY INOPERABLE, BY BOOTING**
22 **OR ANOTHER SIMILAR METHOD, SUBJECT TO RELEASE ON DEPOSIT OF AN**
23 **APPROPRIATE BOND.**

24 Sec. 45. (1) If the court enters an order under section
25 44(2)(g) and the parent fails to comply with the makeup and ongoing
26 parenting time schedule, the court shall find the parent in
27 contempt and, after notice and an opportunity for a hearing, may

1 suspend the parent's license or licenses with respect to which the
2 order under section 44(2)(g) was entered and proceed under section
3 30.

4 (2) After entry of a suspension order under subsection (1), a
5 parent may agree to a makeup parenting time schedule. The court may
6 order a makeup parenting time schedule if the parent demonstrates a
7 good faith effort to comply with the parenting time order. If the
8 court orders a makeup parenting time schedule, the court or the
9 friend of the court, as applicable, shall do the following:

10 (a) The court shall enter an order rescinding the suspension
11 order that is effective as provided in section 4 of the regulated
12 occupation support enforcement act, 1996 PA 236, MCL 338.3434, or
13 section 43559 of the natural resources and environmental protection
14 act, 1994 PA 451, MCL 324.43559. Within 7 business days after entry
15 of the order rescinding the suspension order, the office of the
16 friend of the court shall send a copy of the order rescinding the
17 suspension order to the licensing agency.

18 (b) The friend of the court, on verification by the clerk of
19 the court that the driver's license clearance fee required by
20 section 321c of the Michigan vehicle code, 1949 PA 300, MCL
21 257.321c, has been paid, shall provide a certificate to the payer
22 stating that the payer is in compliance with the support order.

23 (3) Within 21 days after the date of the notice under section
24 44, a parent who is notified of a ~~petition to show cause~~ **CONTEMPT**
25 **HEARING** under section 44 may request a hearing on a proposed
26 modification of parenting time. The court shall hold the requested
27 hearing unless the parenting time dispute is resolved by other

1 means. The court shall combine the hearing prescribed by this
2 subsection with the hearing on the order to show cause unless the
3 court finds for good cause shown on the record that the hearings
4 should be held separately. If the court finds that the hearings
5 should be held separately, the hearing on a proposed modification
6 of parenting time shall be held before the **CONTEMPT** hearing. ~~on the~~
7 ~~order to show cause.~~

8 Enacting section 1. Section 35 of the support and parenting
9 time enforcement act, 1982 PA 295, MCL 552.635, is repealed.

10 Enacting section 2. This amendatory act takes effect 90 days
11 after the date it is enacted into law.