

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 757 (as introduced 9-28-99)
Sponsor: Senator Bill Bullard, Jr.
Committee: Families, Mental Health and Human Services

Date Completed: 10-13-99

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to specify that a bench warrant issued under the Act for a delinquent payer of support would have to require the payer to deposit a bond in the amount of the arrearage.

The Act provides that, if a person is ordered to pay support and fails or refuses to obey and perform the order, and if an order of income withholding is inapplicable or unsuccessful, a recipient of support or the Friend of the Court office may commence a civil contempt proceeding by filing in the circuit court a petition for an order to show cause why the delinquent payer should not be held in contempt. If the payer fails to appear in response to a show cause order, the court may issue a bench warrant requiring that the payer be brought before the court without unnecessary delay to answer and plead to that neglect or refusal. The bill specifies that the warrant would have to require a bond in the amount of the arrearage.

The Act also specifies that a payer who is arrested under a bench warrant and who cannot be brought before the court within 24 hours may recognize for his or her appearance by leaving a "sum of money" in the amount determined by the court and stated in the bench warrant, but not to exceed the amount of support arrearage plus costs that may be ordered if the payer fails to appear. The bill, instead, would require the recognizance to be a bond in the amount of the arrearage, rather than a "sum of money" determined by the court. Costs for failure to appear could be included in the bond if the court ordered costs in the bench warrant.

MCL 552.631 & 552.632

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. The extent to which the legislation would result in an increased jail population cannot be estimated. Also, increased collections cannot be estimated.

According to the State Court Administrative Office, 49,441 Friend of the Court bench warrants were issued in 1998. The majority of those related to support; however, the number also includes parenting time, visitation, and custody issues.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.