

SENATE BILL NO. 757

September 28, 1999, Introduced by Senators BULLARD, YOUNG,
MC COTTER, ROGERS, NORTH, HAMMERSTROM, MC MANUS and DINGELL
and referred to the Committee on Families, Mental Health and
Human Services.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 31 and 32 (MCL 552.631 and 552.632), as
amended by 1996 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31. (1) If ~~any~~ A person ~~has been~~ IS ordered to pay
2 support under a support order and fails or refuses to obey and
3 perform the order, and if an order of income withholding is inap-
4 plicable or unsuccessful, a recipient of support or the office of
5 the friend of the court may commence a civil contempt proceeding
6 by filing in the circuit court a petition for an order to show
7 cause why the delinquent payer should not be held in contempt.
8 If the payer fails to appear in response to an order to show
9 cause, the court may issue a bench warrant requiring that the
10 payer be brought before the court without unnecessary delay to

1 answer and plead to that neglect or refusal. THE BENCH WARRANT
2 SHALL REQUIRE THE PAYER TO DEPOSIT A BOND OF THE AMOUNT OF THE
3 ARREARAGE IN ACCORDANCE WITH SECTION 32.

4 (2) If the court issues a bench warrant under this section,
5 except for good cause shown on the record, the court shall order
6 the payer to pay the costs related to the hearing, issuance of
7 the warrant, arrest, and further hearings. Those costs and costs
8 ordered for failure to appear under sections 32 and 44 shall be
9 transmitted to the county treasurer for distribution as required
10 in section 2530 of ~~Act No. 236 of the Public Acts of 1961, being~~
11 ~~section 600.2530 of the Michigan Compiled Laws~~ THE REVISED JUDI-
12 CATURE ACT OF 1961, 1961 PA 236, MCL 600.2530.

13 Sec. 32. (1) A payer who is arrested under a bench warrant
14 ~~issued after June 30, 1983,~~ under section 31 and who cannot be
15 brought before the court within 24 hours may recognize for his or
16 her appearance by leaving with the sheriff or deputy sheriff in
17 charge of the county jail a ~~sum of money~~ BOND in the amount
18 ~~determined by the court and stated in the bench warrant but not~~
19 ~~to exceed the amount~~ of arrearage under the support order that
20 is stated on the bench warrant plus, IF THE COURT ORDERS IN THE
21 BENCH WARRANT, costs that may be ordered if the payer fails to
22 appear.

23 ~~(2) A payer who is arrested under a bench warrant issued~~
24 ~~before July 1, 1983, and who cannot be brought before the court~~
25 ~~within 24 hours may recognize for his or her appearance by leav-~~
26 ~~ing with the sheriff or deputy sheriff in charge of the county~~
27 ~~jail a sum of money determined as follows:~~

1 ~~(a) If the amount of the bond is specified on the bench~~
 2 ~~warrant, that specified amount.~~

3 ~~(b) If the amount of the bond is not specified on the bench~~
 4 ~~warrant, the payer shall be taken without unnecessary delay~~
 5 ~~before the most convenient district judge or district court mag-~~
 6 ~~istrate to determine the amount of the bond.~~

7 (2) ~~-(3)-~~ The officer receiving the ~~deposit~~ BOND shall
 8 give to the arrested payer a receipt for the ~~money so~~ BOND
 9 deposited with the officer on a form as follows:

10
 Date_____

11 Received from _____ ~~the sum~~ A BOND IN THE
 12 AMOUNT of _____ dollars ~~as cash bail~~ to assure the appear-
 13 ance of _____ before _____ circuit court
 14 judge in the county of _____, at _____ on the
 15 ____ day of _____, 19__, to respond to an order to
 16 show cause why he or she should not be held in contempt for fail-
 17 ure or refusal to obey or perform a support order. If the payer
 18 fails to appear at the time and place indicated above, to submit
 19 to the jurisdiction of the court, and to abide by any order of
 20 the court, the ~~money~~ BOND deposited shall be ~~transmitted to~~
 21 USED BY the friend of the court for payment of the arrearage to
 22 the recipient of support and of costs to the court. By deposit-
 23 ing the ~~money~~ BOND with the officer and accepting this receipt,
 24 the recipient of this receipt waives any and all claim to the
 25 money UNDER THE BOND following its transmittal to the friend of
 26 the court.

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Officer:_____Dept.:_____

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(3) ~~-(4)-~~ The officer receiving the ~~deposit~~ BOND shall in
turn deposit the bond received under this section with the clerk
of the court that issued the bench warrant.

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(4) ~~-(5)-~~ On the basis of the hearing on the order to show
cause, the court by order shall determine how much of the ~~money~~
BOND deposited under this section is to be transmitted to the
friend of the court for payment to 1 or more recipients of sup-
port and shall return the balance, if any, to the payer.

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(5) ~~-(6)-~~ If the payer fails to appear as required, the
court shall transmit the ~~deposit~~ BOND to the friend of the
court for payment to 1 or more recipients of support and to the
county treasurer for distribution as provided in section 31. In
addition the court may again issue a bench warrant for the fur-
ther appearance of the payer.