



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**CASH BONDS FOR CHILD SUPPORT
ARREARAGE**

House Bill 5206
Sponsor: Rep. Gretchen Whitmer
**Committee: Family and Children
Services**

Complete to 10-22-01

A SUMMARY OF HOUSE BILL 5206 AS INTRODUCED 10-16-01

House Bill 5206 would prohibit an individual arrested for failure to pay child support from posting bond, other than a cash bond, for appearance.

Under current law, if a person is ordered to pay child support and fails or refuses to do so, and if an order withholding that person's income is inapplicable or unsuccessful, the person may be ordered to show cause before a court. If the person fails to appear, the court may issue a bench warrant requiring that the person be brought before the court without any unnecessary delay. If a bench warrant is issued, and the person is arrested, the person remains in custody unless he or she deposits a bond or cash of at least \$500 or 25 percent of the arrearage, whichever is greater. Furthermore, if a person arrested under a bench warrant cannot be brought before the court within 24 hours, the payer may recognize for his or her appearance by leaving with the sheriff or deputy sheriff in charge of the county jail a bond or cash in the amount stated on the bench warrant.

Under the bill, a person arrested under a bench warrant would only be permitted to provide cash in the amount stated on the bench warrant (at least \$500 or 25 percent of the arrearage, whichever is greater), in order to be released from custody.

In addition, the bill would require that within 72 hours after the arrest, if a payer does not provide cash and remains in custody, that a hearing be held in order to show cause. Under current law the hearing must be held within 48 hours of the arrest.

MCL 552.631 and 552.632

Analyst: M. Wolf

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