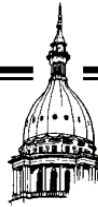




Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 521 (Substitute S-1 as reported)
Sponsor: Senator Judy K. Emmons
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to do the following:

- Allow a recipient of support or the Office of the Friend of the Court to commence a civil contempt proceeding as provided by Michigan Supreme Court rule.
- Modify the circumstances under which a court may find a payer in contempt and commit the payer to jail or an alternative to jail, or impose other sanctions.
- Allow a court to commit a payer to jail with the privilege of leaving if necessary to satisfy the conditions of the order of commitment, rather than to go to and from employment.
- Delete provisions allowing the court to suspend a payer's occupational, driver, or recreational license if the payer has an arrearage greater than two months' of support payments.
- Allow the court, upon finding a payer in contempt, to apply any other enforcement remedy authorized under the Act or the Friend of the Court Act for the nonpayment of support if the payer's arrearage qualified and the evidence supported that remedy.
- Allow a support payer for whom a bench warrant was issued to voluntarily appear at the Friend of the Court office to answer the warrant, and require the payer either to post bond or be taken before the court for further proceedings.
- Allow an order of commitment to be for consecutive days, specific days, or a combination of the two, and be conditioned on the payment of specific amounts by specific dates.
- Require certain orders of commitment to state the conditions that would constitute diligence for purposes of release, and require those conditions to be within the payer's ability to perform.
- Allow a court to release an unemployed payer who was committed to a county jail if the payer found employment, completed two consecutive weeks of employment, and either 1) made a support payment, if self-employed, or 2) were subject to an order of income withholding, if employed.
- Allow a court that entered a commitment order to 1) stay the order conditioned on the payer's compliance with its conditions; 2) stay the order and require the payer to be brought before the court for further proceedings, which could include commitment, if the payer failed to satisfy a condition of the order; 3) give credit toward the payer's potential maximum commitment for complying with the order; and/or 4) incarcerate the payer with the privilege of leaving jail to comply with the conditions of the order.
- Modify the procedure by which a Friend of the Court office must commence a civil contempt proceeding for a dispute regarding a parenting time order.
- Require a court to enter a bench warrant before entering an order for a law enforcement agency to boot a vehicle owned by a support payer or a person who violated a parenting time order.

- Require a court to assess a payer the actual reasonable expense of the Friend of the Court in bringing any enforcement action for noncompliance with a spousal support order.

The bill would repeal Section 35 of the Support and Parenting Time Enforcement Act, which provides that a court may find a payer in contempt if the payer is in arrears and fails or refuses to pay support and has the ability to do so, or has failed to find a source of income and participate in a work activity after referral by the Friend of the Court. Section 35 requires the court, upon finding the payer in contempt, to order him or her to participate in a work activity, and permits the court to commit the payer to jail; suspend an occupational, driver, or recreational license; order the payer to participate in a community corrections program; order the payer to pay a fine; and/or place the payer under the supervision of the Friend of the Court office with certain conditions. Section 35 also contains provisions regarding the release of an unemployed payer who finds employment.

MCL 552.631 et al.

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have minor positive impact on local courts because it could reduce administrative costs associated with contempt proceedings. Also, the courts could be reimbursed for actual and reasonable expenses in bringing an enforcement action for noncompliance with a spousal support order, which would result in a minor positive impact.

Date Completed: 11-12-13

Fiscal Analyst: Dan O'Connor

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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.