

SUBSTITUTE FOR  
SENATE BILL NO. 521

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31, 32, 33, 37, 44, and 45 (MCL 552.631, 552.632, 552.633, 552.637, 552.644, and 552.645), sections 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. 31. (1) If a person is ordered to pay support under a  
2 support order and fails or refuses to obey and perform the order,  
3 and if an order of income withholding is inapplicable or  
4 unsuccessful, a recipient of support or the office of the friend of  
5 the court may commence a civil contempt proceeding ~~by filing in the~~  
6 ~~circuit court a petition for an order to show cause why the~~

1 ~~delinquent payer should not be held in contempt. AS PROVIDED BY~~  
 2 **SUPREME COURT RULE.** If the payer fails to appear ~~in response to an~~  
 3 ~~order to show cause, AT THE HEARING,~~ the court shall do 1 or more  
 4 of the following **AS THE COURT CONSIDERS APPROPRIATE GIVEN THE**  
 5 **INFORMATION AVAILABLE AT THE HEARING:**

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

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

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

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

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

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

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

24 ~~— (h) Place the payer under the supervision of the office for a~~  
 25 ~~term fixed by the court with reasonable conditions, including 1 or~~  
 26 ~~more of the following:~~

27 ~~— (i) Participating in a parenting program.~~

- 1 ~~(ii) Participating in drug or alcohol counseling.~~  
2 ~~(iii) Participating in a work program.~~  
3 ~~(iv) Seeking employment.~~  
4 ~~(v) Participating in other counseling.~~  
5 ~~(vi) Continuing compliance with a current support or parenting~~  
6 ~~time order.~~  
7 ~~(vii) Entering into and compliance with an arrearage payment~~  
8 ~~plan.~~

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

16           (3) ~~(2)~~—In a bench warrant issued under this section, the  
17 court shall decree that the payer is subject to arrest if  
18 apprehended or detained anywhere in this state and shall require  
19 that, upon arrest, unless the payer deposits a cash performance  
20 bond in the manner required by section 32, the payer shall remain  
21 in custody until the time of the hearing. The court shall specify  
22 in the bench warrant the cash performance bond amount. The court  
23 shall set the cash performance bond at not less than \$500.00 or 25%  
24 of the arrearage, whichever is greater. At its own discretion, the  
25 court may set the cash performance bond at an amount up to 100% of  
26 the arrearage and add to the amount of the required deposit the  
27 amount of the costs the court may require under subsection ~~(3)~~.

1 (4). If a payer is arrested on a felony warrant issued for a  
2 violation of section 165 of the Michigan penal code, 1931 PA 328,  
3 MCL 750.165, unless the payer deposits a cash performance bond in  
4 the manner required by section 32, the court shall require that,  
5 upon arrest, the payer remain in custody until the time of the  
6 preliminary examination. Upon notification that a payer who has an  
7 outstanding bench warrant under this section has been arrested or  
8 arraigned on a felony warrant for a violation of section 165 of the  
9 Michigan penal code, 1931 PA 328, MCL 750.165, the court may order  
10 that the bench warrant be recalled.

11 (4) ~~(3)~~—If the court issues a bench warrant under this  
12 section, except for good cause shown on the record, the court shall  
13 order the payer to pay the costs related to the hearing, the  
14 issuance of the warrant, the arrest, and any later hearings. Those  
15 costs and costs ordered for failure to appear under section 32 or  
16 44 shall be transmitted to the county treasurer for distribution as  
17 required in section 2530 of the revised judicature act of 1961,  
18 1961 PA 236, MCL 600.2530.

19 (5) **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. 32. (1) If a bench warrant was issued and the payer is  
25 arrested in the county that issued the warrant or another county in  
26 this state, the payer shall remain in custody until there is a  
27 hearing or the payer posts an adequate cash performance bond. If

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

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

17 "Date \_\_\_\_\_

18 Received from \_\_\_\_\_ (referred to in this  
 19 receipt as "the payer") to assure the performance of the payer's  
 20 support obligation. The payer shall appear for hearing at a date  
 21 noticed to the payer by the court at the following address:

22 \_\_\_\_\_  
 23 (address furnished by the payer for receipt of notice)

24 The hearing is for the payer to answer **TO** the ~~show cause order~~  
 25 **CONTEMPT PROCEEDING** and, if the payer was found in contempt, to  
 26 further proceedings related to the payer's contempt.

27 If the payer fails to appear at the time and place indicated

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

17 \_\_\_\_\_  
 18 Officer: \_\_\_\_\_ Dept.: \_\_\_\_\_".

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

25 (4) At a hearing held after a payer deposits a cash  
 26 performance bond, the issues to be considered are limited to the  
 27 payer's answer to the ~~order to show cause~~ **CONTEMPT PROCEEDING** and,

1 if the payer was found in contempt, to further proceedings related  
2 to the payer's contempt. On the basis of the hearing, the court by  
3 order shall determine how much of the cash performance bond  
4 deposited under this section is to be transmitted to the friend of  
5 the court or to the SDU for payment to 1 or more recipients of  
6 support and to the county treasurer for distribution as provided in  
7 section 31. The balance, if any, shall be returned to the person  
8 who posted the cash performance bond on the payer's behalf.

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

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

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

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

25 (B) **BE TAKEN PROMPTLY BEFORE THE COURT FOR FURTHER**  
26 **PROCEEDINGS.**

27 (8) **IF A BOND IS POSTED UNDER SUBSECTION (7) (A), THE FRIEND OF**

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

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

22 (A) THE COURT IS SATISFIED THAT THE PAYER HAS THE CAPACITY TO  
23 PAY OUT OF CURRENTLY AVAILABLE RESOURCES ALL OR SOME PORTION OF THE  
24 AMOUNT DUE UNDER THE SUPPORT ORDER.

25 (B) THE COURT IS SATISFIED THAT BY THE EXERCISE OF DILIGENCE  
26 THE PAYER COULD HAVE THE CAPACITY TO PAY ALL OR SOME PORTION OF THE  
27 AMOUNT DUE UNDER THE SUPPORT ORDER AND THAT THE PAYER FAILS OR



1 REFUSES TO DO SO.

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

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

8 (a) Commits the payer to the county jail or an alternative to  
9 jail.

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

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

21 ~~—— (d) If the payer holds an occupational license, driver's~~  
22 ~~license, or recreational or sporting license, conditions a~~  
23 ~~suspension of the payer's license, or any combination of the~~  
24 ~~licenses, upon noncompliance with an order for payment of the~~  
25 ~~arrearage in 1 or more scheduled installments of a sum certain. A~~  
26 ~~court shall not order the sanction authorized by this subdivision~~  
27 ~~unless the court finds that the payer has accrued an arrearage of~~

1 ~~support payments in an amount greater than the amount of periodic~~  
2 ~~support payments payable for 2 months under the payer's support~~  
3 ~~order.~~

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

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

13 (f) If available within the court's jurisdiction, orders the  
14 payer to participate in a community corrections program established  
15 as provided in the community corrections act, 1988 PA 511, MCL  
16 791.401 to 791.414.

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

22 (h) Places the payer under the supervision of the office for a  
23 term fixed by the court with reasonable conditions, including, **BUT**  
24 **NOT LIMITED TO**, 1 or more of the following:

25 (i) Participating in a parenting program.

26 (ii) Participating in drug or alcohol counseling.

27 (iii) Participating in a work program.

1 (iv) Seeking employment.

2 (v) Participating in other counseling.

3 (vi) Continuing compliance with a current support or parenting  
4 time order.

5 (vii) Entering into and compliance with an arrearage payment  
6 plan.

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

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

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

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

27 (2) An order of commitment under section ~~33~~ **33 (1) (A)** shall

1 ~~separately state both of the following:~~

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

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

7 (3) An order of commitment under section ~~35-33(1)(B) OR (C)~~  
 8 shall ~~separately state both of the following:~~

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

10 ~~—— (b) The amount to be paid in order to be released from the~~  
 11 ~~order of commitment.~~ **THE CONDITIONS THAT CONSTITUTE DILIGENCE IN**  
 12 **ORDER TO BE RELEASED FROM THE ORDER OF COMMITMENT, WHICH CONDITIONS**  
 13 **MUST BE WITHIN THE PAYER'S ABILITY TO PERFORM.**

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

19 (5) The court may further direct that a portion or all of the  
 20 earnings of the payer in the facility or institution shall be paid  
 21 to and applied for support until the payer complies with the order  
 22 of the court, until the payer is released ~~pursuant~~ **ACCORDING** to  
 23 this section from an order of commitment, or until the further  
 24 order of the court. ~~If it appears that the department has~~  
 25 ~~contributed towards the support of the minor child or children~~  
 26 ~~during the period of noncompliance with the order of the court, the~~  
 27 ~~court, in the contempt proceedings, may order all or part of a lump~~

1 ~~sum payment to the office of the friend of the court, state~~  
2 ~~disbursement unit, or county clerk to be paid to the department not~~  
3 ~~to exceed the amount of the contribution made by the department.~~  
4 ~~The court may order the money paid to the person or persons~~  
5 ~~entitled to the money in weekly or monthly installments by the~~  
6 ~~office of the friend of the court, SDU, or county clerk to the~~  
7 ~~extent that the court considers installments necessary for support.~~

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

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

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

18 (7) IF THE COURT ENTERS A COMMITMENT ORDER UNDER SUBSECTION  
19 33(1)(B) OR (C), AND THE COURT FINDS THAT THE PAYER BY PERFORMING  
20 THE CONDITIONS SET FORTH IN THE ORDER OF COMMITMENT WILL HAVE THE  
21 ABILITY TO PAY SPECIFIC AMOUNTS, THE COURT MAY ESTABLISH A SPECIFIC  
22 AMOUNT FOR THE PAYER TO PAY AND DO ANY OF THE FOLLOWING:

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

25 (B) STAY THE ORDER OF COMMITMENT AND ORDER THAT UPON DEFAULT  
26 OF THE PAYER IN MAKING A SPECIFIED PAYMENT, THE PAYER SHALL BE  
27 BROUGHT BEFORE THE COURT FOR FURTHER PROCEEDINGS IN CONNECTION WITH

1 THE CONTEMPT PROCEEDINGS THAT MAY INCLUDE COMMITTING THE PAYER FOR  
2 THE NUMBER OF DAYS THAT THE PAYER WOULD HAVE BEEN COMMITTED HAD THE  
3 COURT NOT STAYED THE ORDER.

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

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

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

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

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

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

21 Sec. 44. (1) If the office of the friend of the court  
22 determines that a procedure for resolving a parenting time dispute  
23 authorized under section 41 other than a civil contempt proceeding  
24 is unsuccessful in resolving the parenting time dispute, the office  
25 of the friend of the court shall commence a civil contempt  
26 proceeding to resolve the dispute ~~by filing with the circuit court~~  
27 ~~a petition for an order to show cause why either parent who has~~

1 ~~violated a parenting time order should not be held in contempt. The~~  
2 ~~office of the friend of the court shall notify the parent who is~~  
3 ~~the subject of the petition. AS PROVIDED BY THE SUPREME COURT RULE.~~

4 The **CONTEMPT PROCEEDING** notice shall include, **EITHER IN THE NOTICE**  
5 **OR BY REFERENCE TO ANOTHER DOCUMENT ATTACHED TO THE NOTICE, A**  
6 **STATEMENT OF THE ALLEGATIONS UPON WHICH THE DISPUTE IS BASED AND** at  
7 least all of the following:

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

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

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

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

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

21 (c) Order that makeup parenting time be provided for the  
22 wrongfully denied parent to take the place of wrongfully denied  
23 parenting time.

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

25 (e) Commit the parent to the county jail or an alternative to  
26 jail.

27 (f) Commit the parent to the county jail or an alternative to

1 jail with the privilege of leaving the jail or other place of  
2 detention during the hours the court determines necessary, and  
3 under the supervision the court considers necessary, for the  
4 purpose of allowing the parent to go to and return from his or her  
5 place of employment.

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

10 (h) If available within the court's jurisdiction, order the  
11 parent to participate in a community corrections program  
12 established as provided in the community corrections act, 1988 PA  
13 511, MCL 791.401 to 791.414.

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

17 (i) Participating in a parenting program.

18 (ii) Participating in drug or alcohol counseling.

19 (iii) Participating in a work program.

20 (iv) Seeking employment.

21 (v) Participating in other counseling.

22 (vi) Continuing compliance with a current support or parenting  
23 time order.

24 (vii) Entering into and compliance with an arrearage payment  
25 plan.

26 (viii) Facilitating makeup parenting time.

27 (3) The court shall state on the record the reason the court



1 is not ordering a sanction listed in subsection (2). For the  
2 purpose of subsection (2), "good cause" includes, but is not  
3 limited to, consideration of the safety of a child or party who is  
4 governed by the parenting time order.

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

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

25 (6) If the court finds that a party to a parenting time  
26 dispute has acted in bad faith, the court shall order the party to  
27 pay a sanction of not more than \$250.00 for the first time the

1 party is found to have acted in bad faith, not more than \$500.00  
2 for the second time, and not more than \$1,000.00 for the third or a  
3 subsequent time. A sanction ordered under this subsection shall be  
4 deposited in the friend of the court fund created in section 2530  
5 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530,  
6 and shall be used to fund services that are not title IV-D  
7 services.

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

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

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

19 Sec. 45. (1) If the court enters an order under section  
20 44(2)(g) and the parent fails to comply with the makeup and ongoing  
21 parenting time schedule, the court shall find the parent in  
22 contempt and, after notice and an opportunity for a hearing, may  
23 suspend the parent's license or licenses with respect to which the  
24 order under section 44(2)(g) was entered and proceed under section  
25 30.

26 (2) After entry of a suspension order under subsection (1), a  
27 parent may agree to a makeup parenting time schedule. The court may

1 order a makeup parenting time schedule if the parent demonstrates a  
2 good faith effort to comply with the parenting time order. If the  
3 court orders a makeup parenting time schedule, the court or the  
4 friend of the court, as applicable, shall do the following:

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

13 (b) The friend of the court, on verification by the clerk of  
14 the court that the driver's license clearance fee required by  
15 section 321c of the Michigan vehicle code, 1949 PA 300, MCL  
16 257.321c, has been paid, shall provide a certificate to the payer  
17 stating that the payer is in compliance with the support order.

18 (3) Within 21 days after the date of the notice under section  
19 44, a parent who is notified of a ~~petition to show cause~~ **CONTEMPT**  
20 **HEARING** under section 44 may request a hearing on a proposed  
21 modification of parenting time. The court shall hold the requested  
22 hearing unless the parenting time dispute is resolved by other  
23 means. The court shall combine the hearing prescribed by this  
24 subsection with the hearing on the order to show cause unless the  
25 court finds for good cause shown on the record that the hearings  
26 should be held separately. If the court finds that the hearings  
27 should be held separately, the hearing on a proposed modification

1 of parenting time shall be held before the **CONTEMPT** hearing. ~~on the~~  
2 ~~order to show cause.~~

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