

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.6078 Hearing; detention of judgment debtor.

Sec. 6078. (1) Upon delivery of the judgment debtor to the judge, the judge shall hold a hearing and, after hearing the proofs, the allegations of the judgment creditor are substantiated and the proof of the grounds for civil arrest as described in subsections (2) and (3) of section 6075 has been given, he shall direct that the judgment debtor be committed to the jail of the county in which the hearing is held, to be there detained until he shall be discharged according to law. The judgment debtor shall be detained accordingly.

(2) A person arrested on civil process and brought before the proper judge for hearing, may controvert any of the facts and circumstances on which the warrant issued, and may, at his option, verify his allegations by his own affidavit. In such case the plaintiff may examine the defendant on oath touching any fact or circumstance material to the inquiry. The answers of the defendant on the examination shall be reduced to writing, and subscribed by him. The judge conducting the inquiry shall also receive such other proofs as the parties may offer, either at the time of the first appearance, or at such other time as the hearing shall be adjourned to. In case of an adjournment, the judge may take a recognizance with surety from the defendant for his appearance at the adjourned meeting, and conditioned that the defendant will not meanwhile secrete, destroy, dispose of, or in any manner make away with, or put out of his possession, any of his property not exempt from sale on execution. In case the defendant refuses to enter into the recognizance, he shall be committed to the county jail, there to remain until such time as the hearing is completed.

(3) The judge conducting the inquiry has the same authority to issue subpoenas for witnesses, to enforce obedience to the subpoenas, and to punish witnesses refusing to testify as is conferred by law upon such judges in cases of other proceedings before them. The defendant may demand a jury of 6 jurors to try the issue joined in the matters charged or alleged against him in the affidavit or affidavits exhibited to or before the judge conducting the inquiry. The jury shall be selected and summoned in the same manner, as near as may be, as in the trial of criminal cases. The judge has the same power in relation to the selection, summoning, and swearing the jury and conducting the jury trial, as near as may be, as in the trial of criminal cases.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.