

Legislative Analysis



ALTERNATIVE CONTEMPT TRACT DOCKET

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House Bill 5472 (Substitute H-1)
Sponsor: Rep. Bruce R. Rendon
Committee: Families, Children, and Seniors

Complete to 5-27-14

A SUMMARY OF HOUSE BILL 5472 AS REPORTED FROM COMMITTEE

The bill would amend the Support and Parenting Enforcement Act (MCL 552.602, et al.) to create an Alternative Contempt Track Docket, and specify that a person ordered by the circuit court to pay support (a "payer") who is subject to a contempt proceeding could, with the consent of the court, agree to have the case placed on an alternative contempt track docket if certain criteria are met.

Alternative Contempt Track

The alternative contempt track would be available, with the consent of the court, for a payer who is determined by the court to have difficulty making support payments due to any of the following: a documented medical condition, a documented psychological disorder, substance use disorder, illiteracy, homelessness, a temporary curable condition that the payer has difficulty controlling without assistance, or chronic unemployment lasting longer than 27 weeks.

The alternative contempt track would specify that a payer would be subject to probation for a period of up to one year.

The Plan

The bill would require the court approve a plan to address the conditions determined to be the reason for difficulty in making support payments. Each court that uses an alternative contempt track would be required to submit a plan and obtain approval of the plan by the State Court Administrative Office.

The plan described could provide notice of modification to the payer and recipient of support. The court could enter a temporary support order or stay the current order based on the person's ability during the period a payer is under an alternative contempt track plan. The court would be required to enter a final support order upon completion or termination of the plan. Either party could object to a proposed final support order resulting from the plan. If an objection is made, the court would be required to hold a separate hearing on the entry of a final support order.

Review Hearings

The payer would be required to appear for review hearings as scheduled by the court and would be subject to arrest.

Penalty for Non-Compliance (court directives)

Under the bill, the court could direct the sheriff to take into custody a payer who fails to comply with the plan under the conditions and for the time that the court directs to bring the payer into compliance with the plan. A payer could not be ordered to remain in the sheriff's custody longer than 45 days for any single plan violation. A payer who willfully fails to comply with the terms of the plan would be guilty of a civil infraction, and could be punished by the court by commitment to jail for a period not to exceed 10 days.

The court could discharge arrears owed to the state with the state's approval and could also discharge arrears owed to a payee with the payee's consent upon successful completion of the alternative contempt track.

FISCAL IMPACT:

House Bill 5472 will have no fiscal impact on state government and may increase personnel costs to local units of government due to increased court appearances and service provisions, but only after the local court decides to implement an alternative contempt track docket.

POSITIONS:

Friend of the Court Association, Program Leadership group, testified in support of the bill. (5-14-14)

Family Law Section – State Bar of Michigan supports the bill. (5-14-14)

Department of Human Services Office of Child support, supports the bill in concept. (5-14-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.