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House Bill 5472 (Substitute H-3 as passed by the House)
Sponsor: Representative Bruce R. Rendon
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 10-1-14

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to provide for an alternative contempt track docket in certain child support cases. The bill would do the following:

- **Identify the circumstances under which a payer's case could be placed on an alternative contempt track docket.**
- **Specify actions the court would have to take under an alternative contempt track docket, including approving a plan to address the conditions under which a payer qualified for the docket.**
- **Provide that a payer in an alternative contempt track would be subject to probation for up to one year.**
- **Allow a court to discharge the arrears of a payer who completed an alternative contempt track plan, under certain circumstances.**
- **Require each court that used an alternative contempt track to submit a plan to, and obtain the approval of, the State Court Administrative Office.**

Under the Act, the court may find a payer in contempt if it finds that the payer is in arrears and one of the following applies:

- The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.
- The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the Friend of the Court.

The Act specifies various actions the court may take upon finding a payer in contempt of court.

The bill would allow a payer who met the criteria described below to agree, with the court's consent, to have his or her case placed on an alternative contempt track docket. That docket would be available for a payer whom the court determined 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 had difficulty controlling without assistance.
- Unemployment lasting longer than 27 weeks.

The court would have to approve a plan to address the conditions listed above.

The plan could provide notice of modification to the support payer and recipient. The court could enter a temporary support order or stay the current order based on the person's ability during the time he or she was under an alternative contempt track plan. The court would have 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 were made, the court would have to hold a separate hearing on the matter of entry of a final support order.

A payer who was in the alternative contempt track would be subject to probation for up to one year. The payer would be required to appear for review hearings as scheduled by the court and would be subject to arrest as provided in the Act.

If a payer failed to comply with the plan under the conditions and for the time that the court directed to bring the payer into compliance with the plan, the court could direct the sheriff to take the payer into custody. A payer could not be ordered to remain in the sheriff's custody longer than 45 days for any single plan violation. If a payer willfully failed to comply with the terms of the plan, the court could order his or her commitment to jail for up to 10 days.

Upon successful completion of the alternative contempt track, the court could discharge arrears owed to the State, with the State's approval, and could discharge arrears owed to a payee, with the payee's consent.

Each court that used an alternative contempt track would have to submit a plan for the track and obtain approval of the plan by the State Court Administrative Office under the supervision of the Supreme Court.

The bill would take effect 90 days after its enactment.

MCL 552.602 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

A court would incur costs associated with the start-up of an alternative contempt track docket. There would be no fiscal impact on State government.

Fiscal Analyst: John Maxwell

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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.