

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 6006 (Substitute S-1 as reported)
Sponsor: Representative James Koetje
House Committee: Civil Law and the Judiciary
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to specify that, if a payer failed to appear in response to an order to show cause why he or she should not be held in contempt for failure to pay support, the court would have to do one or more of the following:

- Find the payer in contempt for failure to appear.
- Find the payer in contempt for the reasons stated in the motion for the show cause hearing.
- Apply an enforcement remedy authorized under the Act or the Friend of the Court Act for the nonpayment of support.
- Issue a bench warrant for the payer's arrest.
- Adjourn the hearing.
- Dismiss the order to show cause, if the court determined that the payer was not in contempt.

(Currently, if a payer fails to appear in response to a show cause order, the court is required to issue a bench warrant.)

Under the bill, a bench warrant would have to state that the payer was subject to arrest and would have to remain in custody until a hearing, unless he or she deposited a cash performance bond in an amount specified in the warrant. Despite the Act's bond amount limits, the court would have to set the bond at up to 100% of the arrearage. A payer who could not post bond would be entitled to a hearing within 48 hours, excluding weekends and holidays.

The court would have to determine how much of a cash performance bond would be transmitted to one or more support recipients and to the county treasurer for distribution under the Revised Judicature Act (which requires certain fees collected under the Support and Parenting Time Enforcement Act to be deposited in the county's Friend of the Court fund). Any balance would have to be returned to the person who posted the bond on the payer's behalf.

The bill would take effect on June 1, 2003.

MCL 552.602 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local enforcement costs.

Date Completed: 6-10-02

Fiscal Analyst: Bill Bowerman