

**SUBSTITUTE FOR
HOUSE BILL NO. 6007**

[A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 2, 41, 42, 44, and 45 (MCL 552.602, 552.641,
552.642, 552.644, and 552.645), section 2 as amended by 1999 PA 160,
sections 41 and 42 as amended by 1996 PA 25, and sections 44 and 45 as
amended by 1998 PA 334, and by adding section 42a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Account" means any of the following:
- 3 (i) A demand deposit account.
- 4 (ii) A draft account.
- 5 (iii) A checking account.
- 6 (iv) A negotiable order of withdrawal account.
- 7 (v) A share account.

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1 (vi) A savings account.

2 (vii) A time savings account.

3 (viii) A mutual fund account.

4 (ix) A securities brokerage account.

5 (x) A money market account.

6 (xi) A retail investment account.

7 (b) "Account" does not mean any of the following:

8 (i) A trust.

9 (ii) An annuity.

10 (iii) A qualified individual retirement account.

11 (iv) An account covered by the employee retirement income

12 security act of 1974, Public Law 93-406, 88 Stat. 829.

13 (v) A pension or retirement plan.

14 (vi) An insurance policy.

15 (c) "Address" means the primary address shown on the records
16 of a financial institution used by the financial institution to
17 contact the account holder.

18 (D) "CASH" MEANS MONEY OR THE EQUIVALENT OF MONEY, SUCH AS A
19 MONEY ORDER, CASHIER'S CHECK, OR NEGOTIABLE CHECK OR A PAYMENT BY
20 DEBIT OR CREDIT CARD, WHICH EQUIVALENT IS ACCEPTED AS CASH BY THE
21 AGENCY ACCEPTING THE PAYMENT.

22 (E) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
23 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
24 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
25 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY
26 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
27 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

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1 (F) ~~-(d)-~~ "Department" means the family independence
2 agency.

3 (G) "DOMESTIC RELATIONS MATTER" MEANS A CIRCUIT COURT PRO-
4 CEEDING AS TO CHILD CUSTODY OR PARENTING TIME, OR CHILD OR SPOU-
5 SAL SUPPORT, THAT ARISES OUT OF LITIGATION UNDER A STATUTE OF
6 THIS STATE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

7 (i) 1846 RS 84, MCL 552.1 TO 552.45.

8 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO
9 552.459.

10 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO
11 722.31.

12 (iv) 1968 PA 293, MCL 722.1 TO 722.6.

13 (v) THE PATERNITY ACT, 1956 PA 205, MCL 722.711 TO 722.730.

14 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
15 1952 PA 8, MCL 780.151 TO 780.183.

16 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996
17 PA 310, MCL 552.1101 TO 552.1901.

18 (H) ~~-(e)-~~ "Driver's license" means license as that term is
19 defined in section 25 of the Michigan vehicle code, 1949 PA 300,
20 MCL 257.25.

21 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
22 ship, partnership, association, or private or public corporation,
23 the United States or a federal agency, this state or a political
24 subdivision of this state, another state or a political subdivi-
25 sion of another state, or another legal entity that hires and
26 pays an individual for his or her services.

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1 (J) ~~-(g)-~~ "Financial asset" means a deposit, account, money
2 market fund, stock, bond, or similar instrument.

3 (K) ~~-(h)-~~ "Financial institution" means any of the
4 following:

5 (i) A state or national bank.

6 (ii) A state or federally chartered savings and loan
7 association.

8 (iii) A state or federally chartered savings bank.

9 (iv) A state or federally chartered credit union.

10 (v) An insurance company.

11 (vi) An entity that offers any of the following to a resi-
12 dent of this state:

13 (A) A mutual fund account.

14 (B) A securities brokerage account.

15 (C) A money market account.

16 (D) A retail investment account.

17 (vii) An entity regulated by the securities and exchange
18 commission that collects funds from the public.

19 (viii) An entity that is a member of the national associa-
20 tion of securities dealers and that collects funds from the
21 public.

22 (ix) Another entity that collects funds from the public.

23 (l) ~~-(i)-~~ "Friend of the court act" means 1982 PA 294, MCL
24 552.501 to 552.535.

25 (M) ~~-(j)-~~ "Income" means any of the following:

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1 (i) Commissions, earnings, salaries, wages, and other income
2 due or to be due in the future to an individual from his or her
3 employer and successor employers.

4 (ii) A payment due or to be due in the future to an individ-
5 ual from a profit-sharing plan, a pension plan, an insurance con-
6 tract, an annuity, social security, unemployment compensation,
7 supplemental unemployment benefits, or worker's compensation.

8 (iii) An amount of money that is due to an individual as a
9 debt of another individual, partnership, association, or private
10 or public corporation, the United States or a federal agency,
11 this state or a political subdivision of this state, another
12 state or a political subdivision of another state, or another
13 legal entity that is indebted to the individual.

14 (N) ~~-(K)-~~ "Insurer" means an insurer, health maintenance
15 organization, health care corporation, or other group, plan, or
16 entity that provides health care coverage in accordance with any
17 of the following acts:

18 (i) The public health code, 1978 PA 368, MCL 333.1101 to
19 333.25211.

20 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
21 500.8302.

22 (iii) The nonprofit health care corporation reform act, 1980
23 PA 350, MCL 550.1101 to 550.1704.

24 (O) ~~-(I)-~~ "Medical assistance" means medical assistance as
25 established under title XIX of the social security act, chapter
26 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6,
27 and 1396r-8 to 1396v.

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1 (P) ~~-(m)-~~ "Occupational license" means a certificate,
2 registration, or license issued by a state department, bureau, or
3 agency that has regulatory authority over an individual that
4 allows an individual to legally engage in a regulated occupation
5 or that allows the individual to use a specific title in the
6 practice of an occupation, profession, or vocation.

7 (Q) ~~-(n)-~~ "Office of child support" means the office of
8 child support established in section 2 of the office of child
9 support act, 1971 PA 174, MCL 400.232.

10 (R) ~~-(o)-~~ "Office of the friend of the court" means an
11 agency created in section 3 of the friend of the court act, MCL
12 552.503.

13 (S) ~~-(p)-~~ "Order of income withholding" means an order
14 entered by the circuit court providing for the withholding of a
15 payer's income to enforce a support order under this act.

16 (T) ~~-(q)-~~ "Payer" means an individual who is ordered by the
17 circuit court to pay support.

18 (U) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
19 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

20 (V) ~~-(r)-~~ "Plan administrator" means that term as used in
21 relation to a group health plan under section 609 of part 6 of
22 subtitle B of title I of the employee retirement income security
23 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
24 care coverage plan of the individual who is responsible for pro-
25 viding a child with health care coverage is subject to that act.

26 (W) ~~-(s)-~~ "Political subdivision" means a county, city,
27 village, township, educational institution, school district, or

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1 special district or authority of the state or of a local unit of
2 government.

3 (X) ~~(t)~~ "Recipient of support" means the following:

4 (i) The spouse, if the support order orders spousal
5 support.

6 (ii) The custodial parent or guardian, if the support order
7 orders support for a minor child or a child who is 18 years of
8 age or older.

9 (iii) The department, if support has been assigned to that
10 department.

11 (Y) ~~(u)~~ "Recreational or sporting license" means a hunt-
12 ing, fishing, or fur harvester's license issued under the natural
13 resources and environmental protection act, 1994 PA 451, MCL
14 324.101 to 324.90106, but does not include a commercial fishing
15 license or permit issued under part 473 of the natural resources
16 and environmental protection act, 1994 PA 451, MCL 324.47301 to
17 324.47362.

18 (Z) ~~(v)~~ "Referee" means a person who is designated as a
19 referee under the friend of the court act.

20 (AA) ~~(w)~~ "Source of income" means an employer or successor
21 employer or another individual or entity that owes or will owe
22 income to the payer.

23 (BB) ~~(x)~~ "State disbursement unit" or "SDU" means the
24 entity established in section 6 of the office of child support
25 act, 1971 PA 174, MCL 400.236.

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1 (CC) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS
2 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19
3 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

4 (DD) ~~-(Y)-~~ "Support" means all of the following:

5 (i) The payment of money for a child or a spouse ordered by
6 the circuit court, whether the order is embodied in an interim,
7 temporary, permanent, or modified order or judgment. Support may
8 include payment of the expenses of medical, dental, and other
9 health care, child care expenses, and educational expenses.

10 (ii) The payment of money ordered by the circuit court under
11 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
12 necessary expenses incurred by or for the mother in connection
13 with her confinement, for other expenses in connection with the
14 pregnancy of the mother, or for the repayment of genetic testing
15 expenses.

16 (iii) A surcharge accumulated under section 3a.

17 (EE) ~~-(Z)-~~ "Support order" means an order entered by the
18 circuit court for the payment of support, whether or not a sum
19 certain.

20 (FF) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
21 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 657,
22 658a TO 660, AND 663 TO 669b.

23 (GG) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PER-
24 FORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON PER-
25 FORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF THE
26 FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

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1 (HH) ~~—(aa)—~~ "Work activity" means any of the following:

2 (i) Unsubsidized employment.

3 (ii) Subsidized private sector employment.

4 (iii) Subsidized public sector employment.

5 (iv) Work experience, including work associated with the
6 refurbishing of publicly assisted housing, if sufficient private
7 sector employment is not available.

8 (v) On-the-job training.

9 (vi) Job search and job readiness assistance.

10 (vii) Community service programs.

11 (viii) Vocational educational training, not to exceed 12
12 months with respect to an individual.

13 (ix) Job skills training directly related to employment.

14 (x) Education directly related to employment, in the case of
15 an individual who has not received a high school diploma or a
16 certificate of high school equivalency.

17 (xi) Satisfactory attendance at secondary school or in a
18 course of study leading to a certificate of general equivalence,
19 in the case of an individual who has not completed secondary
20 school or received such a certificate.

21 (xii) The provisions of child care services to an individual
22 who is participating in a community service program.

23 Sec. 41. (1) ~~Except as provided in subsection (2), the~~
24 FOR A FRIEND OF THE COURT CASE, A friend of the court shall do
25 1 or more of the following in ~~a dispute concerning parenting~~
26 ~~time of a minor child~~ RESPONSE TO AN ALLEGED CUSTODY OR

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1 PARENTING TIME ORDER VIOLATION STATED IN A COMPLAINT SUBMITTED
2 UNDER SECTION 11A OF THE FRIEND OF THE COURT ACT, MCL 552.511A:

3 (a) Apply a makeup parenting time policy established under
4 section 42.

5 (b) Commence civil contempt proceedings under section 44.

6 (c) ~~Petition~~ FILE A MOTION WITH the court UNDER
7 SECTION 17D OF THE FRIEND OF THE COURT ACT, MCL 552.517D, for a
8 modification of existing parenting time provisions to ensure par-
9 enting time, unless contrary to the CHILD'S best interests. ~~of~~
10 ~~the child. A written report and recommendation shall accompany~~
11 ~~the petition.~~

12 (D) SCHEDULE MEDIATION UNDER SECTION 13 OF THE FRIEND OF THE
13 COURT ACT, MCL 552.513.

14 (E) SCHEDULE A JOINT MEETING SUBJECT TO SECTION 42A.

15 (2) ~~The friend of the court shall not invoke 1 or more of~~
16 ~~the options under subsection (1) if the parties resolve their~~
17 ~~dispute through an informal joint meeting or through domestic~~
18 ~~relations mediation as provided under section 11 or 13 of the~~
19 ~~friend of the court act, Act No. 294 of the Public Acts of 1982,~~
20 ~~being sections 552.511 and 552.513 of the Michigan Compiled~~
21 ~~Laws.~~ NOTWITHSTANDING THE REQUIREMENT OF SUBSECTION (1), THE
22 OFFICE OF THE FRIEND OF THE COURT MAY DECLINE TO RESPOND TO AN
23 ALLEGED CUSTODY OR PARENTING TIME ORDER VIOLATION UNDER ANY OF
24 THE FOLLOWING CIRCUMSTANCES:

25 (A) THE PARTY SUBMITTING THE COMPLAINT HAS PREVIOUSLY SUB-
26 MITTED 2 OR MORE COMPLAINTS ALLEGING CUSTODY OR PARENTING TIME
27 ORDER VIOLATIONS THAT WERE FOUND TO BE UNWARRANTED, COSTS WERE

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1 ASSESSED AGAINST THE PARTY BECAUSE A COMPLAINT WAS FOUND TO BE
2 UNWARRANTED, AND THE PARTY HAS NOT PAID THOSE COSTS.

3 (B) THE ALLEGED CUSTODY OR PARENTING TIME ORDER VIOLATION
4 OCCURRED MORE THAN 56 DAYS BEFORE THE COMPLAINT IS SUBMITTED.

5 (C) THE CUSTODY OR PARENTING TIME ORDER DOES NOT INCLUDE AN
6 ENFORCEABLE PROVISION THAT IS RELEVANT TO THE CUSTODY OR PARENT-
7 ING TIME ORDER VIOLATION ALLEGED IN THE COMPLAINT.

8 Sec. 42. (1) ~~Not later than 180 days after the enactment~~
9 ~~date of this amendatory act, each circuit shall formulate~~ EACH
10 CIRCUIT SHALL ESTABLISH a makeup parenting time policy under
11 which a ~~noncustodial~~ parent who has been wrongfully denied par-
12 enting time is able to make up the parenting time at a later
13 date. ~~The policy does not apply until it is approved by the~~
14 ~~chief circuit judge or only circuit judge of the circuit. (2)~~
15 ~~Before a makeup parenting time policy is applied in a particular~~
16 ~~case, the office of the friend of the court shall send to both~~
17 ~~parties a notice, by ordinary mail to the person's last known~~
18 ~~address, that the policy will be applied in their case. (3)~~ A
19 makeup parenting time policy ~~formulated and approved~~
20 ESTABLISHED under this section shall ~~include~~ PROVIDE all of the
21 following:

22 (a) ~~Makeup~~ THAT MAKEUP parenting time shall be AT LEAST
23 the same type and duration of parenting time as the parenting
24 time that was denied, including but not limited to weekend par-
25 enting time for weekend parenting time, holiday parenting time
26 for holiday parenting time, weekday parenting time for weekday

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1 parenting time, and summer parenting time for summer parenting
2 time.

3 (b) ~~Makeup~~ THAT MAKEUP parenting time shall be taken
4 within 1 year after the wrongfully denied parenting time was to
5 have occurred.

6 (c) ~~The~~ THAT THE WRONGFULLY DENIED PARENT SHALL CHOOSE THE
7 time of the makeup parenting time. ~~shall be chosen by the non-~~
8 ~~custodial parent.~~

9 ~~(4) Beginning upon approval of a makeup parenting time~~
10 ~~policy formulated pursuant to subsection (1), the office of the~~
11 ~~friend of the court shall keep an accurate record of alleged par-~~
12 ~~enting time arrears and the noncustodial parent shall give to the~~
13 ~~office written notice of an alleged, wrongfully denied parenting~~
14 ~~time within 7 days of alleged denial.~~

15 ~~(5) Beginning upon approval of a makeup parenting time~~
16 ~~policy formulated under subsection (1), if a~~

17 (D) THAT THE WRONGFULLY DENIED PARENT SHALL NOTIFY BOTH THE
18 OFFICE OF THE FRIEND OF THE COURT AND THE OTHER PARENT IN WRITING
19 NOT LESS THAN 1 WEEK BEFORE MAKING USE OF MAKEUP WEEKEND OR WEEK-
20 DAY PARENTING TIME OR NOT LESS THAN 28 DAYS BEFORE MAKING USE OF
21 MAKEUP HOLIDAY OR SUMMER PARENTING TIME.

22 (2) IF wrongfully denied parenting time is alleged and the
23 friend of the court determines that action should be taken,
24 ~~under section 41(1)(a), the following shall apply: (a) The~~
25 ~~office of the friend of the court shall give to the custodial~~
26 ~~parent within 5 days after receipt of the notice of denied~~
27 ~~parenting time under subsection (4) a notice, which shall~~

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1 ~~contain~~ THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND EACH
2 PARTY A NOTICE CONTAINING the following statement in ~~boldface~~
3 BOLDFACED type of not less than 12 points:

4 "FAILURE TO RESPOND IN ~~7 DAYS~~ WRITING TO THE OFFICE OF
5 THE FRIEND OF THE COURT WITHIN [21] DAYS AFTER THIS NOTICE
6 WAS SENT SHALL BE CONSIDERED AS AN AGREEMENT THAT PARENTING
7 TIME WAS WRONGFULLY DENIED AND THAT ~~OFFICE WILL ADJUST THE~~
8 ~~ACCOUNT OF PARENTING TIME ARREARS ACCORDINGLY~~ THE MAKEUP
9 PARENTING TIME POLICY ESTABLISHED BY THE COURT WILL BE
10 APPLIED." .

11 ~~(b) If the custodial parent makes a timely reply contesting~~
12 ~~the alleged wrongful denial of parenting time, a hearing shall be~~
13 ~~held by a referee or a circuit judge after notice is given to~~
14 ~~both parties.~~

15 ~~(c) The referee or judge shall determine whether parenting~~
16 ~~time was wrongfully denied.~~

17 ~~(d) If the hearing provided under subdivision (b) is held~~
18 ~~before a referee, either party is entitled to a de novo hearing~~
19 ~~before a circuit court judge as provided in section 7(5) of Act~~
20 ~~No. 294 of the Public Acts of 1982, being section 552.507 of the~~
21 ~~Michigan Compiled Laws.~~

22 ~~(e) After a final determination that parenting time was~~
23 ~~wrongfully denied, the office of the friend of the court shall~~
24 ~~adjust the parenting time arrears account accordingly.~~

25 ~~(f) The noncustodial parent shall give to the office of the~~
26 ~~friend of the court and custodial parent a written notice of~~

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~~1 makeup parenting time at least 1 week before a makeup weekday or
2 weekend parenting time or at least 30 days before a makeup holi-
3 day or makeup summer parenting time.~~

4 (3) IF A PARTY TO THE PARENTING TIME ORDER DOES NOT RESPOND
5 IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT, WITHIN
6 [21] DAYS AFTER THE OFFICE SENDS THE NOTICE REQUIRED UNDER
7 SUBSECTION (2), TO CONTEST THE APPLICATION OF THE MAKEUP PARENT-
8 ING TIME POLICY, THE OFFICE OF THE FRIEND OF THE COURT SHALL
9 NOTIFY EACH PARTY THAT THE MAKEUP PARENTING TIME POLICY APPLIES.
10 IF A PARTY MAKES A TIMELY RESPONSE TO CONTEST THE APPLICATION OF
11 THE MAKEUP PARENTING TIME POLICY, THE OFFICE OF THE FRIEND OF THE
12 COURT SHALL UTILIZE A PROCEDURE AUTHORIZED UNDER SECTION 41 OTHER
13 THAN THE APPLICATION OF THE MAKEUP PARENTING TIME POLICY.

14 SEC. 42A. (1) A JOINT MEETING SCHEDULED BY THE OFFICE OF
15 THE FRIEND OF THE COURT UNDER SECTION 41 AND PROCEDURES FOLLOWING
16 A JOINT MEETING ARE GOVERNED BY THIS SECTION.

17 (2) A JOINT MEETING MAY TAKE PLACE IN PERSON OR BY MEANS OF
18 TELECOMMUNICATIONS EQUIPMENT.

19 (3) AT THE BEGINNING OF A JOINT MEETING, THE INDIVIDUAL CON-
20 DUCTING THE JOINT MEETING SHALL DO THE FOLLOWING:

21 (A) ADVISE THE PARTIES THAT THE PURPOSE OF THE MEETING IS
22 FOR THE PARTIES TO REACH AN ACCOMMODATION.

23 (B) ADVISE THE PARTIES THAT THE INDIVIDUAL MAY RECOMMEND AN
24 ORDER THAT THE COURT MAY ISSUE TO RESOLVE THE DISPUTE.

25 (4) AT THE CONCLUSION OF A JOINT MEETING, THE INDIVIDUAL
26 CONDUCTING THE JOINT MEETING SHALL DO 1 OF THE FOLLOWING:

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1 (A) IF THE PARTIES REACH AN ACCOMMODATION, RECORD THE
2 ACCOMMODATION IN WRITING AND PROVIDE A COPY TO EACH PARTY.

3 (B) SUBMIT AN ORDER TO THE COURT STATING THE INDIVIDUAL'S
4 RECOMMENDATION FOR RESOLVING THE DISPUTE.

5 (5) IF THE INDIVIDUAL CONDUCTING A JOINT MEETING SUBMITS A
6 RECOMMENDED ORDER TO THE COURT UNDER SUBSECTION (4), THE INDIVID-
7 UAL SHALL SEND A NOTICE TO EACH PARTY WHO PARTICIPATED IN THE
8 JOINT MEETING THAT INCLUDES ALL OF THE FOLLOWING:

9 (A) A COPY OF THE RECOMMENDED ORDER.

10 (B) NOTICE THAT THE COURT MAY ISSUE THE RECOMMENDED ORDER
11 RESOLVING THE DISPUTE UNLESS A PARTY OBJECTS TO THE ORDER WITHIN
12 [21] DAYS AFTER THE NOTICE IS SENT.

13 (C) THE PLACE WHERE AND TIME WHEN A WRITTEN OBJECTION CAN BE
14 SUBMITTED.

15 (D) NOTICE THAT A PARTY MAY WAIVE THE [21-DAY] OBJECTION
16 PERIOD BY RETURNING A SIGNED COPY OF THE RECOMMENDATION.

17 (6) IF A PARTY FILES A WRITTEN OBJECTION WITHIN THE [21-DAY]
18 LIMIT, THE OFFICE SHALL SET A COURT HEARING, BEFORE A JUDGE OR
19 REFEREE, TO RESOLVE THE DISPUTE. IF A PARTY FAILS TO FILE A WRIT-
20 TEN OBJECTION WITHIN THE [21-DAY] LIMIT, THE OFFICE SHALL SUBMIT
21 THE PROPOSED ORDER TO THE COURT FOR ENTRY IF THE COURT APPROVES
22 IT.

23 (7) IF A HEARING UNDER SUBSECTION (6) IS HELD BEFORE A REF-
24 EREE, EITHER PARTY IS ENTITLED TO A DE NOVO HEARING BEFORE A
25 JUDGE AS PROVIDED IN SECTION 7 OF THE FRIEND OF THE COURT ACT,
26 MCL 552.507.

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1 Sec. 44. (1) If the office of the friend of the court
2 determines that ~~application of a makeup parenting time policy~~
3 ~~under section 41(1)(a)~~ A PROCEDURE FOR RESOLVING A PARENTING
4 TIME DISPUTE AUTHORIZED UNDER SECTION 41 OTHER THAN A CIVIL CON-
5 TEMPT PROCEEDING is unsuccessful in resolving a parenting time
6 dispute, ~~or that action should otherwise be taken under~~
7 ~~section 41(1)(b)~~, the office of the friend of the court shall
8 commence a civil contempt proceeding to resolve a dispute con-
9 cerning parenting time with a minor child by filing with the cir-
10 cuit court a petition for an order to show cause why either
11 parent who has violated a parenting time order should not be held
12 in contempt. The office of the friend of the court shall notify
13 the parent who is the subject of the petition. The notice shall
14 include at least all of the following:
15 (a) A list of each possible sanction if the parent is found
16 in contempt.
17 (b) The right of the parent to a hearing on a proposed modi-
18 fication of parenting time if requested within [~~14~~ 21] days after the
19 date of the notice, as provided in section 45.
20 (2) If the court finds that either parent has violated a
21 parenting time order, the court shall find that parent in con-
22 tempt and may do 1 or more of the following:
23 (a) Require additional terms and conditions consistent with
24 the court's parenting time order.
25 (b) After notice to both parties and a hearing, if requested
26 by a party, on a proposed modification of parenting time, modify

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1 the parenting time order to meet the CHILD'S best interests. ~~of~~
2 ~~the child.~~

3 (c) Order that makeup parenting time be provided for the
4 ~~noncustodial~~ WRONGFULLY DENIED parent to take the place of
5 wrongfully denied parenting time.

6 (d) Order the parent to pay a fine of not more than
7 \$100.00.

8 (e) Commit the parent to the county jail.

9 (f) Commit the parent to the county jail with the privilege
10 of leaving the jail during the hours the court determines neces-
11 sary, and under the supervision the court considers necessary,
12 for the purpose of allowing the parent to go to and return from
13 his or her place of employment.

14 (g) If the parent holds an occupational license, driver's
15 license, or recreational or sporting license, condition the sus-
16 pension of the license, or any combination of the licenses, upon
17 noncompliance with an order for makeup and ongoing parenting
18 time.

19 [(3) ~~(h) State~~ THE COURT SHALL STATE] on the record the reason the
20 court is not ordering
21 a sanction listed in subdivisions (a) to (g).

22 [(4) ~~(3)~~] A commitment under subsection (2)(e) or (f) shall not
23 exceed 45 days for the first finding of contempt or 90 days for
24 each subsequent finding of contempt. A parent committed under
25 subsection (2)(e) or (f) shall be released if the court has rea-
26 sonable cause to believe that the parent will comply with the
parenting time order.

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1 [~~(4)~~ (5)] If a parent fails to appear in response to an order to
2 show cause, the court may issue a bench warrant requiring that
3 the parent be brought before the court without unnecessary delay
4 to show cause why the parent should not be held in contempt.
5 Except for good cause shown on the record, the court shall fur-
6 ther order the parent to pay the costs of the hearing, the issu-
7 ance of the warrant, the arrest, and further hearings, which
8 costs shall be transmitted to the county treasurer for distribu-
9 tion as provided in section 31.

10 [~~(5)~~ (6)] IF THE COURT FINDS THAT A PARTY TO A PARENTING TIME DIS-
11 PUTE HAS ACTED IN BAD FAITH, THE COURT SHALL ORDER THE PARTY TO
12 PAY A SANCTION OF NOT MORE THAN \$250.00 FOR THE FIRST TIME THE
13 PARTY IS FOUND TO HAVE ACTED IN BAD FAITH, NOT MORE THAN \$500.00
14 FOR THE SECOND TIME, AND NOT MORE THAN \$1,000.00 FOR THE THIRD OR
15 A SUBSEQUENT TIME. A SANCTION ORDERED UNDER THIS SUBSECTION
16 SHALL BE DEPOSITED IN THE FRIEND OF THE COURT FUND CREATED IN
17 SECTION 2530 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
18 MCL 600.2530. A SANCTION ORDERED UNDER THIS SUBSECTION, A FINE
19 ORDERED UNDER SUBSECTION (2), AND COSTS ORDERED UNDER SUBSECTION
20 [(5)] BECOME A JUDGMENT AT THE TIME THEY ARE ORDERED.

21 [~~(6)~~ (7)] IF THE COURT FINDS THAT A PARTY TO A PARENTING TIME DIS-
22 PUTE HAS ACTED IN BAD FAITH, THE COURT SHALL ORDER THE PARTY TO
23 PAY THE OTHER PARTY'S COSTS.

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

(2) After entry of a suspension order under subsection (1), a parent may agree to a makeup parenting time schedule. The court may order a makeup parenting time schedule if the parent demonstrates a good faith effort to comply with the parenting time order. If the court orders a makeup parenting time schedule, the court shall enter an order rescinding the suspension order that is effective as provided in section 4 of the

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regulated occupation support enforcement act, 1996 PA 236, MCL 338.3434,
section 321c of the Michigan vehicle code, 1949 PA 300, MCL 257.321c, or

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section 43559 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43559. Within 7 business days after entry of the order rescinding the suspension order, the office of the friend of the court shall send a copy of the order rescinding the suspension order to the licensing agency.

(3) Within ~~14~~ 21 days after the date of the notice under section 44, a parent who is notified of a petition to show cause under section 44 may request a hearing on a proposed modification of parenting time. The court shall hold the requested hearing unless the parenting time dispute is resolved by other means. The court shall combine the hearing prescribed by this subsection with the hearing on the order to show cause unless the court finds for good cause shown on the record that the hearings should be held separately. If the court finds that the hearings should be held separately, the hearing on a proposed modification of parenting time shall be held before the hearing on the order to show cause.]

24 Enacting section 1. This amendatory act takes effect

25 June 1, 2003.