

**SENATE 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.

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1 (v) A share account.

2 (vi) A savings account.

3 (vii) A time savings account.

4 (viii) A mutual fund account.

5 (ix) A securities brokerage account.

6 (x) A money market account.

7 (xi) A retail investment account.

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

9 (i) A trust.

10 (ii) An annuity.

11 (iii) A qualified individual retirement account.

12 (iv) An account covered by the employee retirement income
13 security act of 1974, Public Law 93-406, 88 Stat. 829.

14 (v) A pension or retirement plan.

15 (vi) An insurance policy.

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

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

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

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1 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
2 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

3 (F) ~~-(d)-~~ "Department" means the family independence
4 agency.

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

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

10 (ii) THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO
11 552.459.

12 (iii) CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO
13 722.31.

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

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

16 (vi) REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT,
17 1952 PA 8, MCL 780.151 TO 780.183.

18 (vii) UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA 310,
19 MCL 552.1101 TO 552.1901.

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

23 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
24 ship, partnership, association, or private or public corporation,
25 the United States or a federal agency, this state or a political
26 subdivision of this state, another state or a political

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1 subdivision of another state, or another legal entity that hires
2 and pays an individual for his or her services.

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

5 (K) ~~(h)~~ "Financial institution" means any of the
6 following:

7 (i) A state or national bank.

8 (ii) A state or federally chartered savings and loan
9 association.

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

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

12 (v) An insurance company.

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

15 (A) A mutual fund account.

16 (B) A securities brokerage account.

17 (C) A money market account.

18 (D) A retail investment account.

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

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

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

25 (l) ~~(i)~~ "Friend of the court act" means 1982 PA 294, MCL
26 552.501 to 552.535.

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1 (M) "FRIEND OF THE COURT CASE" MEANS THAT TERM AS DEFINED IN
2 SECTION 2 OF THE FRIEND OF THE COURT ACT, MCL 552.502. THE TERM
3 "FRIEND OF THE COURT CASE", WHEN USED IN A PROVISION OF THIS ACT,
4 IS NOT EFFECTIVE UNTIL ON AND AFTER THE EFFECTIVE DATE OF SECTION
5 5A OF THE FRIEND OF THE COURT ACT, MCL 552.505A.

6 (N) ~~-(j)-~~ "Income" means any of the following:

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

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

14 (iii) An amount of money that is due to an individual as a
15 debt of another individual, partnership, association, or private
16 or public corporation, the United States or a federal agency,
17 this state or a political subdivision of this state, another
18 state or a political subdivision of another state, or another
19 legal entity that is indebted to the individual.

20 (O) ~~-(k)-~~ "Insurer" means an insurer, health maintenance
21 organization, health care corporation, or other group, plan, or
22 entity that provides health care coverage in accordance with any
23 of the following acts:

24 (i) ~~The public~~ PUBLIC health code, 1978 PA 368, MCL
25 333.1101 to 333.25211.

26 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
27 500.8302.

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

3 (P) ~~-(I)-~~ "Medical assistance" means medical assistance as
4 established under title XIX of the social security act, chapter
5 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6
6 ~~—~~ and 1396r-8 to 1396v.

7 (Q) ~~-(m)-~~ "Occupational license" means a certificate, regis-
8 tration, or license issued by a state department, bureau, or
9 agency that has regulatory authority over an individual that
10 allows an individual to legally engage in a regulated occupation
11 or that allows the individual to use a specific title in the
12 practice of an occupation, profession, or vocation.

13 (R) ~~-(n)-~~ "Office of child support" means the office of
14 child support established in section 2 of the office of child
15 support act, 1971 PA 174, MCL 400.232.

16 (S) ~~-(o)-~~ "Office of the friend of the court" means an
17 agency created in section 3 of the friend of the court act, MCL
18 552.503.

19 (T) ~~-(p)-~~ "Order of income withholding" means an order
20 entered by the circuit court providing for the withholding of a
21 payer's income to enforce a support order under this act.

22 (U) ~~-(q)-~~ "Payer" means an individual who is ordered by the
23 circuit court to pay support.

24 (V) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
25 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

26 (W) ~~-(r)-~~ "Plan administrator" means that term as used in
27 relation to a group health plan under section 609 of part 6 of

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1 subtitle B of title I of the employee retirement income security
2 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health
3 care coverage plan of the individual who is responsible for pro-
4 viding a child with health care coverage is subject to that act.

5 (X) ~~(s)~~ "Political subdivision" means a county, city, vil-
6 lage, township, educational institution, school district, or spe-
7 cial district or authority of the state or of a local unit of
8 government.

9 (Y) ~~(t)~~ "Recipient of support" means the following:

10 (i) The spouse, if the support order orders spousal
11 support.

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

15 (iii) The department, if support has been assigned to that
16 department.

17 (Z) ~~(u)~~ "Recreational or sporting license" means a hunt-
18 ing, fishing, or fur harvester's license issued under the natural
19 resources and environmental protection act, 1994 PA 451, MCL
20 324.101 to 324.90106, but does not include a commercial fishing
21 license or permit issued under part 473 of the natural resources
22 and environmental protection act, 1994 PA 451, MCL 324.47301 to
23 324.47362.

24 (AA) ~~(v)~~ "Referee" means a person who is designated as a
25 referee under the friend of the court act.

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1 (BB) ~~-(w)-~~ "Source of income" means an employer or successor
2 employer or another individual or entity that owes or will owe
3 income to the payer.

4 (CC) ~~-(x)-~~ "State disbursement unit" or "SDU" means the
5 entity established in section 6 of the office of child support
6 act, 1971 PA 174, MCL 400.236.

7 (DD) "STATE FRIEND OF THE COURT BUREAU" MEANS THAT BUREAU AS
8 CREATED IN THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION 19
9 OF THE FRIEND OF THE COURT ACT, MCL 552.519.

10 (EE) ~~-(y)-~~ "Support" means all of the following:

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

16 (ii) The payment of money ordered by the circuit court under
17 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
18 necessary expenses incurred by or for the mother in connection
19 with her confinement, for other expenses in connection with the
20 pregnancy of the mother, or for the repayment of genetic testing
21 expenses.

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

23 (FF) ~~-(z)-~~ "Support order" means an order entered by the
24 circuit court for the payment of support, whether or not a sum
25 certain.

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1 (GG) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
2 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,
3 656 TO 657, 658a TO 660, AND 663 TO 669b.

4 (HH) "TITLE IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PER-
5 FORMING THE FUNCTIONS UNDER TITLE IV-D AND INCLUDES A PERSON PER-
6 FORMING THOSE FUNCTIONS UNDER CONTRACT INCLUDING AN OFFICE OF THE
7 FRIEND OF THE COURT OR A PROSECUTING ATTORNEY.

8 (II) ~~(aa)~~ "Work activity" means any of the following:

9 (i) Unsubsidized employment.

10 (ii) Subsidized private sector employment.

11 (iii) Subsidized public sector employment.

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

15 (v) On-the-job training.

16 (vi) ~~Job~~ REFERRAL TO AND PARTICIPATION IN THE WORK FIRST
17 PROGRAM PRESCRIBED IN THE SOCIAL WELFARE ACT, 1939 PA 280, MCL
18 400.1 TO 400.119B, OR OTHER JOB search and job readiness
19 assistance.

20 (vii) Community service programs.

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

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

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

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1 (xi) Satisfactory attendance at secondary school or in a
2 course of study leading to a certificate of general equivalence,
3 in the case of an individual who has not completed secondary
4 school or received such a certificate.

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

7 Sec. 41. (1) ~~Except as provided in subsection (2), the~~
8 FOR A FRIEND OF THE COURT CASE, A friend of the court shall do
9 1 or more of the following in ~~a dispute concerning parenting~~
10 ~~time of a minor child~~ RESPONSE TO AN ALLEGED CUSTODY OR PARENT-
11 ING TIME ORDER VIOLATION STATED IN A COMPLAINT SUBMITTED UNDER
12 SECTION 11B OF THE FRIEND OF THE COURT ACT, MCL 552.511B:

13 (a) Apply a makeup parenting time policy established under
14 section 42.

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

16 (c) ~~Petition~~ FILE A MOTION WITH the court UNDER
17 SECTION 17D OF THE FRIEND OF THE COURT ACT, MCL 552.517D, for a
18 modification of existing parenting time provisions to ensure par-
19 enting time, unless contrary to the best interests of the child.
20 ~~A written report and recommendation shall accompany the~~
21 ~~petition.~~

22 (D) SCHEDULE MEDIATION SUBJECT TO SECTION 13 OF THE FRIEND
23 OF THE COURT ACT, MCL 552.513.

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

25 (2) ~~The friend of the court shall not invoke 1 or more of~~
26 ~~the options under subsection (1) if the parties resolve their~~
27 ~~dispute through an informal joint meeting or through domestic~~

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1 ~~relations mediation as provided under section 11 or 13 of the~~
2 ~~friend of the court act, Act No. 294 of the Public Acts of 1982,~~
3 ~~being sections 552.511 and 552.513 of the Michigan Compiled~~
4 ~~Laws.~~ NOTWITHSTANDING THE REQUIREMENT OF SUBSECTION (1), THE
5 OFFICE OF THE FRIEND OF THE COURT MAY DECLINE TO RESPOND TO AN
6 ALLEGED CUSTODY OR PARENTING TIME ORDER VIOLATION UNDER ANY OF
7 THE FOLLOWING CIRCUMSTANCES:

8 (A) THE PARTY SUBMITTING THE COMPLAINT HAS PREVIOUSLY SUB-
9 MITTED 2 OR MORE COMPLAINTS ALLEGING CUSTODY OR PARENTING TIME
10 ORDER VIOLATIONS THAT WERE FOUND TO BE UNWARRANTED, COSTS WERE
11 ASSESSED AGAINST THE PARTY BECAUSE A COMPLAINT WAS FOUND TO BE
12 UNWARRANTED, AND THE PARTY HAS NOT PAID THOSE COSTS.

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

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

18 (3) THIS SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH THE
19 GUIDELINES DEVELOPED AS REQUIRED IN SECTION 19 OF THE FRIEND OF
20 THE COURT ACT, MCL 552.519.

21 Sec. 42. (1) ~~Not later than 180 days after the enactment~~
22 ~~date of this amendatory act, each circuit shall formulate~~ EACH
23 CIRCUIT SHALL ESTABLISH a makeup parenting time policy under
24 which a ~~noncustodial~~ parent who has been wrongfully denied par-
25 enting time is able to make up the parenting time at a later
26 date. The policy does not apply until it is approved by the
27 chief circuit judge. ~~or only circuit judge of the circuit.~~ (2)

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1 ~~Before a makeup parenting time policy is applied in a particular~~
2 ~~case, the office of the friend of the court shall send to both~~
3 ~~parties a notice, by ordinary mail to the person's last known~~
4 ~~address, that the policy will be applied in their case. (3) A~~
5 ~~makeup parenting time policy formulated and approved~~
6 ~~ESTABLISHED under this section shall include PROVIDE all of the~~
7 ~~following:~~

8 (a) ~~Makeup~~ THAT MAKEUP parenting time shall be AT LEAST
9 the same type and duration of parenting time as the parenting
10 time that was denied, including but not limited to weekend par-
11 enting time for weekend parenting time, holiday parenting time
12 for holiday parenting time, weekday parenting time for weekday
13 parenting time, and summer parenting time for summer parenting
14 time.

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

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

21 ~~(4) Beginning upon approval of a makeup parenting time~~
22 ~~policy formulated pursuant to subsection (1), the office of the~~
23 ~~friend of the court shall keep an accurate record of alleged par-~~
24 ~~enting time arrears and the noncustodial parent shall give to the~~
25 ~~office written notice of an alleged, wrongfully denied parenting~~
26 ~~time within 7 days of alleged denial.~~

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

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

(2) IF wrongfully denied parenting time is alleged and the friend of the court determines that action should be taken,
~~under section 41(1)(a), the following shall apply: (a) The office of the friend of the court shall give to the custodial parent within 5 days after receipt of the notice of denied parenting time under subsection (4) a notice, which shall contain~~
THE OFFICE OF THE FRIEND OF THE COURT SHALL SEND EACH PARTY A NOTICE CONTAINING the following statement in ~~boldface~~ BOLDFACED type of not less than 12 points:

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

~~(b) If the custodial parent makes a timely reply contesting the alleged wrongful denial of parenting time, a hearing shall be~~

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1 ~~held by a referee or a circuit judge after notice is given to~~
2 ~~both parties.~~

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

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

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

13 ~~(f) The noncustodial parent shall give to the office of the~~
14 ~~friend of the court and custodial parent a written notice of~~
15 ~~makeup parenting time at least 1 week before a makeup weekday or~~
16 ~~weekend parenting time or at least 30 days before a makeup holi-~~
17 ~~day or makeup summer parenting time.~~

18 (3) IF A PARTY TO THE PARENTING TIME ORDER DOES NOT RESPOND
19 IN WRITING TO THE OFFICE OF THE FRIEND OF THE COURT, WITHIN
20 21 DAYS AFTER THE OFFICE SENDS THE NOTICE REQUIRED UNDER
21 SUBSECTION (2), TO CONTEST THE APPLICATION OF THE MAKEUP PARENT-
22 ING TIME POLICY, THE OFFICE OF THE FRIEND OF THE COURT SHALL
23 NOTIFY EACH PARTY THAT THE MAKEUP PARENTING TIME POLICY APPLIES.
24 IF A PARTY MAKES A TIMELY RESPONSE TO CONTEST THE APPLICATION OF
25 THE MAKEUP PARENTING TIME POLICY, THE OFFICE OF THE FRIEND OF THE
26 COURT SHALL UTILIZE A PROCEDURE AUTHORIZED UNDER SECTION 41 OTHER
27 THAN THE APPLICATION OF THE MAKEUP PARENTING TIME POLICY.

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

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

6 (3) ONLY AN INDIVIDUAL WHO COMPLETES THE TRAINING PROGRAM
7 DESCRIBED IN SECTION 19(3)(B) SHALL CONDUCT A JOINT MEETING. AT
8 THE BEGINNING OF A JOINT MEETING, THE INDIVIDUAL CONDUCTING THE
9 JOINT MEETING SHALL DO THE FOLLOWING:

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

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

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

16 (A) IF THE PARTIES REACH AN ACCOMMODATION, RECORD THE ACCOM-
17 MODATION IN WRITING AND PROVIDE A COPY TO EACH PARTY.

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

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

24 (A) A COPY OF THE RECOMMENDED ORDER.

25 (B) NOTICE THAT THE COURT MAY ISSUE THE RECOMMENDED ORDER
26 RESOLVING THE DISPUTE UNLESS A PARTY OBJECTS TO THE ORDER WITHIN
27 21 DAYS AFTER THE NOTICE IS SENT.

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

3 (D) NOTICE THAT A PARTY MAY WAIVE THE 21-DAY OBJECTION
4 PERIOD BY RETURNING A SIGNED COPY OF THE RECOMMENDATION.

5 (6) IF A PARTY FILES A WRITTEN OBJECTION WITHIN THE 21-DAY
6 LIMIT, THE OFFICE SHALL SET A COURT HEARING, BEFORE A JUDGE OR
7 REFEREE, TO RESOLVE THE DISPUTE. IF A PARTY FAILS TO FILE A WRIT-
8 TEN OBJECTION WITHIN THE 21-DAY LIMIT, THE OFFICE SHALL SUBMIT
9 THE PROPOSED ORDER TO THE COURT FOR ENTRY IF THE COURT APPROVES
10 IT.

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

15 Sec. 44. (1) If the office of the friend of the court
16 determines that ~~application of a makeup parenting time policy~~
17 ~~under section 41(1)(a)~~ A PROCEDURE FOR RESOLVING A PARENTING
18 TIME DISPUTE AUTHORIZED UNDER SECTION 41 OTHER THAN A CIVIL CON-
19 TEMPT PROCEEDING is unsuccessful in resolving a parenting time
20 dispute, ~~or that action should otherwise be taken under~~
21 ~~section 41(1)(b)~~, the office of the friend of the court shall
22 commence a civil contempt proceeding to resolve a dispute con-
23 cerning parenting time with a minor child by filing with the cir-
24 cuit court a petition for an order to show cause why either
25 parent who has violated a parenting time order should not be held
26 in contempt. The office of the friend of the court shall notify

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1 the parent who is the subject of the petition. The notice shall
2 include at least all of the following:

3 (a) A list of each possible sanction if the parent is found
4 in contempt.

5 (b) The right of the parent to a hearing on a proposed modi-
6 fication of parenting time if requested within ~~14~~ 21 days after
7 the date of the notice, as provided in section 45.

8 (2) If the court finds that either parent has violated a
9 parenting time order WITHOUT GOOD CAUSE, the court shall find
10 that parent in contempt and may do 1 or more of the following:

11 (a) Require additional terms and conditions consistent with
12 the court's parenting time order.

13 (b) After notice to both parties and a hearing, if requested
14 by a party, on a proposed modification of parenting time, modify
15 the parenting time order to meet the best interests of the
16 child.

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

20 (d) Order the parent to pay a fine of not more than
21 \$100.00.

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

23 (f) Commit the parent to the county jail with the privilege
24 of leaving the jail during the hours the court determines neces-
25 sary, and under the supervision the court considers necessary,
26 for the purpose of allowing the parent to go to and return from
27 his or her place of employment.

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1 (g) If the parent holds an occupational license, driver's
2 license, or recreational or sporting license, condition the sus-
3 pension of the license, or any combination of the licenses, upon
4 noncompliance with an order for makeup and ongoing parenting
5 time.

6 (H) IF AVAILABLE WITHIN THE COURT'S JURISDICTION, ORDER THE
7 PARENT TO PARTICIPATE IN A COMMUNITY CORRECTIONS PROGRAM ESTAB-
8 LISHED AS PROVIDED IN THE COMMUNITY CORRECTIONS ACT, 1988 PA 511,
9 MCL 791.401 TO 791.414.

10 (3) ~~-(h)-State~~ THE COURT SHALL STATE on the record the
11 reason the court is not ordering a sanction listed in
12 ~~subdivisions (a) to (g)~~ SUBSECTION (2)(A) TO (H). FOR THE PUR-
13 POSE OF SUBSECTION (2), "GOOD CAUSE" INCLUDES, BUT IS NOT LIMITED
14 TO, CONSIDERATION OF THE SAFETY OF A CHILD OR PARTY WHO IS GOV-
15 ERNED BY THE PARENTING TIME ORDER.

16 (4) ~~-(3)-~~ A commitment under subsection (2)(e) or (f) shall
17 not exceed 45 days for the first finding of contempt or 90 days
18 for each subsequent finding of contempt. A parent committed
19 under subsection (2)(e) or (f) shall be released if the court has
20 reasonable cause to believe that the parent will comply with the
21 parenting time order.

22 (5) ~~-(4)-~~ If a parent fails to appear in response to an
23 order to show cause, the court may issue a bench warrant requir-
24 ing that the parent be brought before the court without unneces-
25 sary delay to show cause why the parent should not be held in
26 contempt. Except for good cause shown on the record, the court
27 shall further order the parent to pay the costs of the hearing,

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1 the issuance of the warrant, the arrest, and further hearings,
2 which costs shall be transmitted to the county treasurer for dis-
3 tribution as provided in section 31.

4 (6) IF THE COURT FINDS THAT A PARTY TO A PARENTING TIME DIS-
5 PUTE HAS ACTED IN BAD FAITH, THE COURT SHALL ORDER THE PARTY TO
6 PAY A SANCTION OF NOT MORE THAN \$250.00 FOR THE FIRST TIME THE
7 PARTY IS FOUND TO HAVE ACTED IN BAD FAITH, NOT MORE THAN \$500.00
8 FOR THE SECOND TIME, AND NOT MORE THAN \$1,000.00 FOR THE THIRD OR
9 A SUBSEQUENT TIME. A SANCTION ORDERED UNDER THIS SUBSECTION
10 SHALL BE DEPOSITED IN THE FRIEND OF THE COURT FUND CREATED IN
11 SECTION 2530 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
12 MCL 600.2530, AND SHALL BE USED TO FUND SERVICES THAT ARE NOT
13 TITLE IV-D SERVICES.

14 (7) A FINE ORDERED UNDER SUBSECTION (2), COSTS ORDERED UNDER
15 SUBSECTION (5), OR A SANCTION ORDERED UNDER SUBSECTION (6)
16 BECOMES A JUDGMENT AT THE TIME THEY ARE ORDERED.

17 (8) IF THE COURT FINDS THAT A PARTY TO A PARENTING TIME DIS-
18 PUTE HAS ACTED IN BAD FAITH, THE COURT SHALL ORDER THE PARTY TO
19 PAY THE OTHER PARTY'S COSTS.

20 Sec. 45. (1) If the court enters an order under section
21 44(2)(g) and the parent fails to comply with the makeup and ongo-
22 ing parenting time schedule, the court shall find the parent in
23 contempt and, after notice and an opportunity for a hearing, may
24 order suspension of the parent's license or licenses with respect
25 to which the order under section 44(2)(g) was entered and proceed
26 under section 30.

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1 (2) After entry of a suspension order under subsection (1),
2 a parent may agree to a makeup parenting time schedule. The
3 court may order a makeup parenting time schedule if the parent
4 demonstrates a good faith effort to comply with the parenting
5 time order. If the court orders a makeup parenting time sched-
6 ule, the court shall enter an order rescinding the suspension
7 order that is effective as provided in section 4 of the regulated
8 occupation support enforcement act, 1996 PA 236, MCL 338.3434,
9 section 321c of the Michigan vehicle code, 1949 PA 300, MCL
10 257.321c, or section 43559 of the natural resources and environ-
11 mental protection act, 1994 PA 451, MCL 324.43559. Within 7
12 business days after entry of the order rescinding the suspension
13 order, the office of the friend of the court shall send a copy of
14 the order rescinding the suspension order to the licensing
15 agency.

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

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1 Enacting section 1. This amendatory act takes effect
2 December 1, 2002.