

HOUSE BILL No. 6006

May 7, 2002, Introduced by Reps. Koetje, Tabor, Hummel, DeRossett, Howell, Newell, Vander Veen, Voorhees, Patterson, Raczkowski, Caul, Julian, Bisbee, Vear, George and Jansen and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1982 PA 295, entitled
"Support and parenting time enforcement act,"
by amending sections 2, 31, 32, 33, and 35 (MCL 552.602, 552.631,
552.632, 552.633, and 552.635), section 2 as amended by 1999
PA 160, sections 31 and 32 as amended by 2000 PA 442, and sec-
tions 33 and 35 as amended by 1998 PA 334.

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.

(vi) A savings account.

(vii) A time savings account.

(viii) A mutual fund account.

(ix) A securities brokerage account.

(x) A money market account.

(xi) A retail investment account.

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

(i) A trust.

(ii) An annuity.

(iii) A qualified individual retirement account.

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

(v) A pension or retirement plan.

(vi) An insurance policy.

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

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

(E) "COURT FAMILY SERVICES OFFICE" MEANS AN AGENCY CREATED IN SECTION 3 OF THE COURT FAMILY SERVICES OFFICE ACT, MCL 552.503.

(F) "COURT FAMILY SERVICES OFFICE ACT" MEANS 1982 PA 294, MCL 552.501 TO 552.535.

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

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

6 (I) ~~-(f)-~~ "Employer" means an individual, sole proprietor-
7 ship, partnership, association, or private or public corporation,
8 the United States or a federal agency, this state or a political
9 subdivision of this state, another state or a political subdivi-
10 sion of another state, or another legal entity that hires and
11 pays an individual for his or her services.

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

14 (K) ~~-(h)-~~ "Financial institution" means any of the
15 following:

16 (i) A state or national bank.

17 (ii) A state or federally chartered savings and loan
18 association.

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

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

21 (v) An insurance company.

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

24 (A) A mutual fund account.

25 (B) A securities brokerage account.

26 (C) A money market account.

1 (D) A retail investment account.

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

4 (viii) An entity that is a member of the national associa-
5 tion of securities dealers and that collects funds from the
6 public.

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

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

10 (l) ~~(j)~~ "Income" means any of the following:

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

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

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

24 (M) ~~(k)~~ "Insurer" means an insurer, health maintenance
25 organization, health care corporation, or other group, plan, or
26 entity that provides health care coverage in accordance with any
27 of the following acts:

1 (i) The public health code, 1978 PA 368, MCL 333.1101 to
2 333.25211.

3 (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to
4 500.8302.

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

7 (N) "IV-D AGENCY" MEANS THE AGENCY IN THIS STATE PERFORMING
8 THE FUNCTIONS UNDER PART D OF TITLE IV OF THE SOCIAL SECURITY
9 ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655, 656 TO 660,
10 AND 663 TO 669b, AND INCLUDES A PERSON PERFORMING THOSE FUNCTIONS
11 UNDER CONTRACT INCLUDING A COURT FAMILY SERVICES OFFICE OR A
12 PROSECUTING ATTORNEY.

13 (O) ~~-(I)-~~ "Medical assistance" means medical assistance as
14 established under title XIX of the social security act, chapter
15 531, 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6
16 ~~—~~ and 1396r-8 to 1396v.

17 (P) ~~-(m)-~~ "Occupational license" means a certificate, regis-
18 tration, or license issued by a state department, bureau, or
19 agency that has regulatory authority over an individual that
20 allows an individual to legally engage in a regulated occupation
21 or that allows the individual to use a specific title in the
22 practice of an occupation, profession, or vocation.

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

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

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

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

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

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

(V) ~~(s)~~ "Political subdivision" means a county, city, village, township, educational institution, school district, or special district or authority of the state or of a local unit of government.

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

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

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

1 (iii) The department, if support has been assigned to that
2 department.

3 (X) ~~-(u)-~~ "Recreational or sporting license" means a hunt-
4 ing, fishing, or fur harvester's license issued under the natural
5 resources and environmental protection act, 1994 PA 451,
6 MCL 324.101 to 324.90106, but does not include a commercial fish-
7 ing license or permit issued under part 473 of the natural
8 resources and environmental protection act, 1994 PA 451,
9 MCL 324.47301 to 324.47362.

10 (Y) ~~-(v)-~~ "Referee" means ~~a person~~ AN INDIVIDUAL who is
11 designated as a referee under the friend of the court act.

12 (Z) ~~-(w)-~~ "Source of income" means an employer or successor
13 employer or another individual or entity that owes or will owe
14 income to the payer.

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

18 (BB) "STATE COURT FAMILY SERVICES OFFICE BUREAU" IS THE
19 STATE COURT FAMILY SERVICES OFFICE BUREAU CREATED IN THE STATE
20 COURT ADMINISTRATIVE OFFICE IN SECTION 19 OF THE COURT FAMILY
21 SERVICES OFFICE ACT, MCL 552.519.

22 (CC) ~~-(y)-~~ "Support" means all of the following:

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

1 (ii) The payment of money ordered by the circuit court under
2 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
3 necessary expenses incurred by or for the mother in connection
4 with her confinement, for other expenses in connection with the
5 pregnancy of the mother, or for the repayment of genetic testing
6 expenses.

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

8 (DD) ~~-(z)-~~ "Support order" means an order entered by the
9 circuit court for the payment of support, whether or not a sum
10 certain.

11 (EE) ~~-(aa)-~~ "Work activity" means any of the following:

12 (i) Unsubsidized employment.

13 (ii) Subsidized private sector employment.

14 (iii) Subsidized public sector employment.

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

18 (v) On-the-job training.

19 (vi) Job search and job readiness 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.

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

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

Sec. 31. (1) If a person is ordered to pay support under a support order and fails or refuses to obey and perform the order, and if an order of income withholding is inapplicable or unsuccessful, a recipient of support or ~~the office of the friend of~~ the court FAMILY SERVICES OFFICE may commence a civil contempt proceeding by filing in the circuit court a petition for an order to show cause why the delinquent payer should not be held in contempt. If the payer fails to appear in response to an order to show cause, the court ~~may issue a bench warrant requiring that the payer be brought before the court without unnecessary delay to answer and plead to that neglect or refusal.~~ SHALL DO 1 OR MORE OF THE FOLLOWING:

(A) FIND THE PAYER IN CONTEMPT FOR FAILURE TO APPEAR.

(B) FIND THE PAYER IN CONTEMPT FOR THE REASONS STATED IN THE MOTION FOR THE SHOW CAUSE HEARING.

(C) APPLY AN ENFORCEMENT REMEDY AUTHORIZED UNDER THIS ACT OR THE COURT FAMILY SERVICES OFFICE ACT FOR THE NONPAYMENT OF SUPPORT.

(D) ISSUE A BENCH WARRANT FOR THE PAYER'S ARREST REQUIRING THAT THE PAYER BE BROUGHT BEFORE THE COURT WITHOUT UNNECESSARY

1 DELAY FOR FURTHER PROCEEDINGS IN CONNECTION WITH THE SHOW CAUSE
2 OR CONTEMPT PROCEEDINGS.

3 (E) ADJOURN THE HEARING.

4 (F) DISMISS THE ORDER TO SHOW CAUSE IF THE COURT DETERMINES
5 THAT THE PAYER IS NOT IN CONTEMPT.

6 (2) In a bench warrant issued under this section, the court
7 SHALL DECREE THAT THE PAYER IS SUBJECT TO ARREST IF APPREHENDED
8 OR DETAINED ANYWHERE IN THIS STATE AND shall require that, upon
9 arrest, unless the payer deposits a CASH PERFORMANCE bond ~~or~~
10 ~~cash~~ in the manner required by section 32, the payer shall
11 remain in custody until the time of the hearing. ~~Except as oth-~~
12 ~~erwise provided in this section, the bond or cash~~ THE COURT
13 SHALL SPECIFY IN THE BENCH WARRANT THE CASH PERFORMANCE BOND
14 AMOUNT. IN THE ABSENCE OF SUBSTANTIAL EVIDENCE TO THE CONTRARY,
15 THE COURT SHALL PRESUME THAT THE CASH PERFORMANCE BOND amount
16 shall be set at not less than \$500.00 or 25% of the arrearage,
17 whichever is greater. At its own discretion, the court may add
18 to the amount of the required deposit the amount of the costs the
19 court may require under subsection (3).

20 (3) If the court issues a bench warrant under this section,
21 except for good cause shown on the record, the court shall order
22 the payer to pay the costs related to the hearing, issuance of
23 the warrant, arrest, and further hearings. Those costs and costs
24 ordered for failure to appear under ~~sections~~ SECTION 32 ~~and~~
25 OR 44 shall be transmitted to the county treasurer for distribu-
26 tion as required in section 2530 of the revised judicature act of
27 1961, 1961 PA 236, MCL 600.2530.

1 Sec. 32. ~~If a payer arrested under a bench warrant issued~~
2 ~~under section 31 cannot be brought before the court within 24~~
3 ~~hours, the payer may recognize for his or her appearance by leav-~~
4 ~~ing with the sheriff or deputy sheriff in charge of the county~~
5 ~~jail a bond or cash in the amount stated on the bench warrant.~~

6 IF A BENCH WARRANT WAS ISSUED AND THE PAYER IS ARRESTED IN THE
7 COUNTY THAT ISSUED THE WARRANT OR ANOTHER COUNTY IN THIS STATE,
8 THE PAYER SHALL REMAIN IN CUSTODY UNTIL THERE IS A HEARING OR THE
9 PAYER POSTS AN ADEQUATE CASH PERFORMANCE BOND. IF THE PAYER
10 CANNOT POST THE CASH PERFORMANCE BOND IN THE AMOUNT STATED IN THE
11 BENCH WARRANT, THE PAYER IS ENTITLED TO A HEARING WITHIN 48
12 HOURS, EXCLUDING WEEKENDS AND HOLIDAYS. THE ISSUES TO BE CONSID-
13 ERED AT A HEARING REQUIRED UNDER THIS SUBSECTION ARE LIMITED TO
14 THE PAYER'S ANSWER TO THE ORDER TO SHOW CAUSE AND, IF THE PAYER
15 WAS FOUND IN CONTEMPT, TO FURTHER PROCEEDINGS RELATED TO THE
16 PAYER'S CONTEMPT. IF THE HEARING IS NOT HELD AS PROVIDED IN THIS
17 SUBSECTION, THE COURT SHALL REVIEW, BASED ON CRITERIA PRESCRIBED
18 IN THE MICHIGAN COURT RULES, THE AMOUNT OF THE CASH PERFORMANCE
19 BOND TO DETERMINE AN AMOUNT THAT WILL ENSURE THE PAYER'S APPEAR-
20 ANCE AND SHALL SET A DATE FOR A HEARING TO BE HELD UNDER SUBSEC-
21 TION (4) WITHIN THE TIME LIMIT PRESCRIBED IN THE MICHIGAN COURT
22 RULES.

23 (2) The officer receiving a CASH PERFORMANCE bond ~~or cash~~
24 under subsection (1) shall give to the arrested payer a receipt
25 for the CASH PERFORMANCE bond ~~or cash~~ on a form SUBSTANTIALLY
26 as follows:

1 "Date _____

2 ~~Received from _____ a bond or cash in the amount~~

3 ~~of _____ dollars to assure the appearance of~~

4 ~~_____ before _____ circuit court judge~~

5 ~~in the county of _____, at _____ on the _____~~

6 ~~day of _____, 19__, to respond to an order to show~~

7 ~~cause why he or she should not be held in contempt for failure or~~

8 ~~refusal to obey or perform a support order.~~

9 RECEIVED FROM _____ (REFERRED TO IN THIS RECEIPT

10 AS "THE PAYER") TO ASSURE THE PERFORMANCE OF THE PAYER'S SUPPORT

11 OBLIGATION. THE PAYER SHALL APPEAR FOR HEARING AT A DATE NOTICED

12 TO THE PAYER BY THE COURT AT THE FOLLOWING ADDRESS:

13 _____

14 (ADDRESS FURNISHED BY THE PAYER FOR RECEIPT OF NOTICE)

15 THE HEARING IS FOR THE PAYER TO ANSWER THE SHOW CAUSE ORDER AND,

16 IF THE PAYER WAS FOUND IN CONTEMPT, TO FURTHER PROCEEDINGS

17 RELATED TO THE PAYER'S CONTEMPT.

18 If the payer fails to appear at the time and place indicated

19 ~~above~~ IN THE COURT'S NOTICE, fails to submit to the jurisdic-

20 tion of the court, and fails to abide by an order of the court,

21 the CASH PERFORMANCE bond ~~or cash deposited~~ shall be transmit-

22 ted to ~~the friend of~~ the court FAMILY SERVICES OFFICE or to the

23 state disbursement unit for payment of the arrearage to the

24 recipient of support and of costs to the court. IF THE PAYER

25 APPEARS AT THE TIME AND PLACE INDICATED ABOVE AND THE COURT

26 DETERMINES THAT THE PAYER OWES AN ARREARAGE UNDER THE SUPPORT

27 ORDER THAT IS THE BASIS OF THE ORDER TO SHOW CAUSE AND OWES COSTS

TO THE COURT, THE CASH PERFORMANCE BOND DEPOSITED SHALL BE TRANSMITTED TO THE COURT FAMILY SERVICES OFFICE OR TO THE STATE DISBURSEMENT UNIT FOR PAYMENT OF THE ARREARAGE TO THE RECIPIENT OF SUPPORT AND OF COSTS TO THE COURT. By depositing the CASH PERFORMANCE bond ~~or cash~~ with the officer and accepting this receipt, the recipient of this receipt waives a claim to the money under the CASH PERFORMANCE bond ~~or to the cash~~ following its transmittal to ~~the friend of~~ the court FAMILY SERVICES OFFICE or to the SDU.

Officer: _____ Dept.: _____".

(3) The officer receiving ~~the bond or cash~~ A CASH PERFORMANCE BOND shall in turn deposit the bond ~~or cash~~ received under this section with the clerk of the court that issued the bench warrant. IF THE PAYER DEPOSITS A CASH PERFORMANCE BOND UNDER THIS SECTION, THE DATE FOR A HEARING TO BE HELD UNDER SUBSECTION (4) SHALL BE SET WITHIN THE TIME LIMIT PRESCRIBED IN THE MICHIGAN COURT RULES.

(4) THE ISSUES TO BE CONSIDERED AT A HEARING REQUIRED UNDER THIS SUBSECTION ARE LIMITED TO THE PAYER'S ANSWER TO THE ORDER TO SHOW CAUSE AND, IF THE PAYER WAS FOUND IN CONTEMPT, TO FURTHER PROCEEDINGS RELATED TO THE PAYER'S CONTEMPT. On the basis of the hearing, ~~on the order to show cause,~~ the court by order shall determine how much of the CASH PERFORMANCE bond ~~or cash~~ deposited under this section is to be transmitted to ~~the friend of~~ the court FAMILY SERVICES OFFICE or to the SDU for payment to 1 or more recipients of support and ~~shall return the balance, if~~

1 ~~any, to the payer~~ TO THE COUNTY TREASURER FOR DISTRIBUTION AS
2 PROVIDED IN SECTION 31. THE BALANCE, IF ANY, SHALL BE RETURNED
3 TO THE PERSON WHO POSTED THE CASH PERFORMANCE BOND ON THE PAYER'S
4 BEHALF.

5 (5) If the payer fails to appear as required, the court
6 shall ORDER THE CASH PERFORMANCE BOND FORFEITED AND transmit the
7 bond ~~or cash~~ to ~~the friend of~~ the court FAMILY SERVICES
8 OFFICE or to the SDU for payment to 1 or more recipients of sup-
9 port and to the county treasurer for distribution as provided in
10 section 31. In addition, the court may again issue a bench war-
11 rant for the further appearance of the payer AS PROVIDED IN
12 SECTION 31.

13 (6) ~~If the payer does not post the bond or cash under this~~
14 ~~section and remains in custody, the court shall hold the show~~
15 ~~cause hearing within 48 hours after the arrest.~~ THE COURT MAY
16 SET ASIDE A FINDING OF CONTEMPT UNDER SECTION 31 IF THE COURT
17 FINDS, BASED ON THE HEARING UNDER THIS SECTION, THAT THE PAYER IS
18 IN COMPLIANCE WITH THE COURT'S ORDER OR FOR OTHER GOOD CAUSE
19 SHOWN.

20 Sec. 33. (1) The court may find a payer in contempt if the
21 court finds that the payer is in arrears and if the court is sat-
22 isfied that the payer has the capacity to pay out of currently
23 available resources all or some portion of the amount due under
24 the support order. In the absence of proofs to the contrary
25 introduced by the payer, the court shall presume that the payer
26 has currently available resources equal to 4 weeks of payments
27 under the support order. The court shall not find that the payer

1 has currently available resources of more than 4 weeks of
2 payments without proof of those resources by ~~the office of the~~
3 ~~friend of~~ the court FAMILY SERVICES OFFICE or the recipient of
4 support. Upon finding a payer in contempt of court under this
5 section, the court may immediately enter an order doing 1 OR MORE
6 of the following:

7 (a) Committing the payer to the county jail.

8 (b) Committing the payer to the county jail with the privi-
9 lege of leaving the jail during the hours the court determines,
10 and under the supervision the court considers, necessary for the
11 purpose of allowing the payer to go to and return from his or her
12 place of employment.

13 (c) Committing the payer to a penal or correctional facility
14 in this state that is not operated by the state department of
15 corrections.

16 (d) If the payer holds an occupational license, driver's
17 license, or recreational or sporting license, conditioning a sus-
18 pension of the payer's license, or any combination of the
19 licenses, upon noncompliance with an order for payment of the
20 arrearage in 1 or more scheduled installments of a sum certain.
21 A court shall not order the sanction authorized by this subdivi-
22 sion unless the court finds that the payer has accrued an arrear-
23 age of support payments in an amount greater than the amount of
24 periodic support payments payable for ~~6 months~~ 1 MONTH under
25 the payer's support order.

26 (e) Ordering the payer to participate in a work activity.

27 ~~The court shall not enter an order using this subdivision unless~~

1 ~~the payer's arrearage is under a child support order and a child~~
2 ~~who is the subject of that order is receiving financial assist-~~
3 ~~ance under title IV of the social security act, chapter 531, 49~~
4 ~~Stat. 620, 42 U.S.C. 601 to 603, 604 to 608, 609 to 619, 620 to~~
5 ~~629e, 651 to 660, 663 to 669b, 670 to 673, 673b, 674 to 679,~~
6 ~~679b, and 681 to 687.~~ This subdivision does not alter the
7 court's authority to include provisions in an order issued under
8 this section concerning a payer's employment or his or her seek-
9 ing of employment as that authority exists on ~~the effective date~~
10 ~~of the amendatory act that added this subdivision~~ AUGUST 10,
11 1998.

12 (2) If the court enters an order under subsection (1)(d) and
13 the payer fails to comply with the arrearage payment schedule,
14 after notice and opportunity for a hearing, the court shall order
15 suspension of the payer's license or licenses with respect to
16 which the order under subsection (1)(d) was entered and shall
17 proceed under section 30.

18 Sec. 35. (1) The court may find a payer in contempt if the
19 court finds that the payer is in arrears and if the court is sat-
20 isfied that by the exercise of diligence the payer could have the
21 capacity to pay all or some portion of the amount due under the
22 support order and that the payer fails or refuses to do so.

23 (2) Upon finding a payer in contempt of court under this
24 section, the court may immediately enter an order doing ~~either~~
25 1 OR MORE of the following:

26 (a) Committing the payer to the county jail with the
27 privilege of leaving the jail during the hours the court

1 determines, and under the supervision the court considers,
2 necessary for the purpose of allowing the payer to go to and
3 return from his or her place of employment or, if the person
4 wishes to seek employment, to seek employment.

5 (b) If the payer holds an occupational license, driver's
6 license, or recreational or sporting license, conditioning a sus-
7 pension of the payer's license, or any combination of the
8 licenses, upon noncompliance with an order for payment of the
9 arrearage in 1 or more scheduled installments of a sum certain.

10 A court shall not order the sanction authorized by this subdivi-
11 sion unless the court finds that the payer has accrued an arrear-
12 age of support payments in an amount greater than the amount of
13 periodic support payments payable for ~~6 months~~ 1 MONTH under
14 the payer's support order.

15 (c) Ordering the payer to participate in a work activity.
16 ~~The court shall not enter an order using this subdivision unless~~
17 ~~the payer's arrearage is under a child support order and a child~~
18 ~~who is the subject of that order is receiving financial assist-~~
19 ~~ance under title IV of the social security act, chapter 531, 49~~
20 ~~Stat. 620, 42 U.S.C. 601 to 603, 604 to 608, 609 to 619, 620 to~~
21 ~~629e, 651 to 660, 663 to 669b, 670 to 673, 673b, 674 to 679,~~
22 ~~679b, and 681 to 687.~~ This subdivision does not alter the
23 court's authority to include provisions in an order issued under
24 this section concerning a payer's employment or his or her seek-
25 ing of employment as that authority exists on ~~the effective date~~
26 ~~of the amendatory act that added this subdivision~~ AUGUST 10,
27 1998.

1 (3) Notwithstanding the length of commitment imposed under
2 this section, ~~an unemployed payer~~ THE COURT MAY RELEASE A PAYER
3 WHO IS UNEMPLOYED WHEN committed to a county jail under this sec-
4 tion AND who finds employment ~~shall be released from jail~~ if
5 either of the following applies:

6 (a) The payer is self-employed, ~~and has completed~~
7 COMPLETES 2 consecutive weeks at his or her employment, AND MAKES
8 A SUPPORT PAYMENT AS REQUIRED BY THE COURT.

9 (b) The payer is employed and ~~has completed~~ COMPLETES 2
10 consecutive weeks at his or her employment and an order of income
11 withholding is effective.

12 (4) If the court enters an order under subsection (2)(b) and
13 the payer fails to comply with the arrearage payment schedule,
14 after notice and an opportunity for a hearing, the court shall
15 order suspension of the payer's license or licenses with respect
16 to which the order under subsection (2)(b) was entered and shall
17 proceed under section 30.