

SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)
Act 295 of 1982

***** 552.635a.added THIS ADDED SECTION IS EFFECTIVE MARCH 17, 2015 *****

552.635a.added Alternative contempt track docket.

Sec. 35a. (1) A payer who meets the criteria in subsection (2) may, with the consent of the court, agree to have his or her case placed on an alternative contempt track docket.

(2) The alternative contempt track is available for a payer who is determined by the court to have difficulty making support payments due to any of the following:

- (a) A documented medical condition.
- (b) A documented psychological disorder.
- (c) Substance use disorder.
- (d) Illiteracy.
- (e) Homelessness.
- (f) A temporary curable condition that the payer has difficulty controlling without assistance.
- (g) Unemployment lasting longer than 27 weeks.

(3) The alternative contempt track shall provide for all of the following:

- (a) A payer who is in the alternative contempt track is subject to probation for a period of up to 1 year.
- (b) The court shall approve a plan to address the conditions in subsection (2).

(c) The court may direct the sheriff to take into custody a payer who fails to comply with the plan described in subdivision (b) under the conditions and for the time that the court directs to bring the payer into compliance with the plan described under subdivision (b). A payer shall not be ordered to remain in the sheriff's custody longer than 45 days for any single plan violation.

(d) If a payer willfully fails to comply with the terms of the plan described in subdivision (b), the court may punish that payer by ordering his or her commitment to jail for a period not to exceed 10 days.

(e) The payer is required to appear for review hearings as scheduled by the court and is subject to arrest according to section 31.

(f) The plan described in subdivision (b) may provide notice of modification to the payer and recipient of support. The court may enter a temporary support order or stay the current order based on the person's ability during the period a payer is under an alternative contempt track plan. Subject to section 3(2), the court shall enter a final support order upon completion or termination of the plan described in subdivision (b). Either party may object to a proposed final support order resulting from a plan described in subdivision (b). If an objection is made, the court must hold a separate hearing on the matter of entry of a final support order.

(g) The court may discharge arrears owed to the state with the state's approval and may also discharge arrears owed to a payee with the payee's consent upon successful completion of the alternative contempt track.

(4) Each court that uses an alternative contempt track must submit a plan for the alternative contempt track and obtain approval of the plan by the state court administrative office under the supervision of the supreme court.

History: Add. 2014, Act 373, Eff. Mar. 17, 2015.