

# HOUSE BILL No. 4039

January 27, 2005, Introduced by Reps. Sheen, Hoogendyk, Drolet, Brandenburg, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Pavlov and Gaffney and referred to the Committee on Judiciary.

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"  
by amending section 33 (MCL 552.633), as amended by 2004 PA 206.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 33. (1) The court may find a payer in contempt if the  
2       court finds that the payer is in arrears and if the court is  
3       satisfied that the payer has the capacity to pay out of currently  
4       available resources all or some portion of the amount due under the  
5       support order. In the absence of proofs to the contrary introduced  
6       by the payer, the court shall presume that the payer has currently  
7       available resources equal to 4 weeks of payments under the support  
8       order. The court shall not find that the payer has currently  
9       available resources of more than 4 weeks of payments without proof

1 of those resources by the office of the friend of the court or the  
2 recipient of support. Upon finding a payer in contempt of court  
3 under this section, the court may immediately enter an order doing  
4 1 or more of the following:

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

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

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

14 (d) If the payer holds an occupational license, driver's  
15 license, or recreational or sporting license, conditioning a  
16 suspension of the payer's license, or any combination of the  
17 licenses, upon noncompliance with an order for payment of the  
18 arrearage in 1 or more scheduled installments of a sum certain. A  
19 court shall not order the sanction authorized by this subdivision  
20 unless the court finds that the payer has accrued an arrearage of  
21 support payments in an amount greater than the amount of periodic  
22 support payments payable for 2 months under the payer's support  
23 order.

24 (e) Ordering the payer to participate in a work activity. This  
25 subdivision does not alter the court's authority to include  
26 provisions in an order issued under this section concerning a  
27 payer's employment or his or her seeking of employment as that

1 authority exists on **OR AFTER** August 10, 1998.

2 (f) If available within the court's jurisdiction, ~~order~~  
3 **ORDERING** the payer to participate in a community corrections  
4 program established as provided in the community corrections act,  
5 1988 PA 511, MCL 791.401 to 791.414.

6 (g) Except as provided by federal law and regulations,  
7 ordering the parent to pay a fine of not more than \$100.00. A fine  
8 ordered under this subdivision shall be deposited in the friend of  
9 the court fund created in section 2530 of the revised judicature  
10 act of 1961, 1961 PA 236, MCL 600.2530.

11 **(H) ORDERING THE PAYER TO BE EMPLOYED AND PAY CHILD SUPPORT,**  
12 **RESTRICTING THE PAYER TO GOING TO AND RETURNING FROM HIS OR HER**  
13 **PLACE OF EMPLOYMENT, REQUIRING THE PAYER TO BE SUBJECT TO**  
14 **ELECTRONIC MONITORING, AND REQUIRING THE PAYER TO PAY FOR THE COST**  
15 **OF THE ELECTRONIC MONITORING.**

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