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

552.633 Finding payer in contempt; presumption; proof of currently available resources.

Sec. 33.

(1) The court may find a payer in contempt if the court finds that the payer is in arrears and 1 or more of the following apply:

(a) The court is satisfied that the payer has the capacity to pay out of currently available resources all or some portion of the amount due under the support order.

(b) The court is satisfied that by the exercise of diligence the payer could have the capacity to pay all or some portion of the amount due under the support order and that the payer fails or refuses to do so.

(c) The payer has failed to obtain a source of income and has failed to participate in a work activity after referral by the friend of the court.

(2) Upon finding a payer in contempt of court under this section, the court may immediately enter an order that does 1 or more of the following:

(a) Commits the payer to the county jail or an alternative to jail.

(b) Commits the payer to the county jail or an alternative to jail with the privilege of leaving the jail or other place of detention during the hours the court determines, and under the supervision the court considers, necessary for the purpose of allowing the payer to satisfy the terms and conditions imposed under section 37 if the payer's release is necessary for the payer to comply with those terms and conditions.

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

(d) Apply any other enforcement remedy authorized under this act or the friend of the court act for the nonpayment of support if the payer's arrearage qualifies and the evidence supports applying that remedy.

(e) Orders the payer to participate in a work activity. This subdivision does not alter the court's authority to include provisions in an order issued under this section concerning a payer's employment or his or her seeking of employment as that authority exists on August 10, 1998.

(f) If available within the court's jurisdiction, orders the payer to participate in a community corrections program established as provided in the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

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

(h) Places the payer under the supervision of the office for a term fixed by the court with reasonable conditions, including, but not limited to, 1 or more of the following:

(i) Participating in a parenting program.

(ii) Participating in drug or alcohol counseling.

(iii) Participating in a work program.

(iv) Seeking employment.

(v) Participating in other counseling.

(vi) Continuing compliance with a current support or parenting time order.

(vii) Entering into and compliance with an arrearage payment plan.

(3) In the absence of proof to the contrary introduced by the payer, the court shall presume that the payer has currently available resources equal to 1 month of payments under the support order. The court shall not find that the payer has currently available resources of more than 1 month of payments without proof of those resources by the office of the friend of the court or the recipient of support.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1996, Act 239, Eff. Jan. 1, 1997 ;-- Am. 1996, Act 336, Eff. Jan. 1, 1997 ;-- Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2004, Act 206, Eff. Feb. 28, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015