

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

552.631 Failure or refusal to obey and perform support order; civil contempt proceeding; failure to appear; bench warrant; cash performance bond; custody; payment and disposition of costs; order rendering vehicle inoperable.

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 may commence a civil contempt proceeding as provided by supreme court rule. If the payer fails to appear at the hearing, the court shall do 1 or more of the following as the court considers appropriate given the information available at the hearing:

- (a) Find the payer in contempt for failure to appear.
 - (b) Find the payer in contempt under section 33.
 - (c) Issue a bench warrant for the payer's arrest requiring that the payer be brought before the court without unnecessary delay for further proceedings in connection with the contempt proceedings.
 - (d) Adjourn the contempt proceeding.
 - (e) Dismiss the contempt proceeding if the court determines that the payer is not in contempt.
- (2) If the court stays a commitment order under section 37, the payer fails to satisfy the conditions of the order, and that fact is brought to the court's attention by the friend of the court, the court may issue a bench warrant for the payer's arrest requiring the payer to be brought before the court without unnecessary delay for further proceedings in connection with the payer's contempt.

(3) In a bench warrant issued under this section, the court shall decree that the payer is subject to arrest if apprehended or detained anywhere in this state and shall require that, upon arrest, unless the payer deposits a cash performance bond in the manner required by section 32, the payer shall remain in custody until the time of the hearing. The court shall specify in the bench warrant the cash performance bond amount. The court shall set the cash performance bond at not less than \$500.00 or 25% of the arrearage, whichever is greater. At its own discretion, the court may set the cash performance bond at an amount up to 100% of the arrearage and add to the amount of the required deposit the amount of the costs the court may require under subsection (4). If a payer is arrested on a felony warrant issued for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, unless the payer deposits a cash performance bond in the manner required by section 32, the court shall require that, upon arrest, the payer remain in custody until the time of the preliminary examination. Upon notification that a payer who has an outstanding bench warrant under this section has been arrested or arraigned on a felony warrant for a violation of section 165 of the Michigan penal code, 1931 PA 328, MCL 750.165, the court may order that the bench warrant be recalled.

(4) If the court issues a bench warrant under this section, except for good cause shown on the record, the court shall order the payer to pay the costs related to the hearing, the issuance of the warrant, the arrest, and any later hearings. Those costs and costs ordered for failure to appear under section 32 or 44 shall be transmitted to the county treasurer for distribution as required in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

(5) If the court issues a bench warrant under this section, the court may enter an order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, by booting or another similar method, subject to release on deposit of an appropriate bond.

History: 1982, Act 295, Eff. July 1, 1983 ;-- Am. 1983, Act 108, Imd. Eff. July 1, 1983 ;-- Am. 1996, Act 301, Eff. Jan. 1, 1997 ;-- Am. 2000, Act 442, Eff. Apr. 1, 2001 ;-- Am. 2002, Act 567, Eff. June 1, 2003 ;-- Am. 2004, Act 569, Imd. Eff. Jan. 3, 2005 ;-- Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009 ;-- Am. 2014, Act 378, Eff. Mar. 17, 2015