

Alternative Contempt Track Plan Checklist¹

With the court's consent, a payer who meets certain criteria may agree to have his/her case placed on an alternative contempt track docket. [MCL 552.635a\(1\)](#). In order to place a payer on an alternative contempt track, the court should make the following inquiries and determinations:

- Determine if the alternative contempt track is available for the payer because he/she has difficulty making support payments due to any of the following reasons outlined in [MCL 552.635a\(2\)](#):
 - A documented medical condition.
 - A documented psychological disorder.
 - Substance use disorder.
 - Illiteracy.
 - Homelessness.
 - A temporary curable condition that he/she has difficulty controlling without assistance.
 - Unemployment lasting longer than 27 weeks. [MCL 552.635a\(2\)](#).
- Determine if the payer agrees to placement of his/her case on an alternative contempt track docket. See [MCL 552.635a\(1\)](#).
- If a reason outlined in [MCL 552.635a\(2\)](#) exists and the payer agrees to placement on an alternative contempt track docket, APPROVE an alternative contempt track plan to address the payer's condition(s). [MCL 552.635a\(3\)\(b\)](#).
- Subject the payer (who is now in an alternative contempt track plan) to probation for a period of up to one year. See [MCL](#)

¹ 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 (SCAO). [MCL 552.635a\(4\)](#).

[552.635a\(3\)\(a\)](#).

- May schedule review hearings (which the payer is required to attend, and is subject to arrest according to [MCL 552.631](#)). See [MCL 552.635a\(3\)\(e\)](#).
- Determine whether the alternative contempt track plan will provide notice of modification to the payer and recipient of support. [MCL 552.635a\(3\)\(f\)](#).
- Determine whether to enter a temporary support order or stay the current order based on the payer's ability during the period the payer is under the alternative contempt track plan. [MCL 552.635a\(3\)\(f\)](#).

On completion or termination of the court-approved alternative contempt track plan and subject to a contempt order issued under [MCL 552.633\(2\)](#),² the court MUST enter a final support order UNLESS a party objects to the proposed final support order resulting from the alternative contempt track plan. See [MCL 552.635a\(3\)\(f\)](#). If either party objects to the proposed final support order, the court MUST hold a separate hearing on the matter of entry of a final support order. *Id.*

Payer fails to comply with the plan. The court MAY direct the sheriff to take a payer into custody for his/her failure to comply with the terms of the alternative contempt track plan. See [MCL 552.635a\(3\)\(c\)](#). Note that a payer cannot be ordered to remain in the sheriff's custody for more than 45 days for any single plan violation. *Id.*

If a payer *willfully* fails to comply with the terms of the alternative contempt track plan, the court MAY punish him/her by ordering his/her commitment to jail for a period not to exceed 10 days. [MCL 552.635a\(3\)\(d\)](#).

Payer successfully completes the plan. The court MAY discharge arrears owed to a payee with the payee's consent or the state with the state's consent on successful completion of the alternative contempt track. [MCL 552.635a\(3\)\(g\)](#).

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).

² Refer to the Michigan Judicial Institute's [Contempt for Support Arrearage \(Payer Appears\) Checklist](#) for finding a payer in contempt under [MCL 552.633](#).