Hearing on the Merits of the Bench Warrant Checklist

The court may issue a bench warrant for the payer's arrest requiring the payer be brought before the court without unnecessary delay for further proceedings in connection with the contempt proceedings IF:

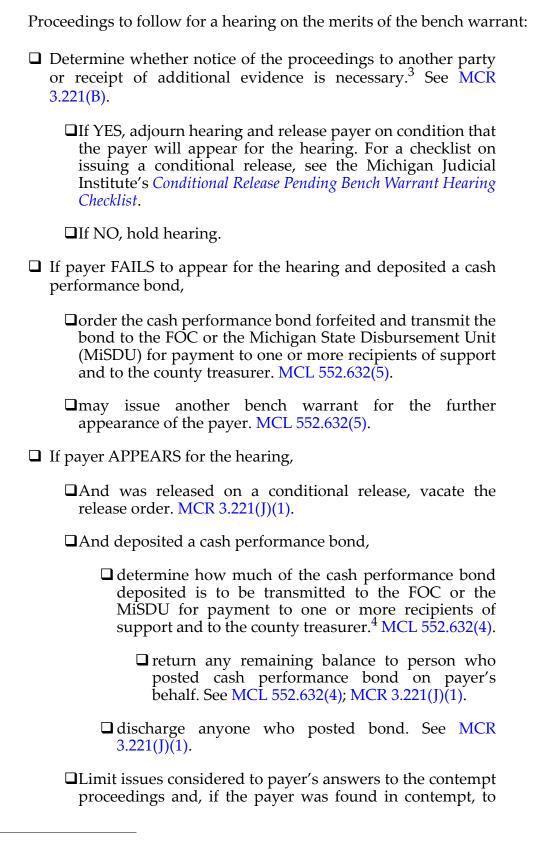
- □ a payer fails to appear at a contempt hearing for support arrearage. MCL 552.631(1)(c).
- □ the court stays a commitment order (issued after a contempt hearing for support arrearage)² and the payer fails to satisfy the conditions of the order and that fact is brought to the court's attention by the Friend of the Court (FOC). MCL 552.631(2); MCL 552.637.

If a payer is arrested under a bench warrant in Michigan, the payer must remain in custody until there is a hearing OR the payer posts an adequate cash performance bond as specified in the bench warrant. MCL 552.631(3); MCL 552.632(1). The hearing on the merits of the bench warrant must be held within 21 days of the arrest OR within 48 hours (excluding weekends and holidays) if the payer cannot post the cash performance bond in the amount stated in the bench warrant. See MCL 552.632(1); MCR 3.221(B).

If a payer did NOT post bond and the hearing on the merits of the bench warrant cannot be heard within 21 days of the date of the arrest, the court MUST without unnecessary delay hold a bond review hearing. For a checklist on a bond review hearing, see the Michigan Judicial Institute's *Bond Review Hearing Checklist*.

¹ For a checklist on the issuance of a bench warrant following a payer's failure to appear for a contempt hearing, see the Michigan Judicial Institute's *Contempt for Support Arrearage (Payer Fails to Appear) Checklist*.

² For a checklist on staying a commitment order following a contempt hearing for support arrearage, see the Michigan Judicial Institute's *Altering Commitment Order Checklist*.



³ "Failure to hold a hearing within 21 days will not deprive the court of jurisdiction to proceed." MCR 3.221(B).

⁴ The court may require the payer to forfeit all or a portion of money payer deposited to pay support, fines, fees, costs, and sanctions. See MCR 3.221(J)(1).

further proceedings related to the payers' contempt. See MCL 552.632(1); MCL 552.632(4).

☐ May set aside a finding of contempt if, based on the hearing, the payer is in compliance with the court's order or for other good cause shown. MCL 552.632(6).

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.