

# **FRIEND OF THE COURT SHOW CAUSE HEARINGS**



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# SHOW CAUSE HEARINGS

## What is a Show Cause Hearing?

If a parent does not do what a custody, parenting time, or support order says they should do, the judge may order the parent to come to court and explain why they have not followed the order. The judge will bring the parent to court with what is called a “show cause” order. This brochure provides a brief summary of the show cause proceedings. **This brochure is NOT a substitute for legal advice.**

## Show Cause Orders and Hearings

A show cause hearing begins when the friend of the court (FOC) or a parent files a motion (a type of court document) saying the other parent did not do something a court order required. For example, the motion might say that a parent did not follow these common types of orders to:

- Pay child support.
- Pay health care expenses.
- Follow the custody or parenting time schedule.
- Provide information to the FOC.

If the court believes the party *may* not have followed the directions in the court order, the court will issue a show cause order. A show cause order tells the parent to appear in court. In court, the parent must explain why the court should not find the parent in contempt of court for not following the order. A parent is in contempt if the parent did not follow the directions of the order and did not have a good excuse for not following the order.

## Who Runs a Show Cause Hearing?

A judge or referee runs the show cause hearing. A referee is a lawyer the court appointed to hold certain types of hearings. Referees cannot issue orders themselves. Instead, they hear the facts and recommend an order to the judge. Unless someone objects to the referee’s recommended order, the judge will sign it if the judge agrees with the referee.

A parent who disagrees with the referee’s recommendation may file a written objection within 21 days and request a completely new hearing before a judge. A person who wants to object to a referee’s recommended order should discuss it with an attorney or contact the local FOC. FOC employees cannot give legal advice, but they can say whether there are local actions to object to a referee’s recommended order.

## What Happens at a Show Cause Hearing?

A person who gets a show cause order **must** go to court on the date stated in the show cause order. In court the person must either prove that the person followed the court’s order or explain why the person could not obey the directions in the order. The person should bring to court documents or facts to support their reasons for not following the order. Examples include: receipts, canceled checks, or other persons who have firsthand information that show the person did or did not follow the order.

If a person cannot follow an order because things have changed since the order was entered, the person may ask the court to change the order. That kind of request may be filed with the court at any time. If a person has a show cause hearing date scheduled and has also filed a request for the court to change the current directions of the order (a “motion”) the court cannot hear them at the same time. A person must still try to follow the directions in the original order until the court changes it.

### **Possible Results if a Person is in Contempt of Court**

The court may do the following if a person is found in contempt for **failing to pay support**:

- Grant additional time to follow the order.
- Require a payment by a certain date.
- Suspend the person’s drivers, work, or recreational licenses.
- Require the person to participate in a work activity or community corrections program.
- Place a “lien” on the person’s property. A “lien” pays the support when the property (such as a car or home) is sold.
- Order the person to pay a fine.

The court may do the following if a person is found in contempt for not following custody **or parenting time** orders:

- Order “makeup” parenting time.
- Change the parenting time order.
- Suspend the person’s drivers, work, or recreational licenses.
- Order the person to participate in a community corrections program.
- Order the person to pay a fine.

If the court finds a person in contempt for failing to pay support or failing to follow a parenting time order, the court may order the person to jail for up to 45 days for a first offense and up to 90 days for any offense after that, until the person does what the court orders at the show cause hearing. A person may hire an attorney for a show cause hearing, but it is not required.

The court may also place a person on probation (court supervision) with the FOC. The court may require a person on probation to:

- Participate in a parenting or work program, drug or alcohol counseling, or other counseling.
- Seek employment.
- Obey the support or parenting time order.
- Enter into an overdue support payment plan or a makeup parenting time plan.

## **HELPFUL HINTS – HOW TO AVOID A SHOW CAUSE PROCEEDING**

### **If a court orders you to do something, do it!**

You should follow an order even if you believe the order seems unfair. You may file a motion asking the judge to change the order, or you may appeal the judge's decision to a higher court. But follow the order until the court changes it!

### **Keep accurate records.**

Make all support payments to the Michigan State Disbursement Unit (MiSDU) unless the judge has ordered you to pay in some other manner. You should keep copies of checks, money orders, or other documents that create a written record of your payments.

Similarly, if there is a dispute about custody or parenting time, keep a journal or some other accurate written record that shows what happened and when it happened.

### **Work it out.**

Try to settle parenting time or custody differences by negotiating directly with the other parent. If you cannot do that, ask the FOC to provide mediation services, or use a private mediator. Settling disputes informally saves time and money for everyone.

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