

FRIEND OF THE COURT SHOW CAUSE HEARINGS



**State Court Administrative Office
Friend of the Court Bureau
Michigan Supreme Court**

SHOW CAUSE HEARINGS

If a parent does not do what a court order says to do, the judge may order the parent to come to court and explain (“show cause”) why the parent did not follow the order. This brochure explains show cause proceedings. *This brochure is NOT a substitute for legal advice.*

What happens in the show cause process?

First, the friend of the court (FOC) or a parent files a motion telling the court that the other parent did not do something that a court order required. For example, the FOC might file a motion saying a parent did not follow their court order because the parent did not:

- Pay child support after the court determined the parent had the ability to pay the amount.
- Pay health care expenses.
- Follow the custody or parenting time schedule.
- Provide information to the FOC.

Then, the court either issues an order telling the parent to come to court, or the court has the FOC send a notice of hearing telling the parent to come to court. In court, the parent must explain why the court should not find the parent in contempt of court for not following the order. The court may find the parent in contempt if the parent did not do what the order says and did not have a good reason 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 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 explain the ways to object to a referee’s recommended order.

What happens at a show cause hearing?

The parent being show caused **must** go to court on the date of the show cause hearing. If the parent fails to appear for the court date, the court may issue a bench warrant for the parent’s arrest. The court may also order the parent to pay for the costs of the hearing, the warrant, the arrest, and any later hearings.

In court, the parent must either prove that the parent followed the court’s order or explain why the parent could not do what the order required. The parent should bring documents or other proof to show the parent followed the order or had a good reason not to follow it. Examples include: receipts, canceled checks, or other persons who have firsthand information that show the parent did or did not follow the order.

Can a parent hire an attorney for a show cause hearing?

Yes, but it is not required.

What can a parent do if the parent cannot follow a court order?

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

What are the possible results if a person is in contempt of court?

The court may do the following if the court finds a parent in contempt for not paying support:

- Grant additional time to follow the order.
- Require a payment by a certain date.
- Suspend the parent’s drivers, work, or recreational licenses.
- Require the parent to participate in a work activity or community corrections program.
- Place a lien on the parent’s property.
- Order the parent to pay a fine.

The court may do the following if the court finds a parent in contempt for not following a custody or parenting time order:

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

If the court finds a parent in contempt for failing to pay support or failing to follow a parenting time order, the court may order the parent to jail until the parent does what the court orders at the show cause hearing. The court may order the parent to jail with or without work release.

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

- Participate in a parenting or work program, drug or alcohol counseling, or other counseling.
- Seek employment.
- Follow the support or parenting time order.
- Follow 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, such as a special instruction payment to be made at the court. You should keep copies of checks, money orders, or other documents to prove you made 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.

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