

Act No. 273  
Public Act of 1989  
December 28, 1989  
Filed by the Secretary of State  
December 28, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Reps. Nye, Stabenow, Walberg, Jondahl, Bandstra, Fitzgerald, Strand, Willis Bullard, Dolan, Perry Bullard, Crandall, Jaye, Emmons, Brown, DeMars, Martin, Gubow and Scott

# **ENROLLED HOUSE BILL No. 5265**

AN ACT to amend section 5 of Act No. 294 of the Public Acts of 1982, entitled as amended "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court; to prescribe certain duties of certain employers and former employers; and to repeal certain acts and parts of acts," being section 552.505 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 5 of Act No. 294 of the Public Acts of 1982, being section 552.505 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5. Before adjudication of a domestic relations matter, the office of the friend of the court shall have the following duties:

(a) To provide an informational pamphlet, in accordance with the model pamphlet developed by the bureau, to each party to a domestic relations matter. The informational pamphlet shall explain the procedures of the court and the office; the duties of the office; the rights and responsibilities of the parties; the availability of and procedures used in domestic relations mediation; the availability of human services in the community; the availability of joint custody as described in section 6a of the child custody act of 1970, Act No. 91 of the Public Acts of 1970, being section 722.26a of the Michigan Compiled Laws; and how to file a grievance regarding the office. The informational pamphlet shall be provided as soon as possible after the filing of a complaint or other initiating pleading. Upon request, a party shall receive an oral explanation of the informational pamphlet from the office.

(b) To inform the parties of the availability of domestic relations mediation if there is a dispute as to child custody or visitation.

(c) To inform the parents of the availability of joint custody as described in section 6a of Act No. 91 of the Public Acts of 1970, if there is a dispute between the parents as to child custody.

(d) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody or visitation, or both, if there is a dispute as to child custody or visitation, or both, and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. A written report and recommendation regarding child custody or visitation, or both, shall be based upon the factors enumerated in Act No. 91 of the Public Acts of 1970, being sections 722.21 to 722.29 of the Michigan Compiled Laws.

(e) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

- (i) An alternative support recommendation.
- (ii) All factual assumptions upon which the alternative support recommendation is based, if applicable.
- (iii) How the alternative support recommendation deviates from the child support formula.
- (iv) The reasons for the alternative support recommendation.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) House Bill No. 5266.
- (b) House Bill No. 5267.
- (c) House Bill No. 5268.
- (d) House Bill No. 5269.
- (e) House Bill No. 5270.
- (f) House Bill No. 5271.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.