

HOUSE BILL No. 5081

September 25, 1989, Introduced by Reps. Power, Stabenow, Berman, Bankes, Dolan, Perry Bullard and Gubow and referred to the Committee on Judiciary.

A bill to amend section 12 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

as added by Act No. 208 of the Public Acts of 1985, being section 552.512 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12 of Act No. 294 of the Public Acts of
2 1982, as added by Act No. 208 of the Public Acts of 1985, being
3 section 552.512 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 12. (1) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
6 SECTION, UPON the request of a consumer reporting agency, the
7 office of the friend of the court shall make available to that
8 agency SUPPORT information ~~regarding the amount of a payer's~~
9 ~~overdue support if there is~~ CONCERNING ALL PAYERS WITH an

1 arrearage of ~~child~~ support of ~~4~~ 1 or more ~~weeks~~, and if that
2 arrearage is in an amount equal to or greater than \$1,000.00.
3 ~~The office shall also make available to the agency the payment~~
4 ~~record of the payer for the preceding 2 year period.~~ MONTHS OR
5 \$1,000.00, WHICHEVER IS REACHED FIRST. THEREAFTER, THE OFFICE OF
6 THE FRIEND OF THE COURT SHALL MAKE THE SUPPORT INFORMATION AVAIL-
7 ABLE TO THE CONSUMER REPORTING AGENCY ON A MONTHLY BASIS.

8 (2) ~~Information may be made available under this section~~
9 ~~only after the payer has been notified of the proposed action and~~
10 ~~has been given a reasonable opportunity to contest the accuracy~~
11 ~~of the information. A payer may request an informal hearing to~~
12 ~~contest the accuracy of the information within 14 days after the~~
13 ~~date the notice was sent. The hearing shall be held within 14~~
14 ~~days after the date of the request for hearing. A hearing under~~
15 ~~this subsection shall be held before the friend of the court, or~~
16 ~~before an employee of the office designated by the friend of the~~
17 ~~court who has not had prior involvement with the enforcement of a~~
18 ~~support obligation of the payer.~~ PRIOR TO MAKING THE INITIAL
19 SUPPORT INFORMATION AVAILABLE PURSUANT TO SUBSECTION (1), THE
20 OFFICE OF THE FRIEND OF THE COURT SHALL PROVIDE THE PAYER WITH
21 NOTICE:

22 (A) OF THE PROPOSED ACTION.

23 (B) OF THE AMOUNT OF THE ARREARAGE.

24 (C) OF THE PAYER'S RIGHT TO A REVIEW, THE DATE A REQUEST FOR
25 A REVIEW MUST BE MADE, AND THE GROUNDS ON WHICH THE PAYER MAY
26 OBJECT TO THE PROPOSED ACTION.

1 (D) THAT THE PAYER MAY AVOID REPORTING OF THE SUPPORT
2 INFORMATION BY PAYING THE ENTIRE ARREARAGE WITHIN 21 DAYS AFTER
3 THE DATE NOTICE WAS SENT.

4 (E) THAT IF THE PAYER IS REPORTED, SUPPORT INFORMATION WILL
5 CONTINUE TO BE PROVIDED TO THE CONSUMER REPORTING AGENCY UNTIL
6 THE SUPPORT ARREARAGE FALLS AND REMAINS BELOW THE APPLICABLE
7 THRESHOLD SET FORTH IN SUBSECTION (1) FOR 2 YEARS.

8 (3) A PAYER IS ENTITLED TO A REVIEW TO OBJECT TO THE REPORT-
9 ING OF THE SUPPORT INFORMATION, BUT ONLY ON THE GROUNDS OF A MIS-
10 TAKE OF FACT CONCERNING THE AMOUNT OF THE SUPPORT ARREARAGE OR
11 THE IDENTITY OF THE PAYER, AS FOLLOWS:

12 (A) PRIOR TO THE INITIAL REPORTING, THE PAYER SHALL BE NOTI-
13 FIED OF THE PROPOSED REPORTING AND MAY REQUEST A REVIEW WITHIN 14
14 DAYS AFTER THE DATE NOTICE WAS SENT.

15 (B) WITHIN 30 DAYS AFTER A PAYER NOTIFIES THE OFFICE OF THE
16 FRIEND OF THE COURT THAT HE OR SHE HAS BEEN DENIED CREDIT BY A
17 LENDER DUE IN PART TO THE REPORTING TO THE CONSUMER REPORTING
18 AGENCY OF SUPPORT INFORMATION BY THE OFFICE OF THE FRIEND OF THE
19 COURT AND HE OR SHE REQUESTS A REVIEW.

20 (4) A REVIEW UNDER THIS SECTION SHALL BE HELD BEFORE A
21 FRIEND OF THE COURT EMPLOYEE DESIGNATED BY THE FRIEND OF THE
22 COURT WHO HAS NOT HAD PRIOR INVOLVEMENT WITH THE ENFORCEMENT OF A
23 SUPPORT OBLIGATION OF THE PAYER, A REFEREE, OR THE FRIEND OF THE
24 COURT.

25 (5) THE OFFICE OF THE FRIEND OF THE COURT SHALL NOT MAKE
26 SUPPORT INFORMATION AVAILABLE PURSUANT TO SUBSECTION (1):

1 (A) IF THE PAYER PAYS THE ENTIRE ARREARAGE WITHIN 21 DAYS
2 AFTER THE DATE THE NOTICE DESCRIBED IN SUBSECTION (2) WAS SENT.

3 (B) UNTIL AFTER THE REVIEW PROVIDED FOR IN SUBSECTION (3)
4 UNLESS THE PAYER PAYS THE ENTIRE ARREARAGE WITHIN 2 WORKING DAYS
5 AFTER THE REVIEW.

6 (6) THE OFFICE OF THE FRIEND OF THE COURT SHALL DISCONTINUE
7 REPORTING SUPPORT INFORMATION TO A CONSUMER REPORTING AGENCY
8 REGARDING A PAYER AND REQUEST DELETION OF THE SUPPORT INFORMATION
9 PREVIOUSLY REPORTED WHEN THE PAYER'S SUPPORT ARREARAGE HAS FALLEN
10 AND REMAINED BELOW THE APPLICABLE THRESHOLD FOUND IN SUBSECTION
11 (1) FOR 2 YEARS. WHEN THE CONSUMER REPORTING AGENCY RECEIVES THE
12 REQUEST FOR DELETION, IT SHALL COMPLY WITH THE REQUEST PROMPTLY.

13 (7) THE STATE COURT ADMINISTRATIVE OFFICE SHALL BE RESPONSIB-
14 BLE FOR DETERMINING WHAT SUPPORT INFORMATION SHOULD BE PROVIDED
15 TO A CONSUMER REPORTING AGENCY AND ESTABLISHING THE POLICIES AND
16 PROCEDURES FOR MAKING SUPPORT INFORMATION AVAILABLE TO A CONSUMER
17 REPORTING AGENCY PURSUANT TO THIS SECTION.

18 (8) UPON REQUEST OF A CONSUMER REPORTING AGENCY, THE OFFICE
19 OF THE FRIEND OF THE COURT SHALL MAKE AVAILABLE TO THE CONSUMER
20 REPORTING AGENCY CURRENT SUPPORT INFORMATION OF AN INDIVIDUAL
21 PAYER WHOSE CASE IS BEING REPORTED TO THE CONSUMER REPORTING
22 AGENCY.

23 (9) ~~(3) Information concerning an arrearage~~ SUPPORT
24 INFORMATION shall not be made available under this section if an
25 agreement described in section 11(2) is in effect and the recipi-
26 ent of support has not requested that the office initiate support
27 enforcement proceedings.

1 ~~(4) Information shall not be provided to a consumer~~
2 ~~reporting agency under this section unless the consumer reporting~~
3 ~~agency agrees in writing not to release the information later~~
4 ~~than 2 years after the information is provided to the consumer~~
5 ~~reporting agency.~~

6 (10) ~~(5)~~ The office of the friend of the court may charge
7 a consumer reporting agency a fee not to exceed the actual cost
8 to the office of complying with this section.