

HOUSE BILL No. 5127

October 2, 1989, Introduced by Rep. Nye and referred to the Committee on Judiciary.

A bill to amend section 5 of Act No. 294 of the Public Acts of 1982, entitled as amended
"Friend of the court act,"
being section 552.505 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 294 of the Public Acts of
2 1982, being section 552.505 of the Michigan Compiled Laws, is
3 amended to read as follows:

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

7 (a) To provide an informational pamphlet, in accordance with
8 the model pamphlet developed by the bureau, to each party to a
9 domestic relations matter. The informational pamphlet shall
10 explain the procedures of the court and the office; the duties of

1 the office; the rights and responsibilities of the parties; the
2 availability of and procedures used in domestic relations media-
3 tion; the availability of human services in the community; the
4 availability of joint custody as described in section 6a of the
5 child custody act of 1970, Act No. 91 of the Public Acts of 1970,
6 being section 722.26a of the Michigan Compiled Laws; and how to
7 file a grievance regarding the office. The informational pam-
8 phlet shall be provided as soon as possible after the filing of a
9 complaint or other initiating pleading. Upon request, a party
10 shall receive an oral explanation of the informational pamphlet
11 from the office.

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

15 (c) To inform the parents of the availability of joint cus-
16 tody as described in section 6a of ~~the child custody act of~~
17 ~~1970,~~ Act No. 91 of the Public Acts of 1970, if there is a dis-
18 pute between the parents as to child custody.

19 (d) To investigate all relevant facts, and to make a written
20 report and recommendation to the parties and to the court regard-
21 ing child custody or visitation, or both, if there is a dispute
22 as to child custody or visitation, or both, and domestic rela-
23 tions mediation is refused by either party or is unsuccessful, or
24 if ordered to do so by the court. The investigation may include
25 reports and evaluations by outside persons or agencies if
26 requested by the parties or the court, and shall include
27 documentation of alleged facts, if practicable. A written report

1 and recommendation regarding child custody or visitation, or
2 both, shall be based upon the factors enumerated in ~~the child~~
3 ~~custody act of 1970,~~ Act No. 91 of the Public Acts of 1970,
4 being sections 722.21 to 722.29 of the Michigan Compiled Laws.

5 (e) To investigate all relevant facts and to make a written
6 report and recommendation to the parties and to the court regard-
7 ing child support, if ordered to do so by the court. The inves-
8 tigation may include reports and evaluations by outside persons
9 or agencies if requested by the parties or the court, and shall
10 include documentation of alleged facts, if practicable. The
11 child support formula developed by the bureau under section 19
12 shall be used as a guideline in recommending child support. IF
13 THE AMOUNT OF CHILD SUPPORT RECOMMENDED BY THE FRIEND OF THE
14 COURT IS DIFFERENT THAN THE AMOUNT OF CHILD SUPPORT DETERMINED BY
15 USING THE CHILD SUPPORT FORMULA, THE FRIEND OF THE COURT SHALL
16 SET FORTH IN THE WRITTEN REPORT HIS OR HER REASONS FOR THE
17 DIFFERENCE. THE WRITTEN REPORT SHALL INCLUDE THE CALCULATIONS
18 MADE BY THE FRIEND OF THE COURT IN DETERMINING THE AMOUNT OF SUP-
19 PORT RECOMMENDED.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. ____ or House Bill No. 5128 (request
22 no. 02701'89) of the 85th Legislature is enacted into law.