

HOUSE BILL No. 5265

November 8, 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 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 THEIR ATTORNEYS and
7 to the court regarding child support, if ordered to do so by the
8 court. THE WRITTEN REPORT AND RECOMMENDATION SHALL BE PLACED IN
9 THE COURT FILE. The investigation may include reports and evalu-
10 ations by outside persons or agencies if requested by the parties
11 or the court, and shall include documentation of alleged facts,
12 if practicable. The child support formula developed by the
13 bureau under section 19 shall be used as a guideline in recom-
14 mending child support. THE WRITTEN REPORT SHALL INCLUDE THE SUP-
15 PORT AMOUNT DETERMINED BY APPLICATION OF THE CHILD SUPPORT FOR-
16 MULA AND ALL FACTUAL ASSUMPTIONS UPON WHICH THAT SUPPORT AMOUNT
17 IS BASED. IF THE OFFICE OF THE FRIEND OF THE COURT DETERMINES
18 FROM THE FACTS OF THE CASE THAT APPLICATION OF THE CHILD SUPPORT
19 FORMULA WOULD BE UNJUST OR INAPPROPRIATE, THE WRITTEN REPORT
20 SHALL ALSO INCLUDE ALL OF THE FOLLOWING:

21 (i) AN ALTERNATIVE SUPPORT RECOMMENDATION.

22 (ii) ALL FACTUAL ASSUMPTIONS UPON WHICH THE ALTERNATIVE SUP-
23 PORT RECOMMENDATION IS BASED, IF APPLICABLE.

24 (iii) HOW THE ALTERNATIVE SUPPORT RECOMMENDATION DEVIATES
25 FROM THE CHILD SUPPORT FORMULA.

26 (iv) THE REASONS FOR THE ALTERNATIVE SUPPORT RECOMMENDATION.

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

4 (a) Senate Bill No. ____ or House Bill No. 5266 (request
5 no. 01603'89 a *).

6 (b) Senate Bill No. ____ or House Bill No. 5267 (request
7 no. 01603'89 b *).

8 (c) Senate Bill No. ____ or House Bill No. 5268 (request
9 no. 01603'89 c *).

10 (d) Senate Bill No. ____ or House Bill No. 5269 (request
11 no. 01603'89 d *).

12 (e) Senate Bill No. ____ or House Bill No. 5270 (request
13 no. 01603'89 e *).

14 (f) Senate Bill No. ____ or House Bill No. 5271 (request
15 no. 01603'89 f *).