

**SUBSTITUTE FOR
HOUSE BILL NO. 6011**

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending sections 2, 2a, 5, 9, 11, 13, 15, 17, 17b, 17c, and
26 (MCL 552.502, 552.502a, 552.505, 552.509, 552.511, 552.513,
552.515, 552.517, 552.517b, 552.517c, and 552.526), section 2 as
amended by 1998 PA 63, sections 2a and 9 as amended by 1999 PA
150, section 5 as amended by 1996 PA 365, section 11 as amended
by 1996 PA 266, section 13 as amended by 1996 PA 144, section 17
as amended and sections 17b and 17c as added by 1994 PA 37, and
section 26 as amended by 1996 PA 366, and by adding section 5a;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Bureau" means the state friend of the court bureau
3 created in section 19.

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1 (b) "Chief judge" means the following:

2 (i) The circuit judge in a judicial circuit having only 1
3 circuit judge.

4 (ii) Except in the county of Wayne, the chief judge of the
5 circuit court in a judicial circuit having 2 or more circuit
6 judges.

7 (iii) In the county of Wayne, the executive chief judge of
8 the circuit court in the third judicial circuit.

9 (c) "Citizen advisory committee" means a citizen friend of
10 the court advisory committee established as provided in
11 section 4.

12 (d) "Consumer reporting agency" means a person that, for
13 monetary fees or dues, or on a cooperative nonprofit basis, regu-
14 larly engages in whole or in part in the practice of assembling
15 or evaluating consumer credit information or other information on
16 consumers for the purpose of furnishing consumer reports to third
17 parties, and that uses any means or facility of interstate com-
18 merce for the purpose of preparing or furnishing consumer
19 reports. As used in this subdivision, "consumer report" means
20 that term as defined in section 603 of the fair credit reporting
21 act, title VI of the consumer credit protection act, Public Law
22 90-321, 15 U.S.C. 1681a.

23 (e) "County board" means the county board of commissioners
24 in the county served by the office. If a judicial circuit
25 includes more than 1 county, action required to be taken by the
26 county board means action by the county boards of commissioners
27 for all counties composing that circuit.

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1 (f) "Court" means the circuit court.

2 (g) "Current employment" means employment within 1 year
3 before a friend of the court request for information.

4 (H) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
5 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
6 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
7 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY
8 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
9 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

10 (I) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

11 (J) ~~(h)~~ "Domestic relations matter" means a circuit court
12 proceeding as to child custody or parenting time, or child or
13 spousal support, that arises out of litigation under a statute of
14 this state, including but not limited to the following:

15 (i) 1846 RS 84, MCL 552.1 to 552.45.

16 (ii) The family support act, 1966 PA 138, MCL 552.451 to
17 552.459.

18 (iii) ~~The child~~ CHILD custody act of 1970, 1970 PA 91, MCL
19 722.21 to ~~722.30~~ 722.31.

20 (iv) 1968 PA 293, MCL 722.1 to 722.6.

21 (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

22 (vi) Revised uniform reciprocal enforcement of support act,
23 1952 PA 8, MCL 780.151 to 780.183.

24 (vii) ~~The uniform~~ UNIFORM interstate family support act,
25 1996 PA 310, MCL 552.1101 to 552.1901.

26 (K) ~~(i)~~ "Domestic relations mediation" means a process by
27 which the parties are assisted by a domestic relations mediator

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1 in voluntarily formulating an agreement to resolve a dispute
2 concerning child custody or parenting time that arises from a
3 domestic relations matter.

4 (l) ~~-(j)-~~ "Friend of the court" means the person serving
5 under section 21(1) or appointed under section 23 as the head of
6 the office of the friend of the court.

7 (M) "FRIEND OF THE COURT CASE" MEANS A DOMESTIC RELATIONS
8 MATTER THAT AN OFFICE ESTABLISHES AS A FRIEND OF THE COURT CASE
9 AS REQUIRED UNDER SECTION 5A.

10 (N) ~~-(K)-~~ "Income" means that term as defined in section 2
11 of the support and parenting time enforcement act, 1982 PA 295,
12 MCL 552.602.

13 Sec. 2a. As used in this act:

14 (a) "Medical assistance" means medical assistance as estab-
15 lished under title XIX of the social security act, chapter 531,
16 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6 ,
17 and 1396r-8 to 1396v.

18 (b) "Office" and "office of the friend of the court" mean an
19 agency created in section 3.

20 (c) "Payer" means a person ordered by the circuit court to
21 pay support.

22 (d) "Public assistance" means cash assistance provided under
23 the social welfare act, 1939 PA 280, 400.1 to 400.119b.

24 (e) "Recipient of support" means the following:

25 (i) The spouse, if the support order orders spousal
26 support.

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1 (ii) The custodial parent or guardian, if the support order
2 orders support for a minor child or a child who is 18 years of
3 age or older.

4 (iii) The family independence agency, if support has been
5 assigned to that department.

6 (f) "State advisory committee" means the committee estab-
7 lished by the bureau under section 19.

8 (g) "State disbursement unit" or "SDU" means the entity
9 established in section 6 of the office of child support act, 1971
10 PA 174, MCL 400.236.

11 (h) "Support" means all of the following:

12 (i) The payment of money for a child or a spouse ordered by
13 the circuit court, whether the order is embodied in an interim,
14 temporary, permanent, or modified order or judgment. Support may
15 include payment of the expenses of medical, dental, and other
16 health care, child care expenses, and educational expenses.

17 (ii) The payment of money ordered by the circuit court under
18 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
19 necessary expenses incurred by or for the mother in connection
20 with her confinement, for other expenses in connection with the
21 pregnancy of the mother, or for the repayment of genetic testing
22 expenses.

23 (iii) A surcharge accumulated under section 3a of the sup-
24 port and parenting time enforcement act, MCL 552.603a.

25 (i) "Support and parenting time enforcement act" means 1982
26 PA 295, MCL 552.601 to 552.650.

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1 (j) "Support order" means an order entered by the circuit
2 court for the payment of support in a sum certain, whether in the
3 form of a lump sum or a periodic payment.

4 (K) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
5 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,
6 656 TO 657, 658a TO 660, AND 663 TO 669b.

7 Sec. 5. (1) ~~Before adjudication of a domestic relations~~
8 ~~matter, the~~ EACH office of the friend of the court has the fol-
9 lowing duties:

10 (A) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
11 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
12 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY CHOOSE NOT TO HAVE THE
13 [OFFICE OF THE FRIEND OF THE COURT] ADMINISTER AND ENFORCE OBLIGATIONS
14 THAT MAY BE IMPOSED IN THE DOMESTIC RELATIONS MATTER.

15 (B) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
16 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
17 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY DIRECT THE [OFFICE
18 OF THE FRIEND OF THE COURT] TO CLOSE THE [FRIEND OF THE COURT] CASE
19 THAT WAS OPENED IN THEIR DOMESTIC RELATIONS MATTER.

20 (C) ~~(a)~~ To provide an informational pamphlet, in accord-
21 ance with the model pamphlet developed by the bureau, to each
22 party to a domestic relations matter. The informational pamphlet
23 shall explain the procedures of the court and the office; the
24 duties of the office; the rights and responsibilities of the par-
25 ties, including notification that each party to the dispute has
26 the right to meet with the individual investigating the dispute
27 before that individual makes a recommendation regarding the

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

12 (D) TO MAKE AVAILABLE TO AN INDIVIDUAL FORM MOTIONS,
13 RESPONSES, AND ORDERS FOR REQUESTING THE COURT TO MODIFY THE
14 INDIVIDUAL'S CHILD SUPPORT, CUSTODY, OR PARENTING TIME ORDER, OR
15 FOR RESPONDING TO A MOTION FOR SUCH A MODIFICATION, WITHOUT
16 ASSISTANCE OF LEGAL COUNSEL. THE OFFICE SHALL MAKE AVAILABLE
17 INSTRUCTIONS ON PREPARING AND FILING EACH OF THOSE FORMS AND
18 INSTRUCTIONS ON SERVICE OF PROCESS AND ON SCHEDULING A MODIFICA-
19 TION HEARING.

20 (E) ~~(b)~~ To inform the parties of the availability of
21 domestic relations mediation if there is a dispute as to child
22 custody or parenting time.

23 (F) ~~(c)~~ To inform the parents of the availability of joint
24 custody as described in section 6a of ~~Act No. 91 of the Public~~
25 ~~Acts of 1970~~ THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL
26 722.26A, if there is a dispute between the parents as to child
27 custody.

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1 (G) ~~-(d)-~~ To investigate all relevant facts, and to make a
2 written report and recommendation to the parties and to the court
3 regarding child custody or parenting time, or both, if there is a
4 dispute as to child custody or parenting time, or both, and
5 domestic relations mediation is refused by either party or is
6 unsuccessful, or if ordered to do so by the court. The investi-
7 gation may include reports and evaluations by outside persons or
8 agencies if requested by the parties or the court, and shall
9 include documentation of alleged facts, if practicable. If
10 requested by a party, an investigation shall include a meeting
11 with the party. A written report and recommendation regarding
12 child custody or parenting time, or both, shall be based upon the
13 factors enumerated in ~~Act No. 91 of the Public Acts of 1970,~~
14 ~~being sections 722.21 to 722.29 of the Michigan Compiled Laws~~
15 THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31.

16 (H) ~~-(e)-~~ To investigate all relevant facts and to make a
17 written report and recommendation to the parties and their attor-
18 neys and to the court regarding child support, if ordered to do
19 so by the court. The written report and recommendation shall be
20 placed in the court file. The investigation may include reports
21 and evaluations by outside persons or agencies if requested by
22 the parties or the court, and shall include documentation of
23 alleged facts, if practicable. If requested by a party, an
24 investigation shall include a meeting with the party. The child
25 support formula developed by the bureau under section 19 shall be
26 used as a guideline in recommending child support. The written
27 report shall include the support amount determined by application

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1 of the child support formula and all factual assumptions upon
2 which that support amount is based. If the office of the friend
3 of the court determines from the facts of the case that applica-
4 tion of the child support formula would be unjust or inappropri-
5 ate, the written report shall also include all of the following:

6 (i) An alternative support recommendation.

7 (ii) All factual assumptions upon which the alternative sup-
8 port recommendation is based, if applicable.

9 (iii) How the alternative support recommendation deviates
10 from the child support formula.

11 (iv) The reasons for the alternative support
12 recommendation.

13 (2) If a party who requests a meeting during an investiga-
14 tion fails to attend the scheduled meeting without good cause,
15 the investigation may be completed without a meeting with that
16 party.

17 SEC. 5A. (1) EXCEPT AS REQUIRED BY THIS SECTION, AN OFFICE
18 OF THE FRIEND OF THE COURT SHALL OPEN AND MAINTAIN A FRIEND OF
19 THE COURT CASE FOR A DOMESTIC RELATIONS MATTER. IF THERE IS AN
20 OPEN FRIEND OF THE COURT CASE FOR A DOMESTIC RELATIONS MATTER,
21 THE OFFICE OF THE FRIEND OF THE COURT SHALL ADMINISTER AND
22 ENFORCE THE OBLIGATIONS OF THE PARTIES TO THE FRIEND OF THE COURT
23 CASE AS PROVIDED IN THIS ACT.

24 (2) THE PARTIES TO A DOMESTIC RELATIONS MATTER ARE NOT
25 REQUIRED TO HAVE A FRIEND OF THE COURT CASE OPENED OR MAINTAINED
26 FOR THEIR DOMESTIC RELATIONS MATTER. WITH THEIR INITIAL
27 PLEADINGS, THE PARTIES TO A DOMESTIC RELATIONS MATTER MAY FILE A

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1 MOTION FOR THE COURT TO ORDER THE OFFICE OF THE FRIEND OF THE
2 COURT NOT TO OPEN A FRIEND OF THE COURT CASE FOR THE DOMESTIC
3 RELATIONS MATTER. IF THE PARTIES TO A DOMESTIC RELATIONS MATTER
4 FILE A MOTION UNDER THIS SUBSECTION, THE COURT SHALL ISSUE THAT
5 ORDER UNLESS THE COURT DETERMINES THAT 1 OR MORE OF THE FOLLOWING
6 CIRCUMSTANCES EXIST:

7 (A) A PARTY TO THE DOMESTIC RELATIONS MATTER IS ELIGIBLE FOR
8 TITLE IV-D SERVICES BECAUSE OF THE PARTY'S CURRENT OR PAST
9 RECEIPT OF PUBLIC ASSISTANCE.

10 (B) A PARTY TO THE DOMESTIC RELATIONS MATTER APPLIES FOR
11 TITLE IV-D SERVICES.

12 (C) A PARTY TO THE DOMESTIC RELATIONS MATTER REQUESTS THAT
13 THE OFFICE OF THE FRIEND OF THE COURT OPEN AND MAINTAIN A FRIEND
14 OF THE COURT CASE FOR THE DOMESTIC RELATIONS MATTER, EVEN THOUGH
15 THE PARTY MAY NOT BE ELIGIBLE FOR TITLE IV-D SERVICES BECAUSE THE
16 DOMESTIC RELATIONS MATTER INVOLVES, BY WAY OF EXAMPLE AND NOT
17 LIMITATION, ONLY SPOUSAL SUPPORT, CHILD CUSTODY, PARENTING TIME,
18 OR CHILD CUSTODY AND PARENTING TIME.

19 (D) THERE EXISTS IN THE DOMESTIC RELATIONS MATTER EVIDENCE
20 OF DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND EVIDENCE
21 THAT A PARTY TO THE DOMESTIC RELATIONS MATTER HAS CHOSEN NOT TO
22 APPLY FOR TITLE IV-D SERVICES AGAINST THE BEST INTEREST OF EITHER
23 THE PARTY OR THE PARTY'S CHILD.

24 (3) IF A FRIEND OF THE COURT CASE IS NOT OPENED FOR A DOMES-
25 TIC RELATIONS MATTER, THE PARTIES TO THE DOMESTIC RELATIONS
26 MATTER HAVE FULL RESPONSIBILITY FOR ADMINISTRATION AND

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1 ENFORCEMENT OF THE OBLIGATIONS IMPOSED IN THE DOMESTIC RELATIONS
2 MATTER.

3 (4) THE PARTIES TO A FRIEND OF THE COURT CASE MAY FILE A
4 MOTION FOR THE COURT TO ORDER THE OFFICE OF THE FRIEND OF THE
5 COURT TO CLOSE THEIR FRIEND OF THE COURT CASE. THE COURT SHALL
6 ISSUE AN ORDER THAT THE OFFICE OF THE FRIEND OF THE COURT SHALL
7 CLOSE THE FRIEND OF THE COURT CASE UNLESS THE COURT DETERMINES
8 THAT 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

9 (A) A PARTY TO THE FRIEND OF THE COURT CASE OBJECTS.

10 (B) A PARTY TO THE FRIEND OF THE COURT CASE IS ELIGIBLE FOR
11 TITLE IV-D SERVICES BECAUSE THE PARTY IS RECEIVING PUBLIC
12 ASSISTANCE.

13 (C) A PARTY TO THE FRIEND OF THE COURT CASE IS ELIGIBLE FOR
14 TITLE IV-D SERVICES BECAUSE THE PARTY RECEIVED PUBLIC ASSISTANCE
15 AND AN ARREARAGE IS OWED TO THE GOVERNMENTAL ENTITY THAT PROVIDED
16 THE PUBLIC ASSISTANCE.

17 (D) THE FRIEND OF THE COURT CASE RECORD SHOWS THAT, WITHIN
18 THE PREVIOUS 12 MONTHS, A CHILD SUPPORT ARREARAGE OR CUSTODY OR
19 PARENTING TIME ORDER VIOLATION HAS OCCURRED IN THE CASE.

20 (E) WITHIN THE PREVIOUS 12 MONTHS, A PARTY TO THE FRIEND OF
21 THE COURT CASE HAS REOPENED A FRIEND OF THE COURT CASE.

22 (F) THERE EXISTS IN THE FRIEND OF THE COURT CASE EVIDENCE OF
23 DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND EVIDENCE
24 THAT A PARTY TO THE FRIEND OF THE COURT CASE HAS CHOSEN TO CLOSE
25 THE CASE AGAINST THE BEST INTEREST OF EITHER THE PARTY OR THE
26 PARTY'S CHILD.

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1 (5) THE CLOSURE OF A FRIEND OF THE COURT CASE DOES NOT
2 RELEASE A PARTY FROM THE PARTY'S OBLIGATIONS IMPOSED IN THE
3 UNDERLYING DOMESTIC RELATIONS MATTER. THE PARTIES TO A CLOSED
4 FRIEND OF THE COURT CASE ASSUME FULL RESPONSIBILITY FOR ADMINIS-
5 TRATION AND ENFORCEMENT OF OBLIGATIONS IMPOSED IN THE UNDERLYING
6 DOMESTIC RELATIONS MATTER.

7 (6) IF A PARTY TO THE UNDERLYING DOMESTIC RELATIONS MATTER
8 WANTS TO ENSURE THAT CHILD SUPPORT PAYMENTS MADE AFTER A FRIEND
9 OF THE COURT CASE IS CLOSED WILL BE TAKEN INTO ACCOUNT IN ANY
10 POSSIBLE FUTURE OFFICE OF THE FRIEND OF THE COURT ENFORCEMENT
11 ACTION, THE CHILD SUPPORT PAYMENTS MUST BE MADE THROUGH THE SDU.
12 IF THE PARTIES CHOOSE TO CONTINUE TO HAVE CHILD SUPPORT PAYMENTS
13 MADE THROUGH THE SDU, THE OFFICE OF THE FRIEND OF THE COURT SHALL
14 NOT CLOSE ITS FRIEND OF THE COURT CASE UNTIL EACH PARTY PROVIDES
15 THE SDU WITH THE INFORMATION NECESSARY TO PROCESS THE CHILD SUP-
16 PORT PAYMENTS REQUIRED IN THE UNDERLYING DOMESTIC RELATIONS
17 MATTER.

18 (7) AN OFFICE OF THE FRIEND OF THE COURT SHALL REOPEN A
19 FRIEND OF THE COURT CASE IF A PARTY TO THE CLOSED FRIEND OF THE
20 COURT CASE APPLIES FOR SERVICES FROM THE OFFICE OF THE FRIEND OF
21 THE COURT OR APPLIES FOR AND RECEIVES PUBLIC ASSISTANCE.

[(8) THE FRIEND OF THE COURT SHALL ALSO ADVISE THE PARTIES OF THE
SERVICES THAT THE OFFICE WILL NOT PROVIDE IN THE EVENT THAT THE PARTIES
DECLINE SERVICES FROM THE FRIEND OF THE COURT.]

22 Sec. 9. (1) Except as otherwise provided in subsections (2)
23 and (3) or in the order or judgment, after a support order is
24 entered in a ~~domestic relations matter~~ FRIEND OF THE COURT
25 CASE, the office shall receive each payment and service fee under
26 the support order; shall, not less than once each month, record
27 each support payment due, paid, and past due; and shall disburse

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1 each support payment to the recipient of support within 14 days
2 after the office receives each payment or within the federally
3 mandated time frame, whichever is shorter.

4 (2) An office shall receive support order and service fee
5 payments, and shall disburse support, as required by subsection
6 (1) until the state disbursement unit implements support and fee
7 receipt and disbursement for the cases administered by that
8 office. At the family independence agency's direction and in
9 cooperation with the SDU, an office shall continue support and
10 fee receipt and support disbursement to facilitate the transition
11 of that responsibility to the SDU as directed in, and in accord-
12 ance with the transition schedule developed as required by, the
13 office of child support act, 1971 PA 174, MCL 400.231 to
14 ~~400.239~~ 400.240.

15 (3) After SDU support and fee receipt and disbursement is
16 implemented in a circuit court circuit, the office for that court
17 may accept a support payment made in cash or by cashier's check
18 or money order. If the office accepts such a payment, the office
19 shall transmit the payment to the SDU and shall inform the payer
20 of the SDU's location and the requirement to make payments
21 through the SDU.

22 (4) Promptly after ~~the effective date of the amendatory act~~
23 ~~that added this subsection~~ NOVEMBER 3, 1999, each office shall
24 establish and maintain the support order and account records nec-
25 essary to enforce support orders and necessary to record obliga-
26 tions, support and fee receipt and disbursement, and related
27 payments. Each office shall provide the SDU with access to those

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1 records and shall assist the SDU to resolve support and fee
2 receipt and disbursement problems related to inadequate identify-
3 ing information.

4 (5) The office shall provide annually to each party, without
5 charge, 1 statement of account upon request. Additional state-
6 ments of account shall be provided at a reasonable fee sufficient
7 to pay for the cost of reproduction. Statements provided under
8 this subsection are in addition to statements provided for admin-
9 istrative and judicial hearings.

10 (6) The office shall initiate and carry out proceedings to
11 enforce an order ~~entered in a domestic relations matter~~ IN A
12 FRIEND OF THE COURT CASE regarding custody, parenting time,
13 health care coverage, or support in accordance with this act, the
14 support and parenting time enforcement act, and supreme court
15 rules.

16 (7) Upon request of a child support agency of another state,
17 the office shall initiate and carry out certain proceedings to
18 enforce support orders entered in the other state without the
19 need to register the order as a ~~domestic relations matter~~
20 FRIEND OF THE COURT CASE in this state. The order shall be
21 enforced using automated administrative enforcement actions
22 authorized under the support and parenting time enforcement act.

23 Sec. 11. (1) Each office shall initiate 1 OR MORE SUPPORT
24 enforcement MEASURES under the support and parenting time
25 enforcement act when ~~either~~ 1 of the following applies:

26 (a) ~~A fixed amount of arrearage is reached, except as~~
27 ~~otherwise provided in section 4 of the support and parenting time~~

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1 ~~enforcement act, being section 552.604 of the Michigan Compiled~~
2 ~~Laws. The amount of arrearage so fixed shall be an amount equal~~
3 ~~to the amount of support payable for 1 month under the payer's~~
4 ~~support order. The office shall not initiate enforcement under~~
5 ~~this subdivision if the support order was entered ex parte and~~
6 ~~the office has not received a copy of proof of service of the~~
7 ~~order.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
8 ARREARAGE UNDER THE SUPPORT ORDER IS EQUAL TO OR GREATER THAN THE
9 MONTHLY AMOUNT OF SUPPORT PAYABLE UNDER THE ORDER. IF THE SUP-
10 PORT ORDER WAS ENTERED EX PARTE, AN OFFICE SHALL NOT INITIATE
11 ENFORCEMENT UNDER THIS SUBDIVISION UNTIL THE OFFICE RECEIVES A
12 COPY OF PROOF OF SERVICE FOR THE ORDER AND AT LEAST 1 MONTH HAS
13 ELAPSED SINCE THE DATE OF SERVICE. AN OFFICE IS NOT REQUIRED TO
14 INITIATE ENFORCEMENT UNDER THIS SUBDIVISION IF 1 OR MORE OF THE
15 FOLLOWING CIRCUMSTANCES EXIST:

16 (i) DESPITE THE EXISTENCE OF THE ARREARAGE, AN ORDER OF
17 INCOME WITHHOLDING IS EFFECTIVE AND PAYMENT IS BEING MADE UNDER
18 THE ORDER OF INCOME WITHHOLDING IN THE AMOUNT REQUIRED UNDER THE
19 ORDER.

20 (ii) DESPITE THE EXISTENCE OF THE ARREARAGE AND EVEN THOUGH
21 AN ORDER OF INCOME WITHHOLDING IS NOT EFFECTIVE, PAYMENT IS BEING
22 MADE IN THE AMOUNT REQUIRED UNDER THE ORDER.

23 (iii) ONE OR MORE SUPPORT ENFORCEMENT MEASURES HAVE BEEN
24 INITIATED AND AN OBJECTION TO 1 OR MORE OF THOSE MEASURES HAS NOT
25 BEEN RESOLVED.

26 (b) A parent fails to obtain or maintain health care
27 coverage for the parent's child as ordered by the court. The

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1 office shall initiate enforcement under this subdivision at the
2 following times:

3 (i) Within 60 days after the entry of a support order con-
4 taining health care coverage provisions.

5 (ii) When a review is conducted as provided in section 17.

6 (iii) Concurrent with enforcement initiated by the office
7 under subdivision (a).

8 (iv) Upon receipt of a written complaint from a party.

9 (v) Upon receipt of a written complaint from the department
10 ~~of social services~~ if the child for whose benefit health care
11 coverage is ordered is a recipient of public assistance or medi-
12 cal assistance.

13 (C) A PERSON RESPONSIBLE FOR THE ACTUAL CARE OF A CHILD
14 INCURS AN UNINSURED HEALTH CARE EXPENSE AND SUBMITS TO THE OFFICE
15 A WRITTEN COMPLAINT THAT MEETS THE REQUIREMENTS OF SECTION 11A.

16 ~~-(2) For a custody or parenting time order, the office may~~
17 ~~initiate enforcement proceedings under subsection (3) upon its~~
18 ~~own initiative and shall initiate enforcement proceedings upon~~
19 ~~receipt of a written complaint stating the specific facts alleged~~
20 ~~to constitute a violation, if the office determines that there is~~
21 ~~reason to believe a violation of a custody or parenting time~~
22 ~~order has occurred. Upon request, the office of the friend of~~
23 ~~the court shall assist a person in preparing a complaint under~~
24 ~~this subsection.~~

25 ~~-(3) The office shall send, by ordinary mail, a notice to an~~
26 ~~alleged violator of a custody or parenting time order, informing~~
27 ~~the alleged violator of the nature of the alleged violation, the~~

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~~proposed action under this or other applicable act, the
availability of domestic relations mediation, and the right to
petition for modification of the parenting time order. The
notice shall contain the following statement in boldfaced type of
not less than 12 points:~~

~~"FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE
WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A
SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT
PROCEEDINGS BEING BROUGHT AGAINST YOU.".~~

~~(4) A copy of the notice described in subsection (3) shall
be sent by ordinary mail to the party alleging a violation.~~

~~(5) Fourteen days after the date of the notice to the
alleged violator under subsection (3), the office may do 1 or
more of the following:~~

~~(a) Schedule a joint meeting with the parties to discuss the
allegations of failure to comply with a custody or parenting time
order, and attempt to resolve the differences between the
parties.~~

~~(b) Refer the parties to meet with a domestic relations
mediator as provided in section 13, if the parties agree to
mediation.~~

~~(c) If appropriate, proceed under section 41 of the support
and parenting time enforcement act, being section 552.641 of the
Michigan Compiled Laws, or other applicable act.~~

Sec. 13. (1) The office shall provide, either directly or
by contract, domestic relations mediation to assist the parties

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1 in settling voluntarily a dispute concerning child custody or
2 parenting time that arises ~~from a domestic relations matter~~ IN
3 A FRIEND OF THE COURT CASE. Parties shall not be required to
4 meet with a domestic relations mediator. The service may be pro-
5 vided directly by the office only if such a service is in place
6 on July 1, 1983, if the service is not available from a private
7 source, or if the court can demonstrate that providing the serv-
8 ice within the friend of the court office is cost beneficial.
9 Any expansion of existing services provided by the court on
10 July 1, 1983 shall be provided by an individual meeting the
11 domestic relations mediator minimum qualifications listed under
12 subsection (4).

13 (2) If an agreement is reached by the parties through domes-
14 tic relations mediation, a consent order incorporating the agree-
15 ment shall be prepared by ~~the friend of the court;~~ an employee
16 of the office who is a member of the state bar of Michigan; under
17 section 22, BY a member of the state bar of Michigan; or by the
18 attorney for 1 of the parties. The consent order shall be pro-
19 vided to, and shall be entered by, the court.

20 (3) Except as provided in subsection (2), a communication
21 between a domestic relations mediator and a party to a domestic
22 relations mediation is confidential. The secrecy of the communi-
23 cation shall be preserved inviolate as a privileged
24 communication. The communication shall not be admitted in evi-
25 dence in any proceedings. The same protection shall be given to
26 communications between the parties in the presence of the
27 mediator.

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1 (4) A domestic relations mediator who performs mediation
2 under this act shall have all of the following minimum
3 qualifications:

4 (a) One or more of the following:

5 (i) A license or a limited license to engage in the practice
6 of psychology under parts 161 and 182 of the public health code,
7 ~~Act No. 368 of the Public Acts of 1978, being sections 333.16101~~
8 ~~to 333.16349 and 333.18201 to 333.18237 of the Michigan Compiled~~
9 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.16349 AND 333.18201 TO
10 333.18237, or a master's degree in counseling, social work, or
11 marriage and family counseling; and successful completion of the
12 training program provided by the bureau under section 19(3)(b).

13 (ii) Not less than 5 years of experience in family counsel-
14 ing, preferably in a setting related to the areas of responsibil-
15 ity of the friend of the court and preferably to reflect the
16 ethnic population to be served, and successful completion of the
17 training program provided by the bureau under section 19(3)(b).

18 (iii) A graduate degree in a behavioral science and success-
19 ful completion of a domestic relations mediation training program
20 certified by the bureau with not less than 40 hours of classroom
21 instruction and 250 hours of practical experience working under
22 the direction of a person who has successfully completed a pro-
23 gram certified by the bureau.

24 (iv) Membership in the state bar of Michigan and successful
25 completion of the training program provided by the bureau under
26 section 19(3)(b).

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1 (b) Knowledge of the court system of this state and the
2 procedures used in domestic relations matters.

3 (c) Knowledge of other resources in the community to which
4 the parties to a domestic relations matter can be referred for
5 assistance.

6 (d) Knowledge of child development, clinical issues relating
7 to children, the effects of divorce on children, and child cus-
8 tody research.

9 Sec. 15. An employee of the office who performs domestic
10 relations mediation ~~as to any domestic relations matter~~ IN A
11 FRIEND OF THE COURT CASE involving a particular party shall not
12 perform referee functions, investigation and recommendation func-
13 tions, or enforcement functions as to any domestic relations
14 matter involving that party.

15 Sec. 17. (1) After a final judgment containing a child sup-
16 port order has been entered in a ~~domestic relations matter~~
17 FRIEND OF THE COURT CASE, the office shall periodically review
18 the order, as follows:

19 (a) If a child is being supported in whole or in part by
20 public assistance, not less than once each 24 months unless both
21 of the following apply:

22 (i) The office receives notice from the department ~~of~~
23 ~~social services~~ that good cause exists not to proceed with sup-
24 port action.

25 (ii) Neither party has requested a review.

26 (b) At the initiative of the office, if there are reasonable
27 grounds to believe that the amount of child support awarded in

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1 the judgment should be modified or that dependent health care
2 coverage is available and the support order should be modified to
3 include an order for health care coverage. Reasonable grounds to
4 review an order ~~pursuant to~~ UNDER this subdivision include tem-
5 porary or permanent changes in the physical custody of a child
6 that the court has not ordered, increased or decreased need of
7 the child, probable access by an employed parent to dependent
8 health care coverage, or changed financial conditions of a recip-
9 ient or a payer of child support including, but not limited to,
10 application for or receipt of public assistance, unemployment
11 compensation, or worker's compensation.

12 (c) Upon receipt of a written request from either party.
13 Within 15 days after receipt of the review request, the office
14 shall determine whether the order is due for review. The office
15 is not required to investigate more than 1 request received from
16 a party each 24 months.

17 (d) If a child is receiving medical assistance, not less
18 than once each 24 months unless either of the following applies:

19 (i) The order requires provision of health care coverage for
20 the child and neither party has requested a review.

21 (ii) The office receives notice from the department ~~of~~
22 ~~social services~~ that good cause exists not to proceed with sup-
23 port action and neither party has requested a review.

24 (e) If requested by the initiating state for a recipient of
25 services in that state under ~~part D of title IV of the social~~
26 ~~security act, 42 U.S.C. 651 to 669~~ TITLE IV-D, not less than
27 once each 24 months. Within 15 days after receipt of a review

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1 request, the office shall determine whether an order is due for
2 review.

3 (2) Within 180 days after determining that a review is
4 required under subsection (1), the office shall send notices as
5 provided in section 17b(2) and (3), conduct a review, and obtain
6 a modification of the order if appropriate.

7 (3) The office shall use the child support formula developed
8 by the bureau under section 19 in calculating the child support
9 award. If the office determines from the facts of the case that
10 application of the child support formula would be unjust or inap-
11 propriate, or that income should not be based on actual income
12 earned by the parties, the office shall prepare a written report
13 that includes all of the following:

14 (a) The support amount, based on actual income earned by the
15 parties, determined by application of the child support formula
16 and all factual assumptions upon which that support amount is
17 based.

18 (b) An alternative support recommendation and all factual
19 assumptions upon which the alternative support recommendation is
20 based.

21 (c) How the alternative support recommendation deviates from
22 the child support formula.

23 (d) The reasons for the alternative support recommendation.

24 (e) All evidence known to the friend of the court that the
25 individual is or is not able to earn the income imputed to him or
26 her.

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1 (4) The office shall petition the court if modification is
2 determined to be necessary under subsection (3) unless either of
3 the following applies:

4 (a) The difference between the existing and projected child
5 support award is within the minimum threshold for modification of
6 a child support amount as established by the formula.

7 (b) The court previously determined that application of the
8 formula was unjust or inappropriate and the office determines
9 under subsection (3) that the facts of the case and the reasons
10 and amount of the prior deviation remain unchanged.

11 (5) A petition for modification may be made at the same time
12 the parties are provided with notice under section 17b(3). A
13 hearing held on a proposed modification shall be scheduled no
14 earlier than 30 days after the date of the notice provided for in
15 section 17b(3).

16 (6) If the office determines there should be no change in
17 the order and a party objects to the determination in writing to
18 the office within 30 days after the date of the notice provided
19 for in section 17b(3), the office shall schedule a hearing before
20 the court.

21 (7) If a support order lacks provisions for health care cov-
22 erage, the office shall petition the court for a modification to
23 require that 1 or both parents obtain or maintain health care
24 coverage for the benefit of each child who is subject to the sup-
25 port order if either of the following is true:

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1 (a) Either parent has health care coverage available, as a
2 benefit of employment, for the benefit of the child at a
3 reasonable cost.

4 (b) Either parent is self-employed, maintains health care
5 coverage for himself or herself, and can obtain health care cov-
6 erage for the benefit of the child at a reasonable cost.

7 (8) The office shall determine the costs to each parent for
8 dependent health care coverage and child care costs and shall
9 disclose those costs in the report under section 17b(4).

10 Sec. 17b. (1) Each party subject to a child support order
11 shall be notified of the right to request a review of the order
12 as provided in section 17, and the place and manner in which to
13 make the request. For a ~~domestic relations matter initiated on~~
14 ~~or after 90 days after the effective date of this section~~ FRIEND
15 OF THE COURT CASE, the notice shall be provided by the office or,
16 pursuant to court rule, by the plaintiff, using the informational
17 pamphlet required under section 5. ~~Unless notice is provided to~~
18 ~~the party in the informational pamphlet, no later than 180 days~~
19 ~~after the effective date of this section, the office in each~~
20 ~~judicial circuit shall send a notice to each party subject to a~~
21 ~~child support order informing the party of the right to request a~~
22 ~~review of the order.~~ The notice shall be sent to the party's
23 last known address.

24 (2) The office shall notify each party of a review of a
25 child support order under section 17 at least 30 days before the
26 review is conducted. The notice shall request income, expense,
27 or other information as needed from the party to conduct the

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1 review and shall specify the date by which that information is
2 due. The notice shall be sent to each party to his or her last
3 known address.

4 (3) After a review of a child support order has been con-
5 ducted, the office shall notify each party of a proposed increase
6 or decrease in the amount of child support, a proposed modifica-
7 tion to order health care coverage, or a determination that there
8 should be no change in the order. Notice of an increase or
9 decrease in child support or a modification to order health care
10 coverage can be provided by or with a copy of the petition for
11 modification. The notice shall also inform the parties of both
12 of the following:

13 (a) That the party may object to the proposed modification
14 or determination that there should be no change in the order at a
15 hearing before a referee or the court.

16 (b) The time, place, and manner in which to raise
17 objections.

18 (4) The office shall make available to each party and his or
19 her attorney a copy of the written report, transcript, recommen-
20 dation, and supporting documents or a summary of supporting docu-
21 ments prepared or used by the office under section 17 before the
22 court modifies a support order.

23 Sec. 17c. (1) If Michigan is the initiating state in an
24 interstate ~~domestic relations matter~~ FRIEND OF THE COURT CASE
25 involving child support, the office shall determine whether a
26 review of a support order in another state is appropriate in

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1 accordance with section 17 and is appropriate based upon the
2 residence and jurisdiction of the parties.

3 (2) If the office determines that a review of a support
4 order in another state is appropriate, the office shall obtain
5 income, expense, and other information needed to conduct the
6 review from the requesting party or recipient of public assist-
7 ance or medical assistance.

8 (3) The office shall initiate a request for a review within
9 20 calendar days after receipt of the information requested under
10 subsection (2).

11 (4) The office shall forward to a party who resides in
12 Michigan a copy of each notice issued by the responding state in
13 conjunction with the review and modification of a support order,
14 which notice is sent to the office for distribution.

15 Sec. 26. (1) A party to a ~~domestic relations matter~~
16 FRIEND OF THE COURT CASE who has a grievance concerning office
17 operations or employees shall utilize the following grievance
18 procedure:

19 (a) File the grievance, in writing, with the appropriate
20 friend of the court office. The office shall cause the grievance
21 to be investigated and decided as soon as practicable. Within 30
22 days after a grievance is filed, the office shall respond to the
23 grievance or issue a statement to the party filing the grievance
24 stating the reason a response is not possible within that time.

25 (b) A party who is not satisfied with the decision of the
26 office under subdivision (a) may file a further grievance, in
27 writing, with the chief judge. The chief judge shall cause the

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1 grievance to be investigated and decided as soon as practicable.
2 Within 30 days after a grievance is filed, the court shall
3 respond to the grievance or issue a statement to the party filing
4 the grievance stating the reason a response is not possible
5 within that time.

6 (2) Each office shall maintain a record of grievances
7 received and a record of whether the grievance is decided or
8 outstanding. The record shall be transmitted not less than bian-
9 nually to the bureau. Each office shall provide public access to
10 the report of grievances prepared by the bureau under section
11 19.

12 (3) In addition to the grievance procedure provided in sub-
13 section (1), a party to a ~~domestic relations matter~~ FRIEND OF
14 THE COURT CASE who has a grievance concerning office operations
15 may file, at any time during the proceedings, the grievance in
16 writing with the appropriate citizen advisory committee. In its
17 discretion, the citizen advisory committee shall conduct a review
18 or investigation of, or hold a formal or informal hearing on, a
19 grievance submitted to the committee. The citizen advisory com-
20 mittee may delegate its responsibility under this subsection to
21 subcommittees appointed as provided in section 4a.

22 (4) In addition to action taken under subsection (3), the
23 citizen advisory committee shall establish a procedure for ran-
24 domly selecting grievances submitted directly to the office of
25 the friend of the court. The citizen advisory committee shall
26 review the response of the office to these grievances and report

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1 its findings to the court and the county board, either
2 immediately or in the committee's annual report.

3 (5) The citizen advisory committee shall examine the griev-
4 ances filed with the friend of the court under this section and
5 shall review or investigate each grievance that alleges that a
6 decision was made based on gender rather than the CHILD'S best
7 interests. ~~of the child.~~

8 (6) If a citizen advisory committee reviews or investigates
9 a grievance, the committee shall respond to the grievance as soon
10 as practicable.

11 (7) A grievance filed under subsection (3) is limited to
12 office operations, and the citizen advisory committee shall
13 inform an individual who files with the committee a grievance
14 that concerns an office employee or a court or office decision or
15 recommendation regarding a specific case that such a matter is
16 not a proper subject for a grievance.

17 Enacting section 1. Section 17a of the friend of the court
18 act, 1982 PA 294, MCL 552.517a, is repealed.

19 Enacting section 2. This amendatory act takes effect June
20 3, 2003.

21 Enacting section 3. This amendatory act does not take
22 effect unless House Bill No. 6009 of the 91st Legislature is
23 enacted into law.