



**House
Legislative
Analysis
Section**

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STUDY & REPORT ON FAMILY COUNSELING ACT

**House Bill 4169 (Substitute H-1)
First Analysis (5-3-89)**

RECEIVED

**Sponsor: Rep. Sharon Gire
Committee: Judiciary**

MAY 23 1989

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THE APPARENT PROBLEM:

The emotional stresses of divorce or the threat of it on spouses, parents and children are well-known. Among the legislative responses to the problem has been the development of the Circuit Court Family Counseling Services Act, which provides for, but does not require, the establishment of family counseling services in each judicial circuit. Under a 1980 revision of the act, \$15 of each marriage license fee (plus all income derived from fees charged for family counseling services, as well as any other funds a county appropriates for the purpose) is to be used at the discretion of the circuit courts for various family counseling services — either directly sponsored by the court or under contract with public or private agencies. In 1984 the statute on marriage licenses was amended to permit Wayne County to impose by ordinance a fee attached to the statutory fee or assessed against non-resident applicants, or both, to be allocated by the county for family counseling services. Now in its seventh year of funding, the Circuit Court Family Counseling Services Act has not been analyzed on a statewide basis for its implementation or effectiveness.

THE CONTENT OF THE BILL:

The Circuit Court Family Counseling Services Act provides for, but does not require, the establishment of family counseling services in each judicial circuit. The bill would require the state court administrator's office to survey implementation of the act since 1980 (the act was created in 1964 and amended in 1980 to revise funding provisions). Within twelve months after the bill took effect, the office would have to provide to the supreme court and the public a detailed report as prescribed by the bill. The court administrator would have to make recommendations for changes in the program or its funding.

MCL 551.331

BACKGROUND INFORMATION:

The Circuit Court Marriage Counseling Services Act took effect in 1964. The stated purpose of the act was to preserve and improve marriages through competent family counseling. Each county board of supervisors was authorized, upon recommendation of the circuit court, to create a marriage counseling service and appropriate funds to establish and maintain the service. The service was to be an arm of the circuit court, and have a director qualified by training and experience to render family counseling services. Fees were to be charged for services in accordance with a fee schedule prescribed by the circuit court, with the advice and consent of the county board of supervisors, and were to be paid into the county general fund. The first priority for service was to be domestic relations actions in which a complaint or motion had been filed in circuit court. Spouses were to be advised of other qualified marriage counseling services available outside the court, and referrals to those outside agencies were to

be made unless otherwise requested. The goal of the service was to restore "family harmony."

Extensive amendments to the act were adopted in Public Act 16 of 1980. The title of the act was changed to the Circuit Court Family Counseling Services Act. The purpose was redefined as that of preserving and improving family life, and family counseling services were defined as including domestic violence and child abuse. Each county board of commissioners was ordered to appropriate \$15 of each marriage license fee and all income derived from counseling fees for family counseling services. The act authorized the circuit court to enter into contracts with the state or private agencies for all or part of the family counseling services to be provided. Preference was to be given to the purchase of services, but direct service delivery would be possible if quality services were not available from a private source or government agency, or the provision of direct service delivery were cost beneficial, as determined by an independent audit, or the court had a program of direct services on the effective date of the act. Upon referral from the court, or at the request and agreement of the litigants, the family counseling service could be instructed to serve as an impartial, unbiased resource in evaluating problems involving custody of minor children, visitation of minor children, and related matters. Fees collected for services would still go into the county general fund, but would be allocated back by the county to defray the costs of the services.

Public Act 4 of 1980 amended the laws on marriage to increase the marriage license fee to \$20, and to require that \$15 of the fee be allocated to the circuit court for family counseling services, including counseling for domestic violence and child abuse. It also stipulated that funds not expended for family counseling services be returned to the general fund of the county, to be held in escrow until circuit court family counseling services were established.

The Mental Disability Prevention Work Group was convened in 1986 by Rep. Joe Young, Sr., and charged with the task of developing recommendations for public policy, programming, and funding for mental disability prevention services and for avoiding the intensification of mental disabilities which result in institutionalization. It worked to identify crucial areas of needs to achieve effective mental disability prevention and mental health promotion, and to recommend specific solutions to establish clear public policy and programmatic solutions to the needs identified. The work group made the following recommendations with regard to the Circuit Court Family Counseling Services Act: "The work group recommends that the legislature consider follow-up legislation to Public Act 16 of 1980 to provide for a study of the implementation of the act by the Michigan Supreme Court in cooperation with the Department of Mental Health and the Office of Children and Youth Services in the Department of Social Services, with a request for recommendations for legislative or administrative improvements needed for the program."

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OVER

FISCAL IMPLICATIONS:

According to the State Court Administrative Office, the bill would cost the office about \$5,000 or \$6,000 implement. The office notes that this figure would not include circuit court expenses in responding to the bill's survey. (5-2-89)

ARGUMENTS:

For:

The purpose of the Circuit Court Family Counseling Services Act is to preserve and improve family life through competent family counseling. Services contemplated by the act include counseling on domestic violence and child abuse. In order to ascertain the effectiveness of the act and the degree to which it is being implemented, state policymakers need to know what kind of services are being provided, and to whom. While the State Court Administrative Office has collected some financial data from circuit courts regarding how much has been allocated and how much spent in each year, there has been little or no assembling of information on the services themselves. Are services being provided directly or under contract? Who is paying for the services? Is counseling available for matters involving domestic violence, child abuse, child custody disputes, or visitation issues? Are people using available services or refusing them? The answers to these questions would help to determine whether the act has been effective.

POSITIONS:

The State Court Administrative Office is supportive of the bill. (5-2-89)