

Act No. 297
Public Acts of 1990
Approved by the Governor
December 13, 1990
Filed with the Secretary of State
December 14, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Gubow and DeMars

ENROLLED HOUSE BILL No. 5938

AN ACT to amend sections 11 and 12 of Act No. 294 of the Public Acts of 1982, entitled as amended "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court; to prescribe certain duties of certain employers and former employers; and to repeal certain acts and parts of acts," section 11 as amended and section 12 as added by Act No. 208 of the Public Acts of 1985, being sections 552.511 and 552.512 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 11 and 12 of Act No. 294 of the Public Acts of 1982, section 11 as amended and section 12 as added by Act No. 208 of the Public Acts of 1985, being sections 552.511 and 552.512 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 11. (1) Each office shall establish a system for initiating enforcement of support orders without awaiting complaints from the recipient of support. The office shall determine a formula in advance which, when applied to a support payment account, shall initiate enforcement pursuant to the support and visitation enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws, when a fixed amount of arrearage is reached, except as otherwise provided in section 4(3) of Act No. 295 of the Public Acts of 1982, being section 552.604 of the Michigan Compiled Laws. The amount of arrearage so fixed shall not be greater than an amount equal to the amount of support payable for 1 month under the payer's support order. The office shall not initiate enforcement under this subsection if the support order was entered ex parte and the office has not received a copy of proof of service of the order.

(2) For a custody or visitation order, the office may initiate enforcement proceedings under subsection (3) upon its own initiative and shall initiate enforcement proceedings upon receipt of a written complaint stating the specific facts alleged to constitute a violation, if the office determines that there is reason to believe a violation of a custody or visitation order has occurred. Upon request, the office of the friend of the court shall assist a person in preparing a complaint under this subsection.

(3) The office shall send, by ordinary mail, a notice to an alleged violator of a custody or visitation order, informing the alleged violator of the nature of the alleged violation, the proposed action under this or other applicable act, and the availability of domestic relations mediation. The notice shall contain the following statement in boldface 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 visitation 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 Act No. 295 of the Public Acts of 1982, being section 552.641 of the Michigan Compiled Laws, or other applicable act.

Sec. 12. (1) Upon the request of a consumer reporting agency, the office of the friend of the court shall make available to that agency information regarding the amount of a payer's overdue support if there is an arrearage of child support of 4 or more weeks, and if that arrearage is in an amount equal to or greater than \$1,000.00. The office shall also make available to the agency the payment record of the payer for the preceding 2-year period.

(2) Information may be made available under this section only after the payer has been notified of the proposed action and has been given a reasonable opportunity to contest the accuracy of the information. A payer may request an informal hearing to contest the accuracy of the information within 14 days after the date the notice was sent. The hearing shall be held within 14 days after the date of the request for hearing. A hearing under this subsection shall be held before the friend of the court, or before an employee of the office designated by the friend of the court who has not had prior involvement with the enforcement of a support obligation of the payer.

(3) Information concerning an arrearage shall not be made available under this section if the recipient of support has filed with the office an agreement signed by the payer and the recipient of support which stipulates that information concerning an arrearage shall be made available only upon the request of the recipient of support. The parties shall not enter into an agreement pursuant to this subsection if the recipient of support is a recipient of public assistance or if an arrearage is payable to the state. If the recipient of support becomes a recipient of public assistance, the agreement shall be null and void.

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

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

Section 2. This amendatory act shall not take effect unless House Bill No. 5937 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

.....
Secretary of the Senate.

Approved

.....
Governor.

