

# HOUSE BILL No. 5938

June 29, 1990, Introduced by Reps. Gubow and DeMars and referred to the Committee on Judiciary.

A bill to amend section 11 of Act No. 294 of the Public Acts of 1982, entitled as amended "Friend of the court act," as amended by Act No. 208 of the Public Acts of 1985, being section 552.511 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11 of Act No. 294 of the Public Acts of  
2 1982, as amended by Act No. 208 of the Public Acts of 1985, being  
3 section 552.511 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 11. (1) Each office shall establish a system for ini-  
6 tiating enforcement of support orders without awaiting complaints  
7 from the recipient of support. The office shall determine a  
8 formula in advance which, when applied to a support payment  
9 account, shall ~~cause the mailing of a notice~~ INITIATE

1 ENFORCEMENT pursuant to ~~section 7 of~~ the support and visitation  
2 enforcement act, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, being  
3 ~~section 552.607~~ SECTIONS 552.601 TO 552.650 of the Michigan  
4 Compiled Laws, when a fixed amount of arrearage is reached,  
5 EXCEPT AS OTHERWISE PROVIDED IN SECTION 4(3) OF ACT NO. 295 OF  
6 THE PUBLIC ACTS OF 1982, BEING SECTION 552.604 OF THE MICHIGAN  
7 COMPILED LAWS. The amount of arrearage so fixed shall not be  
8 greater than an amount equal to ~~4 weeks of payments~~ THE AMOUNT  
9 OF CHILD SUPPORT PAYABLE FOR 1 MONTH under the payer's support  
10 order. ~~A notice shall not be mailed~~ THE OFFICE SHALL NOT INI-  
11 TIATE ENFORCEMENT under this subsection if the support order was  
12 entered ex parte and the office has not received a copy of proof  
13 of service of the order.

14 (2) The office ~~need~~ SHALL not ~~send a notice under this~~  
15 ~~act even if the fixed amount of arrearage is reached,~~ INITIATE  
16 ENFORCEMENT if the recipient of support is not a recipient of  
17 public assistance and has filed with the office an agreement,  
18 signed by the payer and the recipient of support, which stipu-  
19 lates that support enforcement proceedings shall be initiated  
20 only upon request of the recipient of support.

21 ~~(3) Further proceedings to enforce the payment of support~~  
22 ~~shall be initiated by the office as provided in the support and~~  
23 ~~visitation enforcement act.~~

24 (3) ~~(4)~~ For a custody or visitation order, the office may  
25 initiate enforcement proceedings under subsection ~~(5)~~ (4) upon  
26 its own initiative and shall initiate enforcement proceedings  
27 upon receipt of a written complaint stating the specific facts

1 alleged to constitute a violation, if the office determines that  
2 there is reason to believe a violation of a custody or visitation  
3 order has occurred. Upon request, the office of the friend of  
4 the court shall assist a person in preparing a complaint under  
5 this subsection.

6 (4) ~~(5)~~ The office shall send, by ordinary mail, a notice  
7 to an alleged violator of a custody or visitation order, inform-  
8 ing the alleged violator of the nature of the alleged violation,  
9 the proposed action under this or other applicable act, and the  
10 availability of domestic relations mediation. The notice shall  
11 contain the following statement in boldface type of not less than  
12 12 points:

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

17 (5) ~~(6)~~ A copy of the notice described in subsection ~~(5)~~  
18 (4) shall be sent by ordinary mail to the party alleging a  
19 violation.

20 (6) ~~(7)~~ Fourteen days after the date of the notice to the  
21 alleged violator under subsection ~~(5)~~ (4), the office may do 1  
22 or more of the following:

23 (a) Schedule a joint meeting with the parties to discuss the  
24 allegations of failure to comply with a custody or visitation  
25 order, and attempt to resolve the differences between the  
26 parties.

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

4 (c) If appropriate, proceed under section 41 of ~~the support~~  
5 ~~and visitation enforcement act~~ ACT NO. 295 OF THE PUBLIC ACTS OF  
6 1982, being section 552.641 of the Michigan Compiled Laws, or  
7 other applicable act.

8 Section 2. This amendatory act shall not take effect unless  
9 Senate Bill No. \_\_\_\_\_ or House Bill No. 5937 (request  
10 no. 00509'89) of the 85th Legislature is enacted into law.