

# HOUSE BILL No. 6103

September 26, 1990, Introduced by Reps. Allen, DeMars, Randall, Bender, Stacey, Ostling, Knight, Crandall, Hoffman and Gnodtke and referred to the Committee on Judiciary.

A bill to amend section 7 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 552.507 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 7 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 552.507 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 7. (1) The chief judge may designate as referee the  
6 friend of the court; an employee of the office who is a member of  
7 the state bar of Michigan; or, pursuant to section 22, a member  
8 of the state bar of Michigan.

1 (2) A referee may do all of the following:

2 (a) Hear all motions in a domestic relations matter, except  
3 motions pertaining to an increase or decrease in spouse support,  
4 referred to the referee by the court.

5 (b) Administer oaths, compel the attendance of witnesses and  
6 the production of documents, and examine witnesses and parties.

7 (c) Make a written, signed report to the court containing a  
8 summary of testimony given, a statement of findings, and a recom-  
9 mended order; or make a statement of findings on the record and  
10 submit a recommended order.

11 (d) Hold hearings as provided in the support and visitation  
12 enforcement act. The referee shall make a record of each hearing  
13 held.

14 (e) Accept a voluntary acknowledgment of support liability,  
15 and review and make a recommendation to the court concerning a  
16 stipulated agreement to pay support.

17 (f) Recommend a default order establishing, modifying, or  
18 enforcing a support obligation in a domestic relations matter.

19 (3) If ~~ordered by the court, or if stipulated by the~~

20 ~~parties~~ A PARTY FILES A WRITTEN OBJECTION PURSUANT TO

21 SUBSECTION (5), a referee shall make a transcript, verified by  
22 oath, of each hearing held. The cost of preparing a transcript  
23 shall be apportioned equally between the parties, unless other-  
24 wise ordered by the court.

25 (4) A copy of each report, recommendation, transcript, and  
26 any supporting documents or a summary of supporting documents  
27 prepared or used by the friend of the court or an employee of the

1 office shall be made available to the attorney for each party and  
2 to each of the parties before the court takes any action on a  
3 recommendation made under this section or section 5. In a child  
4 custody dispute, the parties shall be informed of whether a cus-  
5 tody preference expressed by the child was considered, evaluated,  
6 and determined by the court, but the parties shall not be  
7 informed of the preference expressed by the child pursuant to  
8 section 3 of the child custody act of 1970, Act No. 91 of the  
9 Public Acts of 1970, being section 722.23 of the Michigan  
10 Compiled Laws. If a guardian is appointed for a child, the  
11 guardian shall be informed whether a custody preference expressed  
12 by the child was considered, evaluated, and determined by the  
13 court, and, if so, the preference expressed. The manner and time  
14 within which this material is made available shall be determined  
15 by supreme court rule.

16 (5) The court shall ~~hold~~ CONDUCT a de novo ~~hearing on any~~  
17 ~~matter that has been the subject of a referee hearing, upon the~~  
18 ~~written request of either party or upon motion of the court~~  
19 REVIEW OF THE RECORD OF PROCEEDINGS HELD BEFORE THE REFEREE AND  
20 THE REFEREE'S RECOMMENDATION IF A PARTY FILES A WRITTEN OBJECTION  
21 TO THE REFEREE'S RECOMMENDATION DETAILING THE PARTY'S OBJECTIONS  
22 WITH SPECIFICITY. The ~~request of a party~~ OBJECTION shall be  
23 ~~made~~ FILED within 21 days after the recommendation of the ref-  
24 eree is made available to ~~that~~ THE party under subsection (4),  
25 except that ~~a request for a de novo hearing~~ AN OBJECTION con-  
26 cerning an order of income withholding shall be made within 14  
27 days after the recommendation of the referee is made available to

1 the party under subsection (4). THE PARTIES MAY SUPPLEMENT THE  
2 RECORD BY TESTIMONY, AFFIDAVIT, OR DEPOSITION. THE COURT SHALL  
3 NOT REVERSE, MODIFY, OR AMEND THE REFEREE'S FINDINGS OR RECOMMEN-  
4 DATIONS UNLESS THE COURT WOULD HAVE COME TO A DIFFERENT CONCLU-  
5 SION BASED ON THE RECORD AS A WHOLE. THE COURT MAY ASSESS COSTS  
6 AND REASONABLE ATTORNEY FEES AGAINST THE NONPREVAILING PARTY IN A  
7 REVIEW UNDER THIS SUBSECTION.