

Act No. 250
Public Acts of 1992
Approved by the Governor
November 18, 1992
Filed with the Secretary of State
November 19, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Power, Brown, Johnson, Perry Bullard, O'Connor and Gubow

ENROLLED HOUSE BILL No. 4892

AN ACT to amend section 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," as amended by Act No. 297 of the Public Acts of 1990, being section 552.512 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 12 of Act No. 294 of the Public Acts of 1982, as amended by Act No. 297 of the Public Acts of 1990, being section 552.512 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 12. (1) Except as otherwise provided in this section, the office of the friend of the court may report to a consumer reporting agency support information concerning all payers with an arrearage of support of 1 or more months or an amount equal to or greater than \$1,000.00, whichever is reached first. Thereafter, the office of the friend of the court shall make the support information available to the consumer reporting agency on a monthly basis.

(2) Before making the initial support information available pursuant to subsection (1), the office of the friend of the court shall provide the payer with notice of all of the following:

- (a) The proposed action.
- (b) The amount of the arrearage.
- (c) The payer's right to a review, the date by which a request for a review must be made, and the grounds on which the payer may object to the proposed action.
- (d) That the payer may avoid the reporting of the support information by paying the entire arrearage within 21 days after the date notice was sent.
- (e) That if the payer is reported, support information will continue to be provided to the consumer reporting agency until the support arrearage falls and remains below the applicable threshold set forth in subsection (1) for 2 years.

(3) The office of the friend of the court shall provide to a payer a review to enable a payer to object to the reporting of the support information on the grounds of a mistake of fact concerning the amount of the arrearage or the identity of the payer under 1 or more of the following circumstances:

- (a) If before the initial reporting, the payer requests a review within 14 days after the date notice was sent pursuant to subsection (2).

(b) If a payer requests a review within 30 days after the payer notifies the office of the friend of the court that he or she has been denied credit by a lender due in part to the reporting to the consumer reporting agency of support information by the office of the friend of the court.

(4) A review under this section shall be held before a referee, the friend of the court, or a friend of the court employee designated by the friend of the court who has not had prior involvement with the enforcement of a support obligation of the payer.

(5) The office of the friend of the court shall not make support information available pursuant to subsection (1) if any of the following are true:

(a) Twenty-one days have not expired after the date the notice was sent under subsection (2).

(b) The payer pays the entire arrearage within 21 days after the date the notice was sent under subsection (2).

(c) The payer requests a review under subsection (3) and 2 working days have not expired after the review.

(d) The payer pays the entire arrearage within 2 working days after the review under subsection (3).

(6) The office of the friend of the court shall discontinue reporting support information to a consumer reporting agency regarding a payer and request deletion of the support information previously reported if the payer's support arrearage has fallen and remained below the applicable threshold found in subsection (1) for 2 years. When the consumer reporting agency receives the request for deletion, it shall comply with the request promptly.

(7) The state court administrative office is responsible for determining what support information should be provided to a consumer reporting agency and establishing the policies and procedures for making support information available to a consumer reporting agency pursuant to this section.

(8) Upon request of a consumer reporting agency, the office of the friend of the court shall make available to the consumer reporting agency current support information of an individual payer whose case is being reported to the consumer reporting agency.

(9) Support information is not 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 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 is void.

(10) 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.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.