

# HOUSE BILL No. 4892

May 30, 1991, Introduced by Reps. Power, Brown, Johnson, Perry Bullard, O'Connor and Gubow and referred to the Committee on Judiciary.

A bill to amend section 12 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

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:

1 Section 1. Section 12 of Act No. 294 of the Public Acts of  
2 1982, as amended by Act No. 297 of the Public Acts of 1990, being  
3 section 552.512 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 12. (1) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
6 SECTION, UPON the request of a consumer reporting agency, the  
7 office of the friend of the court shall make available to that  
8 agency SUPPORT information ~~regarding the amount of a payer's~~  
9 ~~overdue support if there is~~ CONCERNING ALL PAYERS WITH an

1 arrearage of ~~child~~ support of ~~4~~ 1 or more ~~weeks, and if that~~  
2 ~~arreage is in an amount equal to or greater than \$1,000.00.~~  
3 ~~The office shall also make available to the agency the payment~~  
4 ~~record of the payer for the preceding 2 year period.~~ MONTHS OR  
5 \$1,000.00, WHICHEVER IS REACHED FIRST. THEREAFTER, THE OFFICE OF  
6 THE FRIEND OF THE COURT SHALL MAKE THE SUPPORT INFORMATION AVAIL-  
7 ABLE TO THE CONSUMER REPORTING AGENCY ON A MONTHLY BASIS.

8 (2) ~~Information may be made available under this section~~  
9 ~~only after the payer has been notified of the proposed action and~~  
10 ~~has been given a reasonable opportunity to contest the accuracy~~  
11 ~~of the information. A payer may request an informal hearing to~~  
12 ~~contest the accuracy of the information within 14 days after the~~  
13 ~~date the notice was sent. The hearing shall be held within 14~~  
14 ~~days after the date of the request for hearing. A hearing under~~  
15 ~~this subsection shall be held before the friend of the court, or~~  
16 ~~before an employee of the office designated by the friend of the~~  
17 ~~court who has not had prior involvement with the enforcement of a~~  
18 ~~support obligation of the payer.~~ BEFORE MAKING THE INITIAL SUP-  
19 PORT INFORMATION AVAILABLE PURSUANT TO SUBSECTION (1), THE OFFICE  
20 OF THE FRIEND OF THE COURT SHALL PROVIDE THE PAYER WITH NOTICE OF  
21 ALL OF THE FOLLOWING:

22 (A) THE PROPOSED ACTION.

23 (B) THE AMOUNT OF THE ARREARAGE.

24 (C) THE PAYER'S RIGHT TO A REVIEW, THE DATE BY WHICH A  
25 REQUEST FOR A REVIEW MUST BE MADE, AND THE GROUNDS ON WHICH THE  
26 PAYER MAY OBJECT TO THE PROPOSED ACTION.

1 (D) THAT THE PAYER MAY AVOID THE REPORTING OF THE SUPPORT  
2 INFORMATION BY PAYING THE ENTIRE ARREARAGE WITHIN 21 DAYS AFTER  
3 THE DATE NOTICE WAS SENT.

4 (E) THAT IF THE PAYER IS REPORTED, SUPPORT INFORMATION WILL  
5 CONTINUE TO BE PROVIDED TO THE CONSUMER REPORTING AGENCY UNTIL  
6 THE SUPPORT ARREARAGE FALLS AND REMAINS BELOW THE APPLICABLE  
7 THRESHOLD SET FORTH IN SUBSECTION (1) FOR 2 YEARS.

8 (3) THE OFFICE OF THE FRIEND OF THE COURT SHALL PROVIDE TO A  
9 PAYER A REVIEW TO ENABLE A PAYER TO OBJECT TO THE REPORTING OF  
10 THE SUPPORT INFORMATION ON THE GROUNDS OF A MISTAKE OF FACT CON-  
11 CERNING THE AMOUNT OF THE ARREARAGE OR THE IDENTITY OF THE PAYER  
12 UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

13 (A) IF BEFORE THE INITIAL REPORTING, THE PAYER REQUESTS A  
14 REVIEW WITHIN 14 DAYS AFTER THE DATE NOTICE WAS SENT PURSUANT TO  
15 SUBSECTION (2).

16 (B) IF A PAYER REQUESTS A REVIEW WITHIN 30 DAYS AFTER THE  
17 PAYER NOTIFIES THE OFFICE OF THE FRIEND OF THE COURT THAT HE OR  
18 SHE HAS BEEN DENIED CREDIT BY A LENDER DUE IN PART TO THE REPORT-  
19 ING TO THE CONSUMER REPORTING AGENCY OF SUPPORT INFORMATION BY  
20 THE OFFICE OF THE FRIEND OF THE COURT.

21 (4) A REVIEW UNDER THIS SECTION SHALL BE HELD BEFORE A REF-  
22 EREE, THE FRIEND OF THE COURT, OR A FRIEND OF THE COURT EMPLOYEE  
23 DESIGNATED BY THE FRIEND OF THE COURT WHO HAS NOT HAD PRIOR  
24 INVOLVEMENT WITH THE ENFORCEMENT OF A SUPPORT OBLIGATION OF THE  
25 PAYER.

1 (5) THE OFFICE OF THE FRIEND OF THE COURT SHALL NOT MAKE  
2 SUPPORT INFORMATION AVAILABLE PURSUANT TO SUBSECTION (1) UNDER  
3 ANY OF THE FOLLOWING CIRCUMSTANCES:

4 (A) IF THE PAYER PAYS THE ENTIRE ARREARAGE WITHIN 21 DAYS  
5 AFTER THE DATE THE NOTICE DESCRIBED IN SUBSECTION (2) WAS SENT.

6 (B) UNTIL AFTER THE REVIEW PROVIDED FOR IN SUBSECTION (3)  
7 UNLESS THE PAYER PAYS THE ENTIRE ARREARAGE WITHIN 2 WORKING DAYS  
8 AFTER THE REVIEW.

9 (6) THE OFFICE OF THE FRIEND OF THE COURT SHALL DISCONTINUE  
10 REPORTING SUPPORT INFORMATION TO A CONSUMER REPORTING AGENCY  
11 REGARDING A PAYER AND REQUEST DELETION OF THE SUPPORT INFORMATION  
12 PREVIOUSLY REPORTED IF THE PAYER'S SUPPORT ARREARAGE HAS FALLEN  
13 AND REMAINED BELOW THE APPLICABLE THRESHOLD FOUND IN SUBSECTION  
14 (1) FOR 2 YEARS. WHEN THE CONSUMER REPORTING AGENCY RECEIVES THE  
15 REQUEST FOR DELETION, IT SHALL COMPLY WITH THE REQUEST PROMPTLY.

16 (7) THE STATE COURT ADMINISTRATIVE OFFICE IS RESPONSIBLE FOR  
17 DETERMINING WHAT SUPPORT INFORMATION SHOULD BE PROVIDED TO A CON-  
18 SUMER REPORTING AGENCY AND ESTABLISHING THE POLICIES AND PROCE-  
19 DURES FOR MAKING SUPPORT INFORMATION AVAILABLE TO A CONSUMER  
20 REPORTING AGENCY PURSUANT TO THIS SECTION.

21 (8) UPON REQUEST OF A CONSUMER REPORTING AGENCY, THE OFFICE  
22 OF THE FRIEND OF THE COURT SHALL MAKE AVAILABLE TO THE CONSUMER  
23 REPORTING AGENCY CURRENT SUPPORT INFORMATION OF AN INDIVIDUAL  
24 PAYER WHOSE CASE IS BEING REPORTED TO THE CONSUMER REPORTING  
25 AGENCY.

26 (9) ~~(3) Information concerning an arrearage shall not be~~  
27 ~~made~~ SUPPORT INFORMATION IS NOT available under this section if

1 the recipient of support has filed with the office an agreement  
2 signed by the payer and the recipient of support which stipulates  
3 that information concerning an arrearage ~~shall~~ be made avail-  
4 able only upon the request of the recipient of support. The par-  
5 ties shall not enter into an agreement pursuant to this subsec-  
6 tion if the recipient of support is a recipient of public assist-  
7 ance or if an arrearage is payable to the state. If the recipi-  
8 ent of support becomes a recipient of public assistance, the  
9 agreement ~~shall be null and~~ IS void.

10 ~~(4) Information shall not be provided to a consumer report-~~  
11 ~~ing agency under this section unless the consumer reporting~~  
12 ~~agency agrees in writing not to release the information later~~  
13 ~~than 2 years after the information is provided to the consumer~~  
14 ~~reporting agency.~~

15 (10) ~~(5)~~ The office of the friend of the court may charge  
16 a consumer reporting agency a fee not to exceed the actual cost  
17 to the office of complying with this section.