

# HOUSE BILL No. 5608

March 4, 1992, Introduced by Reps. Nye, Dalman and Strand 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. 297 of the Public Acts of 1990, 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. 297 of the Public Acts of 1990, 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 initiate enforcement pursuant to the support and

1 visitation enforcement act, Act No. 295 of the Public Acts of  
2 1982, being sections 552.601 to 552.650 of the Michigan Compiled  
3 Laws, when a fixed amount of arrearage is reached, except as oth-  
4 erwise provided in section 4(3) of Act No. 295 of the Public Acts  
5 of 1982, being section 552.604 of the Michigan Compiled Laws.

6 The amount of arrearage so fixed shall ~~not~~ be ~~greater than~~ an  
7 amount equal to the amount of support payable for 1 month under  
8 the payer's support order. The office shall not initiate  
9 enforcement under this subsection if the support order was  
10 entered ex parte and the office has not received a copy of proof  
11 of service of the order.

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

21 (3) The office shall send, by ordinary mail, a notice to an  
22 alleged violator of a custody or visitation order, informing the  
23 alleged violator of the nature of the alleged violation, the pro-  
24 posed action under this or other applicable act, and the avail-  
25 ability of domestic relations mediation. The notice shall con-  
26 tain the following statement in boldface type of not less than 12  
27 points:

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

5 (4) A copy of the notice described in subsection (3) shall  
6 be sent by ordinary mail to the party alleging a violation.

7 (5) Fourteen days after the date of the notice to the  
8 alleged violator under subsection (3), the office may do 1 or  
9 more of the following:

10 (a) Schedule a joint meeting with the parties to discuss the  
11 allegations of failure to comply with a custody or visitation  
12 order, and attempt to resolve the differences between the  
13 parties.

14 (b) Refer the parties to meet with a domestic relations  
15 mediator as provided in section 13, if the parties agree to  
16 mediation.

17 (c) If appropriate, proceed under section 41 of Act No. 295  
18 of the Public Acts of 1982, being section 552.641 of the Michigan  
19 Compiled Laws, or other applicable act.