

# HOUSE BILL No. 6143

September 24, 1992, Introduced by Reps. Strand, Johnson, Bobier, Middleton, Dalman, London, Fitzgerald, Jamian, McNutt, Gernaat, McBryde, Bodem, Dolan, Bandstra, Robertson, Bankes, Goss, Dobb and Shugars and referred to the Committee on Social Services and Youth.

A bill to amend sections 7 and 8 of Act No. 294 of the Public Acts of 1982, entitled as amended "Friend of the court act,"

section 7 as amended and section 8 as added by Act No. 208 of the Public Acts of 1985, being sections 552.507 and 552.508 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 7 and 8 of Act No. 294 of the Public  
2 Acts of 1982, section 7 as amended and section 8 as added by Act  
3 No. 208 of the Public Acts of 1985, being sections 552.507 and  
4 552.508 of the Michigan Compiled Laws, are amended to read as  
5 follows:

6       Sec. 7. (1) The chief judge may designate as referee the  
7 friend of the court; an employee of the office who is a member of

1 of the state bar of Michigan. IF A REFEREE IS DESIGNATED, THE  
2 REFEREE SHALL HEAR EACH MOTION IN A DOMESTIC RELATIONS MATTER  
3 CONCERNING CHILD SUPPORT. A REFEREE MAY HEAR ANY OTHER MOTION IN  
4 A DOMESTIC RELATIONS MATTER THAT IS REFERRED TO THE REFEREE BY  
5 THE COURT, EXCEPT A MOTION CONCERNING AN INCREASE OR DECREASE IN  
6 SPOUSAL SUPPORT. A REFEREE SHALL HOLD HEARINGS AS PROVIDED IN  
7 THE SUPPORT AND VISITATION ENFORCEMENT ACT AND SHALL MAKE A  
8 RECORD OF EACH HEARING.

9 (2) ~~A~~ IN CARRYING OUT THE REFEREE'S DUTIES UNDER THIS ACT,  
10 A referee may do all of the following:

11 ~~(a) Hear all motions in a domestic relations matter, except~~  
12 ~~motions pertaining to an increase or decrease in spouse support,~~  
13 ~~referred to the referee by the court.~~

14 (A) ~~(b)~~ Administer oaths, compel the attendance of wit-  
15 nesses and the production of documents, and examine witnesses and  
16 parties.

17 (B) ~~(c)~~ Make a written, signed report to the court con-  
18 taining a summary of testimony given, a statement of findings,  
19 and a recommended order; or make a statement of findings on the  
20 record and submit a recommended order.

21 ~~(d) Hold hearings as provided in the support and visitation~~  
22 ~~enforcement act. The referee shall make a record of each hearing~~  
23 ~~held.~~

24 (C) ~~(e)~~ Accept a voluntary acknowledgment of support  
25 liability, and review and make a recommendation to the court con-  
26 cerning a stipulated agreement to pay support.

1 (D) ~~(f)~~ Recommend a default order establishing, modifying,  
2 or enforcing a support obligation in a domestic relations  
3 matter.

4 (3) If ordered by the court ~~—~~ or if stipulated by the par-  
5 ties, a referee shall make a transcript, verified by oath, of  
6 each hearing held. The cost of preparing a transcript shall be  
7 apportioned equally between the parties, unless otherwise ordered  
8 by the court.

9 (4) A copy of each report, recommendation, transcript, and  
10 any supporting documents or a summary of supporting documents  
11 prepared or used by the friend of the court or an employee of the  
12 office shall be made available to the attorney for each party and  
13 to each of the parties before the court takes any action on a  
14 recommendation made under this section or section 5. In a child  
15 custody dispute, the parties shall be informed of whether a cus-  
16 tody preference expressed by the child was considered, evaluated,  
17 and determined by the court, but the parties shall not be  
18 informed of the preference expressed by the child pursuant to  
19 section 3 of the child custody act of 1970, Act No. 91 of the  
20 Public Acts of 1970, being section 722.23 of the Michigan  
21 Compiled Laws. If a guardian is appointed for a child, the  
22 guardian shall be informed whether a custody preference expressed  
23 by the child was considered, evaluated, and determined by the  
24 court, and, if so, the preference expressed. The manner and time  
25 within which this material is made available shall be determined  
26 by supreme court rule.

1       (5) The court shall hold a de novo hearing on any matter  
2 that has been the subject of a referee hearing, upon the written  
3 request of either party or upon motion of the court. The request  
4 of a party shall be made within 21 days after the recommendation  
5 of the referee is made available to that party under subsection  
6 (4), except that a request for a de novo hearing concerning an  
7 order of income withholding shall be made within 14 days after  
8 the recommendation of the referee is made available to the party  
9 under subsection (4).

10       Sec. 8. ~~The~~ UNLESS IT IS DEMONSTRATED THAT OTHER APPRO-  
11 PRIATE ACTION IS SUFFICIENT, THE circuit court shall utilize ref-  
12 erees ~~and take other appropriate action~~ to expedite obtaining  
13 relief in the form of child or spousal support in domestic rela-  
14 tions matters, including the entry and enforcement of child sup-  
15 port orders and the enforcement of spousal support orders, as  
16 necessary to obtain dispositions of petitions for relief within  
17 the following time frames:

18       (a) Ninety percent of dispositions within 3 months after  
19 filing a petition.

20       (b) Ninety-eight percent of dispositions within 6 months  
21 after filing a petition.

22       (c) One hundred percent of dispositions within 12 months  
23 after filing a petition.