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BILL



ANALYSIS

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Senate Bill 585 (Substitute S-1)
Sponsor: Senator Robert Geake
Committee: Families, Mental Health and Human Services

Date Completed: 10-25-95

SUMMARY OF SENATE BILL 585 (Substitute S-1):

The bill would amend the Friend of the Court (FOC) Act to specify additional duties of the FOC, including compiling data on complaints regarding support and visitation, disbursing support payments within 14 days, monitoring local FOC offices for gender bias, and meeting with a party during an investigation. The bill would take effect on June 1, 1996.

Specifically, the bill would require each local office of the Friend of the Court to compile data on the number and type of complaints regarding support and visitation. The data would have to include, but not be limited to, the number of cases in which a party failed to appear at a show cause hearing and the number of cases in which a bench warrant was issued for failure to appear.

Currently, after a support order is entered in a domestic relations matter, the FOC office must receive all payments of support orders and disburse them to the recipient of support. The bill would require that the FOC make this disbursement within 14 days after the office received each payment. Unless a delay were for good cause as determined by the circuit court, if the office did not disburse a payment within 14 days after receiving it, the office would have to pay interest on the undisbursed amount at either the rate set forth for judgments under the Revised Judicature Act or \$2, whichever was greater.

The FOC Act requires each Friend of the Court to take all necessary steps to adopt office procedures to implement the Act, Supreme Court rules, and recommendations of the FOC Bureau. The bill also specifies that office of the Friend of the Court services would have to be provided without regard to the gender of the individual receiving those services. The FOC would have to monitor the office for issues of gender bias.

Currently, before the adjudication of a domestic relations matter, the FOC office must give an informational pamphlet to each party to the matter. The bill would require this pamphlet to include notification that each party to the dispute had the right to meet with the individual investigating the dispute before he or she made a recommendation regarding the dispute.

The Act requires the FOC to investigate all relevant facts regarding child custody or visitation if there is a custody or visitation dispute and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court. The FOC also must investigate regarding child support if ordered to do so by the court. The bill provides that an investigation would have to include a meeting with a party, if requested by the party.

MCL 552.503 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

Currently the FOC has 30 days in which to process support payments. The most recent data show that of 713,000 cases received, approximately 10% are not disbursed in a timely manner. At the minimum of \$2 in interest per case that could be assessed every two weeks, this would mean that the court would be responsible for paying an additional \$3.7 million in interest. If the FOC believed that there was a good reason for the delay, it could file a motion in the circuit court, which also would require additional resources depending on the number of cases. In some instances, this could cost more than the interest to be paid. The cost to the court of compiling data on number and type of complaints would be minimal.

Fiscal Analyst: M. Bain

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.