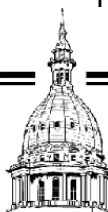




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BILL



ANALYSIS

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Senate Bill 586

Sponsor: Senator Glenn D. Steil

Committee: Families, Mental Health and Human Services

Date Completed: 10-25-95

SUMMARY OF SENATE BILL 586 as introduced 6-15-95:

The bill would amend the Friend of the Court Act to give county boards of commissioners, rather than chief circuit judges, responsibility for governing Friend of the Court (FOC) offices. The bill would require county boards to appoint the FOC and an FOC liaison; require a liaison to supervise the FOC and investigate grievances filed against the FOC; require county boards to establish a citizens' FOC advisory committee; and require an advisory committee to develop guidelines for the treatment of gender bias and advise the county board on the FOC's performance and on the community's needs.

FOC Offices/Employees

The Act provides for the creation of an office of the Friend of the Court in each judicial circuit of the State. Each county in a multicounty circuit, however, has a separate FOC office if it had a separate office on the Act's effective date. If a vacancy occurs in the position of the FOC in such a county, the chief judge may merge the FOC office in that county with the FOC office in another county of the judicial circuit. Under the bill, each county in a multicounty circuit would have a separate FOC office if it had one on the bill's effective date. In the event of a vacancy, the county board could merge the FOC offices subject to the approval of the county board of the other county. ("County board" would mean the county board of commissioners or, for a multicounty circuit, a consortium of county boards.)

Currently, the FOC is an employee of the circuit court in the judicial circuit served by the FOC (although the FOC for the third circuit is an employee of the State Judicial Council), and the duties of the office must be performed under the direction and supervision of the chief judge. The bill provides that the FOC would be an employee of the county served (except in the third circuit), and the liaison appointed under the bill would be responsible for directly supervising the office.

FOC Appointment/Oversight

The bill would require a county board to appoint the Friend of the Court, who would serve at the pleasure of the board. An individual who was serving as FOC on the day before the bill's effective date would continue to serve in that position at the pleasure of the county board. The county board, rather than the chief judge, would have to appoint someone to the position of FOC within six months after a vacancy occurred.

Currently, in a judicial circuit in which the FOC is employed by the State Judicial Council, the chief judge may remove the FOC or place the FOC on probation upon determining that he or she is guilty of misconduct, neglect of statutory duty, or failure to carry out written orders of the court. In another judicial circuit, a hearing to consider whether the FOC is guilty of misconduct, neglect of duty, or failure to carry out orders may be convened by the chief judge or, upon approval of a resolution of the county board of commissioners, by an assigned visiting judge. Under the bill, the county board could remove the FOC in a judicial circuit in which the FOC was employed by the State Judicial Council. In another judicial circuit, the county board could convene a hearing to consider the FOC's guilt. The county board would have to convene a hearing if requested by the chief judge in a statement setting forth the reasons for the request. The county board, rather than the chief judge, could remove the FOC or place the FOC on probation if the hearing resulted in a determination that he or she was guilty of misconduct, neglect of duty, or failure to carry out orders.

With the assistance of its liaison, a county board would have to oversee the FOC in its county. The FOC would be required to direct the daily operations of the office. A county board also would be required to do the following: determine the office's budget, basic internal structure, and internal operations; establish qualifications and guidelines for the FOC and for employees of the FOC office; and annually review the operations of the office and submit a report on that review to the State Court Administrative Office (SCAO).

In a multicounty circuit, the county boards would have to form a consortium composed of equal representation from each board. For the purposes of the Act, the consortium would have to be considered the county board for that judicial circuit. A county board could resolve to establish and finance a separate office for its office.

FOC Liaison

A county board would have to appoint a Friend of the Court liaison who would serve at the pleasure of the board. The liaison could not be the FOC and would operate independently of the FOC office. The county board would have to determine the liaison office's budget and staffing.

A liaison would have the following powers and duties:

- Direct supervision of the FOC under authority of the county board.
- Compilation of reports and data on the office of the FOC operations.
- Investigation of and response to grievances filed against the FOC office.
- Other duties that the county board considered necessary.

The Act currently specifies procedures for the resolution of a grievance concerning FOC office operations or employees. Under the bill, if a grievance were filed with an FOC office, the office would have to provide a copy of the grievance to the liaison. A party who was not satisfied with the decision of the office or the liaison's response, could file a further grievance with the county board. The board would have to have the grievance investigated and decided as soon as practicable. (Currently, a party dissatisfied with the office's decision may file a further grievance with the chief judge, who is responsible for having it investigated and decided.)

Citizens' FOC Advisory Committee

A county board would have to establish for its county a citizens' FOC advisory committee, which would report directly to the county board. A committee would be composed of the following: the liaison; the FOC; an individual representing the circuit court; an individual representing noncustodial

parents; an individual representing custodial parents; an advocate for children; an individual representing the county sheriff's office; an attorney who engaged primarily in family law practice; and a member of the general public.

The county board would have to appoint the advisory committee members, except for those serving ex officio. The individuals representing noncustodial and custodial parents, the children's advocate, the family law attorney, and the member of the general public, would have a two-year term. A vacancy on the committee would have to be filled for the remainder of the term in the same manner as the position was originally filled. The county board would have to attempt to compose the committee so that its membership reflected the ethnic, racial, and gender distribution of the community that it served.

A citizens' advisory committee would be advisory only, and would have to do the following:

- Meet at least once each calendar quarter, keep minutes of each meeting, and submit a copy to the county board.
- Develop guidelines for the treatment of gender bias issues in the community.
- Advise the county board on the duties and performance of the FOC and the FOC office, and on the community's needs relating to the office's services.
- At the end of each calendar year, submit an annual report of its activities to the county board and the SCAO.

A committee member could be compensated only in the same manner as a State advisory committee member was compensated for certain expenses according to the schedule the Legislature established under the Act. ("State advisory committee" would mean the advisory committee that the SCAO currently is required to establish under the Act.)

Additional Board Responsibilities

Under the bill, a county board, rather than the circuit judge, could appoint an attorney to assist the FOC; would have to review the performance record of the FOC annually; and would have to fix the compensation and expenses of the FOC and operating expenses incurred by the office.

MCL 552.503 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

The fiscal impact of this bill would depend on the changes in the responsibilities and duties of the Friend of the Court office and its employees. Assuming that there would be no changes in the FOC office, the bill would have no fiscal impact.

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.