

Act No. 276  
Public Acts of 1996  
Approved by the Governor  
June 14, 1996  
Filed with the Secretary of State  
June 17, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Senators Bouchard, Geake, Bennett, Gougeon, Hoffman, Shugars, Byrum, McManus and Peters

# **ENROLLED SENATE BILL No. 592**

AN ACT to amend section 12 of Act No. 294 of the Public Acts of 1982, entitled as amended "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court; to prescribe certain duties of certain employers and former employers; and to repeal certain acts and parts of acts," as amended by Act No. 250 of the Public Acts of 1992, being section 552.512 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 12 of Act No. 294 of the Public Acts of 1982, as amended by Act No. 250 of the Public Acts of 1992, being section 552.512 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 12. (1) Except as otherwise provided in this section, in a format acceptable to the friend of the court, the family independence agency, and the consumer reporting agency, the office of the friend of the court shall report to a consumer reporting agency the arrearage amount for each payer with an arrearage of support of 2 or more months. On a monthly basis and in a format acceptable to the friend of the court, the family independence agency, and the consumer reporting agency, the office of the friend of the court may make support information available to the consumer reporting agency concerning any other payer who requests that report. The office shall not make information available under this subsection to a consumer reporting agency if the office determines that the agency does not have sufficient capability to systematically and timely make accurate use of the information and if the agency does not furnish evidence satisfactory to the office that the agency is a consumer reporting agency.

(2) Before making the initial support information available under subsection (1), the office of the friend of the court shall provide the payer with notice of all of the following:

(a) The proposed action.

(b) The amount of the arrearage, if any.

(c) The payer's right to a review, the date by which a request for a review must be made, and the grounds on which the payer may object to the proposed action.

(d) That the payer may avoid the reporting of the arrearage stated in the notice by paying the entire arrearage within 21 days after the date notice was sent.

(3) The office of the friend of the court shall provide to a payer a review to enable a payer to object to the reporting of the support information, including an arrearage, on the grounds of a mistake of fact concerning the amount of the

arrearage or the identity of the payer. If a payer requests a review within the time specified in the notice given under subsection (2), the office shall not report the support information as required or permitted by this section until after 1 of the following occurs:

(a) The payer fails to produce evidence that the support information is incorrect and the time scheduled for the review has passed.

(b) After conducting the review, the office determines the correct support information.

(4) The office of the friend of the court shall not make support information, including an arrearage, available under subsection (1) if 21 days have not expired after the date the notice was sent under subsection (2). The office of the friend of the court shall not report an arrearage amount as required under subsection (1) if the payer pays the entire arrearage within 21 days after the date the notice was sent under subsection (2).

(5) Within 14 days after the office of the friend of the court knows that incorrect information has been made available to a consumer reporting agency, the office shall contact the consumer reporting agency and correct the information.

(6) The state court administrative office is responsible for determining what support information should be provided to a consumer reporting agency and establishing the policies and procedures for making support information available to a consumer reporting agency under this section.

(7) Upon request of a consumer reporting agency or the payer, the office of the friend of the court shall make available to the consumer reporting agency current support information of an individual payer.

Section 2. This amendatory act shall take effect January 1, 1997.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.