



HOUSE BILL No. 5175

September 28, 1995, Introduced by Reps. Scott, Freeman, Vaughn, Clack, Murphy, Hanley, Agee, DeHart, Pitoniak, Anthony, Martinez, Munsell, Price, LaForge, Kilpatrick, Hood, DeMars, Hertel, Gagliardi, Mathieu, Leland, Brater, Baird, Schroer, Kelly, Cherry, Gire, Stallworth, Prusi, Parks, Tesanovich, Emerson, Geiger and Llewellyn and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 9 and 11 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

section 11 as amended by Act No. 288 of the Public Acts of 1992, being sections 552.509 and 552.511 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 9 and 11 of Act No. 294 of the Public
2 Acts of 1982, section 11 as amended by Act No. 288 of the Public
3 Acts of 1992, being sections 552.509 and 552.511 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 9. (1) After a support order is entered in a domestic
6 relations matter except as otherwise provided in the order or
7 judgment, the office shall receive all payments of support orders
8 and service fees; not less than once each month record the

1 support payments due, paid, and past due; and disburse all
2 support receipts to the recipient of support.

3 (2) The office shall provide annually to each party, without
4 charge, 1 statement of account upon request. Additional state-
5 ments of account shall be provided at a reasonable fee sufficient
6 to pay for the cost of reproduction. Statements provided under
7 this subsection are in addition to statements provided for admin-
8 istrative and judicial hearings.

9 (3) The office shall initiate and carry out proceedings to
10 enforce all orders entered in a domestic relations matter regard-
11 ing custody, visitation, HEALTH CARE COVERAGE, and support, in
12 accordance with this act, the support and visitation enforcement
13 act, and supreme court rules.

14 Sec. 11. (1) Each office shall initiate enforcement pursu-
15 ant to the support and visitation enforcement act ~~, Act No. 295~~
16 ~~of the Public Acts of 1982, being sections 552.601 to 552.650 of~~
17 ~~the Michigan Compiled Laws,~~ when ~~a~~ EITHER OF THE FOLLOWING
18 APPLIES:

19 (A) A fixed amount of arrearage is reached, except as other-
20 wise provided in section ~~4(3) of Act No. 295 of the Public Acts~~
21 ~~of 1982~~ 4 OF THE SUPPORT AND VISITATION ENFORCEMENT ACT, being
22 section 552.604 of the Michigan Compiled Laws. The amount of
23 arrearage so fixed shall be an amount equal to the amount of sup-
24 port payable for 1 month under the payer's support order. The
25 office shall not initiate enforcement under this ~~subsection~~
26 SUBDIVISION if the support order was entered ex parte and the
27 office has not received a copy of proof of service of the order.

1 (B) A PARENT FAILS TO OBTAIN OR MAINTAIN HEALTH CARE
2 COVERAGE FOR THE PARENT'S CHILD AS ORDERED BY THE COURT. THE
3 OFFICE SHALL INITIATE ENFORCEMENT UNDER THIS SUBDIVISION AT THE
4 FOLLOWING TIMES:

5 (i) WITHIN 60 DAYS AFTER THE ENTRY OF A SUPPORT ORDER CON-
6 TAINING HEALTH CARE COVERAGE PROVISIONS.

7 (ii) WHEN A REVIEW IS CONDUCTED AS PROVIDED IN SECTION 17.

8 (iii) CONCURRENT WITH ENFORCEMENT INITIATED BY THE OFFICE
9 UNDER THIS SUBDIVISION.

10 (iv) UPON RECEIPT OF A WRITTEN COMPLAINT FROM A PARTY.

11 (v) UPON RECEIPT OF A WRITTEN COMPLAINT FROM THE DEPARTMENT
12 OF SOCIAL SERVICES IF THE CHILD FOR WHOSE BENEFIT HEALTH CARE
13 COVERAGE IS ORDERED IS A RECIPIENT OF PUBLIC ASSISTANCE OR MEDI-
14 CAL ASSISTANCE.

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

24 (3) The office shall send, by ordinary mail, a notice to an
25 alleged violator of a custody or visitation order, informing the
26 alleged violator of the nature of the alleged violation, the
27 proposed action under this or other applicable act, and the

1 availability of domestic relations mediation. The notice shall
2 contain the following statement in boldface type of not less than
3 12 points:

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

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

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

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

17 (b) Refer the parties to meet with a domestic relations
18 mediator as provided in section 13, if the parties agree to
19 mediation.

20 (c) If appropriate, proceed under section 41 of ~~Act No. 295~~
21 ~~of the Public Acts of 1982~~ THE SUPPORT AND VISITATION ENFORCE-
22 MENT ACT, being section 552.641 of the Michigan Compiled Laws, or
23 other applicable act.