



# HOUSE BILL No. 5899

May 22, 1996, Introduced by Rep. Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 11 of Act No. 294 of the Public Acts of 1982, entitled as amended "Friend of the court act," as amended by Act No. 144 of the Public Acts of 1996, being section 552.511 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 11 of Act No. 294 of the Public Acts of  
2 1982, as amended by Act No. 144 of the Public Acts of 1996, being  
3 section 552.511 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 11. (1) Each office shall initiate enforcement  
6 ~~pursuant to~~ UNDER the support and parenting time enforcement  
7 act when either of the following applies:

8 (a) A fixed amount of arrearage is reached, except as  
9 otherwise provided in section 4 of the support and parenting time

1 enforcement act, being section 552.604 of the Michigan Compiled  
2 Laws. The amount of arrearage so fixed shall be an amount equal  
3 to the amount of support payable for 1 month under the payer's  
4 support order. The office shall not initiate enforcement under  
5 this subdivision if the support order was entered ex parte and  
6 the office has not received a copy of proof of service of the  
7 order.

8 (b) A parent fails to obtain or maintain health care cover-  
9 age for the parent's child as ordered by the court. The office  
10 shall initiate enforcement under this subdivision at the follow-  
11 ing times:

12 (i) Within 60 days after the entry of a support order con-  
13 taining health care coverage provisions.

14 (ii) When a review is conducted as provided in section 17.

15 (iii) Concurrent with enforcement initiated by the office  
16 under ~~this~~ subdivision (A).

17 (iv) Upon receipt of a written complaint from a party.

18 (v) Upon receipt of a written complaint from the ~~department~~  
19 ~~of social services~~ FAMILY INDEPENDENCE AGENCY if the child for  
20 whose benefit health care coverage is ordered is a recipient of  
21 public assistance or medical assistance.

22 (2) For a custody or parenting time order, the office may  
23 initiate enforcement proceedings under subsection (3) upon its  
24 own initiative and shall initiate enforcement proceedings upon  
25 receipt of a written complaint stating the specific facts alleged  
26 to constitute a violation, if the office determines that there is  
27 reason to believe a violation of a custody or parenting time

1 order has occurred. Upon request, the office of the friend of  
2 the court shall assist a person in preparing a complaint under  
3 this subsection.

4 (3) The office shall send, by ordinary mail, a notice to an  
5 alleged violator of a custody or parenting time order, informing  
6 the alleged violator of the nature of the alleged violation, the  
7 proposed action under this or other applicable act, and the  
8 availability of domestic relations mediation. The notice shall  
9 contain the following statement in boldfaced type of not less  
10 than 12 points:

11  
12 "FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE  
13 WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A  
14 SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT  
15 PROCEEDINGS BEING BROUGHT AGAINST YOU."

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

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

21 (a) Schedule a joint meeting with the parties to discuss the  
22 allegations of failure to comply with a custody or parenting time  
23 order, and attempt to resolve the differences between the  
24 parties.

25 (b) Refer the parties to meet with a domestic relations  
26 mediator as provided in section 13, if the parties agree to  
27 mediation.

1 (c) If appropriate, proceed under section 41 of the support  
2 and parenting time enforcement act, being section 552.641 of the  
3 Michigan Compiled Laws, or other applicable act.

4 (6) A FRIEND OF THE COURT MAY ACCESS THE LAW ENFORCEMENT  
5 INFORMATION NETWORK REGULATED UNDER THE L.E.I.N. POLICY COUNCIL  
6 ACT OF 1974, ACT NO. 163 OF THE PUBLIC ACTS OF 1974, BEING SEC-  
7 TIONS 28.211 TO 28.216 OF THE MICHIGAN COMPILED LAWS, FOR INFOR-  
8 MATION THAT MAY BE USEFUL IN THE ENFORCEMENT OF A SUPPORT, CUSTO-  
9 DY, OR PARENTING TIME ORDER. THE ACCESS IS SUBJECT TO THE POLI-  
10 CIES AND PROCEDURES ESTABLISHED UNDER ACT NO. 163 OF THE PUBLIC  
11 ACTS OF 1974.