



SENATE BILL No. 585

June 15, 1995, Introduced by Senators GEAKE, DINGELL, STEIL, GOUGEON, HOFFMAN, SHUGARS and MCMANUS and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 3, 5, and 9 of Act No. 294 of the Public Acts of 1982, entitled as amended "Friend of the court act," section 5 as amended by Act No. 273 of the Public Acts of 1989, being sections 552.503, 552.505, and 552.509 of the Michigan Compiled Laws; and to add section 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 5, and 9 of Act No. 294 of the
2 Public Acts of 1982, section 5 as amended by Act No. 273 of the
3 Public Acts of 1989, being sections 552.503, 552.505, and 552.509
4 of the Michigan Compiled Laws, are amended and section 28 is
5 added to read as follows:

6 Sec. 3. (1) There is created in each judicial circuit of
7 this state an office of the friend of the court, except as
8 provided in subsection (2).

1 (2) If each county in a multicounty judicial circuit has a
2 separate office of the friend of the court on the day before the
3 effective date of this act, each county in that circuit shall
4 have a separate office of the friend of the court on the effec-
5 tive date of this act. If a vacancy occurs in the position of
6 the friend of the court in such a county, the chief judge may
7 merge the office of the friend of the court in that county with
8 the office of the friend of the court in another county of the
9 judicial circuit.

10 (3) The head of each office is the friend of the court serv-
11 ing under section 21(1) or appointed pursuant to section 23.

12 (4) Except as provided in this subsection, the friend of the
13 court is an employee of the circuit court in the judicial circuit
14 served by the friend of the court. The friend of the court for
15 the third judicial circuit, and for any other judicial circuit in
16 which the employees serving in the court are paid by the state,
17 is an employee of the state judicial council.

18 (5) The duties of the office shall be performed under the
19 direction and supervision of the chief judge.

20 (6) Each friend of the court shall take all necessary steps
21 to adopt office procedures to implement this act, supreme court
22 rules, and the recommendations of the bureau. OFFICE OF THE
23 FRIEND OF THE COURT SERVICES SHALL BE PROVIDED WITHOUT REGARD TO
24 THE GENDER OF THE INDIVIDUAL RECEIVING THOSE SERVICES. THE
25 FRIEND OF THE COURT SHALL MONITOR THE OFFICE FOR ISSUES OF GENDER
26 BIAS.

1 Sec. 5. Before adjudication of a domestic relations matter,
2 the office of the friend of the court ~~shall have~~ HAS the
3 following duties:

4 (a) To provide an informational pamphlet, in accordance with
5 the model pamphlet developed by the bureau, to each party to a
6 domestic relations matter. The informational pamphlet shall
7 explain the procedures of the court and the office; the duties of
8 the office; the rights and responsibilities of the parties; the
9 availability of and procedures used in domestic relations media-
10 tion; the availability of human services in the community; the
11 availability of joint custody as described in section 6a of the
12 child custody act of 1970, Act No. 91 of the Public Acts of 1970,
13 being section 722.26a of the Michigan Compiled Laws; and how to
14 file a grievance regarding the office. The informational pam-
15 phlet shall be provided as soon as possible after the filing of a
16 complaint or other initiating pleading. Upon request, a party
17 shall receive an oral explanation of the informational pamphlet
18 from the office.

19 (b) To inform the parties of the availability of domestic
20 relations mediation if there is a dispute as to child custody or
21 visitation. THE INFORMATION SHALL INCLUDE NOTIFICATION THAT EACH
22 PARTY TO THE DISPUTE HAS THE RIGHT TO MEET WITH THE INDIVIDUAL
23 INVESTIGATING THE DISPUTE BEFORE THAT INDIVIDUAL MAKES A RECOM-
24 MENDATION REGARDING THE DISPUTE.

25 (c) To inform the parents of the availability of joint cus-
26 tody as described in section 6a of Act No. 91 of the Public Acts

1 of 1970, if there is a dispute between the parents as to child
2 custody.

3 (d) To investigate all relevant facts, and to make a written
4 report and recommendation to the parties and to the court regard-
5 ing child custody or visitation, or both, if there is a dispute
6 as to child custody or visitation, or both, and domestic rela-
7 tions mediation is refused by either party or is unsuccessful, or
8 if ordered to do so by the court. The investigation may include
9 reports and evaluations by outside persons or agencies if
10 requested by the parties or the court, and shall include documen-
11 tation of alleged facts, if practicable. IF REQUESTED BY A
12 PARTY, AN INVESTIGATION SHALL INCLUDE A MEETING WITH THE PARTY. A
13 written report and recommendation regarding child custody or vis-
14 itation, or both, shall be based upon the factors enumerated in
15 Act No. 91 of the Public Acts of 1970, being sections 722.21 to
16 722.29 of the Michigan Compiled Laws.

17 (e) To investigate all relevant facts and to make a written
18 report and recommendation to the parties and their attorneys and
19 to the court regarding child support, if ordered to do so by the
20 court. The written report and recommendation shall be placed in
21 the court file. The investigation may include reports and evalu-
22 ations by outside persons or agencies if requested by the parties
23 or the court, and shall include documentation of alleged facts,
24 if practicable. IF REQUESTED BY A PARTY, AN INVESTIGATION SHALL
25 INCLUDE A MEETING WITH THE PARTY. The child support formula
26 developed by the bureau under section 19 shall be used as a
27 guideline in recommending child support. The written report

1 shall include the support amount determined by application of the
2 child support formula and all factual assumptions upon which that
3 support amount is based. If the office of the friend of the
4 court determines from the facts of the case that application of
5 the child support formula would be unjust or inappropriate, the
6 written report shall also include all of the following:

7 (i) An alternative support recommendation.

8 (ii) All factual assumptions upon which the alternative sup-
9 port recommendation is based, if applicable.

10 (iii) How the alternative support recommendation deviates
11 from the child support formula.

12 (iv) The reasons for the alternative support
13 recommendation.

14 Sec. 9. (1) After a support order is entered in a domestic
15 relations matter except as otherwise provided in the order or
16 judgment, the office shall receive all payments of support orders
17 and service fees; SHALL not less than once each month record the
18 support payments due, paid, and past due; and SHALL disburse all
19 support ~~receipts~~ PAYMENTS to the recipient of support WITHIN 14
20 DAYS AFTER THE OFFICE RECEIVES EACH PAYMENT. UNLESS A DELAY IS
21 FOR GOOD CAUSE AS DETERMINED BY THE CIRCUIT COURT, IF THE OFFICE
22 DOES NOT DISBURSE A PAYMENT WITHIN 14 DAYS AFTER IT IS RECEIVED,
23 THE OFFICE SHALL PAY INTEREST ON THE UNDISBURSED AMOUNT AT EITHER
24 THE RATE SET FOR JUDGMENTS UNDER THE REVISED JUDICATURE ACT OF
25 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS
26 600.101 TO 600.9947 OF THE MICHIGAN COMPILED LAWS, OR \$2.00,
27 WHICHEVER IS GREATER.

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

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

12 SEC. 28. EACH OFFICE OF THE FRIEND OF THE COURT SHALL COM-
13 PILE DATA ON THE NUMBER AND TYPE OF COMPLAINTS REGARDING SUPPORT
14 AND VISITATION. THE DATA SHALL INCLUDE, BUT NEED NOT BE LIMITED
15 TO, THE NUMBER OF CASES IN WHICH A PARTY FAILS TO APPEAR AT A
16 SHOW CAUSE HEARING AND THE NUMBER OF CASES IN WHICH A BENCH WAR-
17 RANT IS ISSUED FOR FAILURE TO APPEAR.