



# SENATE BILL No. 592

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

A bill to amend section 12 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

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:

1 Section 1. Section 12 of Act No. 294 of the Public Acts of  
2 1982, as amended by Act No. 250 of the Public Acts of 1992, being  
3 section 552.512 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 12. (1) ~~Except as otherwise provided in this section,~~  
6 ~~the~~ THE office of the friend of the court may report to a con-  
7 sumer reporting agency support information concerning all payers  
8 ~~with an arrearage of support of 1 or more months or an amount~~  
9 ~~equal to or greater than \$1,000.00, whichever is reached first.~~

1 ~~Thereafter, the office of the friend of the court shall make the~~  
2 ~~support information available to the consumer reporting agency~~  
3 ~~on a monthly basis.~~

4 ~~(2) Before making the initial support information available~~  
5 ~~pursuant to subsection (1), the office of the friend of the court~~  
6 ~~shall provide the payer with notice of all of the following:~~

7 ~~(a) The proposed action.~~

8 ~~(b) The amount of the arrearage.~~

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

12 ~~(d) That the payer may avoid the reporting of the support~~  
13 ~~information by paying the entire arrearage within 21 days after~~  
14 ~~the date notice was sent.~~

15 ~~(e) That if the payer is reported, support information will~~  
16 ~~continue to be provided to the consumer reporting agency until~~  
17 ~~the support arrearage falls and remains below the applicable~~  
18 ~~threshold set forth in subsection (1) for 2 years.~~

19 ~~(3) The office of the friend of the court shall provide to a~~  
20 ~~payer a review to enable a payer to object to the reporting of~~  
21 ~~the support information on the grounds of a mistake of fact con-~~  
22 ~~cerning the amount of the arrearage or the identity of the payer~~  
23 ~~under 1 or more of the following circumstances:~~

24 ~~(a) If before the initial reporting, the payer requests a~~  
25 ~~review within 14 days after the date notice was sent pursuant to~~  
26 ~~subsection (2).~~

1       ~~(b) If a payer requests a review within 30 days after the~~  
2 ~~payer notifies the office of the friend of the court that he or~~  
3 ~~she has been denied credit by a lender due in part to the report-~~  
4 ~~ing to the consumer reporting agency of support information by~~  
5 ~~the office of the friend of the court.~~

6       ~~(4) A review under this section shall be held before a ref-~~  
7 ~~eree, the friend of the court, or a friend of the court employee~~  
8 ~~designated by the friend of the court who has not had prior~~  
9 ~~involvement with the enforcement of a support obligation of the~~  
10 ~~payer.~~

11       ~~(5) The office of the friend of the court shall not make~~  
12 ~~support information available pursuant to subsection (1) if any~~  
13 ~~of the following are true:~~

14       ~~(a) Twenty one days have not expired after the date the~~  
15 ~~notice was sent under subsection (2).~~

16       ~~(b) The payer pays the entire arrearage within 21 days after~~  
17 ~~the date the notice was sent under subsection (2).~~

18       ~~(c) The payer requests a review under subsection (3) and 2~~  
19 ~~working days have not expired after the review.~~

20       ~~(d) The payer pays the entire arrearage within 2 working~~  
21 ~~days after the review under subsection (3).~~

22       ~~(6) The office of the friend of the court shall discontinue~~  
23 ~~reporting support information to a consumer reporting agency~~  
24 ~~regarding a payer and request deletion of the support information~~  
25 ~~previously reported if the payer's support arrearage has fallen~~  
26 ~~and remained below the applicable threshold found in subsection~~

1 ~~(1) for 2 years. When the consumer reporting agency receives the~~  
2 ~~request for deletion, it shall comply with the request promptly.~~

3 (2) ~~(7)~~ The state court administrative office is responsi-  
4 ble for determining what support information should be provided  
5 to a consumer reporting agency and establishing the policies and  
6 procedures for making support information available to a consumer  
7 reporting agency pursuant to this section.

8 (3) ~~(8)~~ Upon request of a consumer reporting agency, A  
9 PAYEE, OR THE INDIVIDUAL PAYER, the office of the friend of the  
10 court shall make available to the consumer reporting agency cur-  
11 rent support information of ~~an~~ THE individual payer. ~~whose~~  
12 ~~case is being reported to the consumer reporting agency.~~

13 ~~(9) Support information is not available under this section~~  
14 ~~if the recipient of support has filed with the office an agree-~~  
15 ~~ment signed by the payer and the recipient of support which stip-~~  
16 ~~ulates that information concerning an arrearage be made available~~  
17 ~~only upon the request of the recipient of support. The parties~~  
18 ~~shall not enter into an agreement pursuant to this subsection if~~  
19 ~~the recipient of support is a recipient of public assistance or~~  
20 ~~if an arrearage is payable to the state. If the recipient of~~  
21 ~~support becomes a recipient of public assistance, the agreement~~  
22 ~~is void.~~

23 (4) ~~(10)~~ The office of the friend of the court may charge  
24 a consumer reporting agency, THE PAYEE, OR THE INDIVIDUAL PAYER a  
25 fee not to exceed the actual cost to the office of complying with  
26 ~~this section~~ A REQUEST UNDER SUBSECTION (3).