
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 790 (as reported with amendments)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Friend of the Court Act to authorize the Friend of the Court (FOC) to issue subpoenas, include court proceedings arising out of the Uniform Interstate Family Support Act in the FOC Act's definition of "domestic relations matter", and replace references to a custodial parent and an absent parent with references to a parent.

The FOC or his or her designee could issue an administrative subpoena to require a public or private entity doing business in Michigan to furnish "current employment" information in the entity's possession that pertained to a parent and that was needed to establish, modify, or enforce a support order. The officers or employees of the entity would have to furnish the information within 15 days after the entity received the subpoena. ("Current employment" would mean employment within one year of the FOC request.)

In the case of disobedience of an FOC request or subpoena for information, the FOC or his or her designee could petition the circuit court in the county in which the inquiry was made to require the production of books, papers, and documents. Any circuit court could, in the case of refusal to obey a subpoena or request for information, issue an order requiring the person or other entity to appear and to produce books, records, and papers if so ordered. Failure to obey the court order would be punishable by the court as contempt.

An employer, former employer, or other entity would not be liable under Federal or State law to a person or governmental entity for a disclosure of information to the FOC or for any other action taken by the employer, former employer, or other entity in good faith to comply with information disclosure provisions of the Act and the subpoena provisions of the bill.

MCL 552.502 & 552.518

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in administrative savings for small Friend of the Court offices that do not have a staff attorney for issuing subpoenas.

Date Completed: 12-1-97

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.