

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 790

A bill to amend 1982 PA 294, entitled  
"Friend of the court act,"  
by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509,  
552.518, and 552.519), sections 2 and 19 as amended by 1996 PA  
366, section 9 as amended by 1996 PA 365, and section 18 as  
amended by 1996 PA 144, and by adding section 17e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 2. As used in this act:
- 2       (a) "Bureau" means the state friend of the court bureau cre-
- 3 ated in section 19.
- 4       (b) "Chief judge" means the following:
- 5       (i) The circuit judge in a judicial circuit having only 1
- 6 circuit judge.

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1       (ii) Except in the county of Wayne, the chief judge of the  
2 circuit court in a judicial circuit having 2 or more circuit  
3 judges.

4       (iii) In the county of Wayne, the executive chief judge of  
5 the circuit court in the third judicial circuit. ~~and the~~  
6 ~~recorder's court of the city of Detroit.~~

7       (c) "Citizen advisory committee" means a citizen friend of  
8 the court advisory committee established as provided in  
9 section 4.

10       (d) "Consumer reporting agency" means a person that, for  
11 monetary fees or dues, or on a cooperative nonprofit basis, regu-  
12 larly engages in whole or in part in the practice of assembling  
13 or evaluating consumer credit information or other information on  
14 consumers for the purpose of furnishing consumer reports to third  
15 parties, and that uses any means or facility of interstate com-  
16 merce for the purpose of preparing or furnishing consumer  
17 reports. As used in this subdivision, "consumer report" means  
18 that term as defined in section 603 of the fair credit reporting  
19 act, title VI of the consumer credit protection act, Public Law  
20 90-321, 15 U.S.C. 1681a.

21       (e) "County board" means the county board of commissioners  
22 in the county served by the office. If a judicial circuit  
23 includes more than 1 county, action required to be taken by the  
24 county board means action by the county boards of commissioners  
25 for all counties composing that circuit.

26       (f) "Court" means the circuit court.

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1 (G) "CURRENT EMPLOYMENT" MEANS EMPLOYMENT WITHIN 1 YEAR  
2 BEFORE A FRIEND OF THE COURT REQUEST FOR INFORMATION.

3 (H) ~~(g)~~ "Domestic relations matter" means a circuit court  
4 proceeding as to child custody or parenting time, or child or  
5 spousal support, that arises out of litigation under a statute of  
6 this state, including but not limited to the following:

7 (i) ~~Chapter 84 of the Revised Statutes of 1846, being sec-~~  
8 ~~tions 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS 84,~~  
9 MCL 552.1 TO 552.45.

10 (ii) The family support act, ~~Act No. 138 of the Public Acts~~  
11 ~~of 1966, being sections 552.451 to 552.459 of the Michigan~~  
12 ~~Compiled Laws 1966 PA 138, MCL 552.451 TO 552.459.~~

13 (iii) The child custody act of 1970, ~~Act No. 91 of the~~  
14 ~~Public Acts of 1970, being sections 722.21 to 722.29 of the~~  
15 ~~Michigan Compiled Laws 1970 PA 91, MCL 722.21 TO 722.30.~~

16 (iv) ~~Act No. 293 of the Public Acts of 1968, being sections~~  
17 ~~722.1 to 722.6 of the Michigan Compiled Laws 1968 PA 293, MCL~~  
18 ~~722.1 TO 722.6.~~

19 (v) The paternity act, ~~Act No. 205 of the Public Acts of~~  
20 ~~1956, being sections 722.711 to 722.730 of the Michigan Compiled~~  
21 ~~Laws 1956 PA 205, MCL 722.711 TO 722.730.~~

22 (vi) Revised uniform reciprocal enforcement of support act,  
23 ~~Act No. 8 of the Public Acts of 1952, being sections 780.151 to~~  
24 ~~780.183 of the Michigan Compiled Laws 1952 PA 8, MCL 780.151 TO~~  
25 ~~780.183.~~

26 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA  
27 310, MCL 552.1101 TO 552.1901.

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1 (I) ~~(h)~~ "Domestic relations mediation" means a process by  
2 which the parties are assisted by a domestic relations mediator  
3 in voluntarily formulating an agreement to resolve a dispute con-  
4 cerning child custody or parenting time that arises from a domes-  
5 tic relations matter.

6 (J) ~~(i)~~ "Friend of the court" means the person serving  
7 under section 21(1) or appointed under section 23 as the head of  
8 the office of the friend of the court.

9 (K) "INCOME" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE  
10 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL  
11 552.602.

12 Sec. 9. (1) ~~After~~ EXCEPT AS OTHERWISE PROVIDED IN THE  
13 ORDER OR JUDGMENT, AFTER a support order is entered in a domestic  
14 relations matter, ~~except as otherwise provided in the order or~~  
15 ~~judgment,~~ the office shall receive all payments of support  
16 orders and service fees; shall, not less than once each month,  
17 record the support payments due, paid, and past due; and shall  
18 disburse all support payments to the recipient of support within  
19 14 days after the office receives each payment.

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

26 (3) The office shall initiate and carry out proceedings to  
27 enforce an order entered in a domestic relations matter regarding

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1 custody, parenting time, health care coverage, or support in  
2 accordance with this act, the support and parenting time enforce-  
3 ment act, and supreme court rules.

4 (4) UPON REQUEST OF A CHILD SUPPORT AGENCY OF ANOTHER STATE,  
5 THE OFFICE SHALL INITIATE AND CARRY OUT CERTAIN PROCEEDINGS TO  
6 ENFORCE SUPPORT ORDERS ENTERED IN THE OTHER STATE WITHOUT THE  
7 NEED TO REGISTER THE ORDER AS A DOMESTIC RELATIONS MATTER IN THIS  
8 STATE. THE ORDER SHALL BE ENFORCED USING AUTOMATED ADMINISTRA-  
9 TIVE ENFORCEMENT ACTIONS AUTHORIZED UNDER THE SUPPORT AND PARENT-  
10 ING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.601 TO 552.650.

11 SEC. 17E. THE OFFICE SHALL UTILIZE GUIDELINES PROVIDED IN  
12 THE CHILD SUPPORT FORMULA DEVELOPED BY THE STATE FRIEND OF THE  
13 COURT BUREAU UNDER SECTION 19 TO ADMINISTRATIVELY ADJUST ARREAR-  
14 AGE PAYMENT SCHEDULES. IN MAKING AN ADMINISTRATIVE ADJUSTMENT AS  
15 AUTHORIZED BY THIS SUBSECTION, THE OFFICE SHALL FOLLOW PROCEDURES  
16 TO AFFORD THE PAYER DUE PROCESS INCLUDING AT LEAST NOTICE, AN  
17 OPPORTUNITY FOR AN ADMINISTRATIVE HEARING, AND AN OPPORTUNITY FOR  
18 AN APPEAL ON THE RECORD TO AN INDEPENDENT ADMINISTRATIVE OR JUDI-  
19 CIAL TRIBUNAL.

20 Sec. 18. (1) Subject to subsections (3) and (4), upon the  
21 request of the office of the friend of the court, any employer or  
22 former employer of a ~~custodial parent or an absent~~ parent as  
23 defined in section 1 of the office of child support act, ~~Act~~  
24 ~~No. 174 of the Public Acts of 1971, being section 400.231 of the~~  
25 ~~Michigan Compiled Laws~~ 1971 PA 174, MCL 400.231, WHO IS OR WAS  
26 EMPLOYED BY THE EMPLOYER AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR

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1 shall provide all of the following information relative to the  
2 ~~custodial parent or absent~~ parent:

3 (a) Full name and address.

4 (b) Social security number. [THE REQUIREMENT OF THIS  
SUBDIVISION TO PROVIDE A SOCIAL SECURITY NUMBER WITH THE INFORMATION  
DOES NOT APPLY IF THE PARENT IS EXEMPT UNDER FEDERAL LAW FROM  
OBTAINING A SOCIAL SECURITY NUMBER OR IS EXEMPT UNDER FEDERAL OR  
STATE LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER  
THESE CIRCUMSTANCES. THE FRIEND OF THE COURT SHALL INFORM THE  
PARENT OF THIS POSSIBLE EXEMPTION.]

5 (c) Date of birth.

6 (d) Amount of wages earned by or other income due the custo-  
7 dial parent or absent parent. ~~As used in this subdivision and~~  
8 ~~subdivision (e), "income" means income as defined in section 2 of~~  
9 ~~the support and parenting time enforcement act, Act No. 295 of~~  
10 ~~the Public Acts of 1982, being section 552.602 of the Michigan~~  
11 ~~Compiled Laws.~~ Both net and gross income shall be reported,  
12 regardless of method of payment.

13 (e) The following information concerning the person's cur-  
14 rent and former employment status: whether or not the custodial  
15 parent or absent parent is currently employed, laid off, on sick,  
16 disability, or other leave of absence, or retired, and amount of  
17 income due from an employment related benefit plan, if any.

18 (f) Dependent health care coverage available to the custo-  
19 dial parent or absent parent as a benefit of employment.

20 (2) THE FRIEND OF THE COURT OR HIS OR HER DESIGNEE MAY ISSUE  
21 AN ADMINISTRATIVE SUBPOENA TO REQUIRE ANY PUBLIC OR PRIVATE  
22 ENTITY DOING BUSINESS IN THE STATE [THAT EMPLOYS OR HAS EMPLOYED A  
PARENT] TO FURNISH ANY CURRENT EMPLOY-  
23 MENT INFORMATION IN THE POSSESSION OF THE ENTITY THAT PERTAINS TO  
24 [THE] PARENT AND THAT IS NEEDED TO ESTABLISH, MODIFY, OR ENFORCE A  
25 SUPPORT ORDER. THE ENTITY'S OFFICERS OR EMPLOYEES SHALL FURNISH  
26 THE INFORMATION WITHIN 15 DAYS AFTER THE SUBPOENA IS RECEIVED BY  
27 THE ENTITY. [THIS SUBSECTION DOES NOT ABROGATE A CONFIDENTIALITY  
PRIVILEGE ESTABLISHED BY LAW.]

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1           (3) ~~-(2)-~~ A request OR SUBPOENA for information under this  
2 section shall certify that the information obtained will be  
3 treated as confidential and shall not be used or released except  
4 for the purposes of administering, enforcing, and complying with  
5 state and federal laws governing child support.

6           (4) ~~-(3)-~~ A former employer ~~shall~~ IS not ~~be~~ required to  
7 provide information concerning a person who was last employed by  
8 the former employer more than 3 years before the date of the  
9 request OR SUBPOENA FOR INFORMATION UNDER THIS SECTION.

10          (5) ~~-(4)-~~ This section does not require the creation or  
11 maintenance of records not otherwise required to be created or  
12 maintained, or require an employer or former employer to discover  
13 information not contained in records of, or otherwise known to,  
14 the employer or former employer.

15          (6) ~~-(5)-~~ A copy of information provided to the office under  
16 this section shall be made available to the ~~custodial parent or~~  
17 ~~absent~~ parent, ~~or both,~~ upon his or her request.

18          (7) IN THE CASE OF DISOBEDIENCE OF A REQUEST OR SUBPOENA FOR  
19 INFORMATION UNDER THIS SECTION, THE FRIEND OF THE COURT OR HIS OR  
20 HER DESIGNEE MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN  
21 WHICH THE INQUIRY IS BEING MADE TO REQUIRE THE PRODUCTION OF  
22 BOOKS, PAPERS, AND DOCUMENTS. IN THE CASE OF REFUSAL TO OBEY A  
23 SUBPOENA OR REQUEST FOR INFORMATION UNDER THIS SECTION, A CIRCUIT  
24 COURT MAY ISSUE AN ORDER REQUIRING THE PERSON OR OTHER ENTITY TO  
25 APPEAR AND TO PRODUCE BOOKS, RECORDS, AND PAPERS IF SO ORDERED.  
26 FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE  
27 COURT AS A CONTEMPT.

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1 (8) AN EMPLOYER, FORMER EMPLOYER, OR OTHER ENTITY IS NOT  
2 LIABLE UNDER FEDERAL OR STATE LAW TO A PERSON OR GOVERNMENTAL  
3 ENTITY FOR A DISCLOSURE OF INFORMATION TO THE OFFICE UNDER THIS  
4 SECTION OR FOR ANY OTHER ACTION TAKEN BY THE EMPLOYER, FORMER  
5 EMPLOYER, OR OTHER ENTITY IN GOOD FAITH TO COMPLY WITH THE  
6 REQUIREMENTS OF THIS SECTION.

7 Sec. 19. (1) The state friend of the court bureau is cre-  
8 ated within the state court administrative office, under the  
9 supervision and direction of the supreme court.

10 (2) The bureau shall have its main office in Lansing.

11 (3) The bureau shall do all of the following:

12 (a) Develop and recommend guidelines for conduct, opera-  
13 tions, and procedures of the office and its employees, including,  
14 but not limited to, the following:

15 (i) Case load and staffing standards for employees who per-  
16 form domestic relations mediation functions, investigation and  
17 recommendation functions, referee functions, enforcement func-  
18 tions, and clerical functions.

19 (ii) Orientation programs for clients of the office.

20 (iii) Public educational programs regarding domestic rela-  
21 tions law and community resources, including financial and other  
22 counseling, and employment opportunities.

23 (iv) Procedural changes in response to the type of griev-  
24 ances received by an office.

25 (v) Model pamphlets and procedural forms, which shall be  
26 distributed to each office.

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1           (vi) A formula to be used in establishing and modifying a  
2 child support amount and health care obligation. The formula  
3 shall be based upon the needs of the child and the actual  
4 resources of each parent. The formula shall establish a minimum  
5 threshold for modification of a child support amount. The for-  
6 mula shall consider the child care and dependent health care cov-  
7 erage costs of each parent. THE FORMULA SHALL INCLUDE GUIDELINES  
8 FOR SETTING AND ADMINISTRATIVELY ADJUSTING THE AMOUNT OF PERIODIC  
9 PAYMENTS FOR OVERDUE SUPPORT, INCLUDING GUIDELINES FOR ADJUSTMENT  
10 OF ARREARAGE PAYMENT SCHEDULES WHEN THE CURRENT SUPPORT OBLIGA-  
11 TION FOR A CHILD TERMINATES AND THE PAYER OWES OVERDUE SUPPORT.

12           (b) Provide training programs for the friend of the court,  
13 domestic relations mediators, and employees of the office to  
14 better enable them to carry out the duties described in this act  
15 and supreme court rules.

16           (c) Gather and monitor relevant statistics.

17           (d) Annually issue a report containing a detailed summary of  
18 the types of grievances received by each office, and whether the  
19 grievances are resolved or outstanding. The report shall be  
20 transmitted to the legislature and to each office and shall be  
21 made available to the public. The annual report required by this  
22 subdivision shall include, but is not limited to, all of the  
23 following:

24           (i) An evaluative summary, supplemented by applicable quan-  
25 titative data, of the activities and functioning of each citizen  
26 advisory committee during the preceding year.

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1       (ii) An evaluative summary, supplemented by applicable  
2 quantitative data, of the activities and functioning of the  
3 aggregate of all citizen advisory committees in the state during  
4 the preceding year.

5       (iii) An identification of problems that impede the effi-  
6 ciency of the activities and functioning of the citizen advisory  
7 committees and the satisfaction of the users of the committees'  
8 services.

9       (e) Develop and recommend guidelines to be used by an office  
10 in determining whether or not parenting time has been wrongfully  
11 denied by the custodial parent.

12       (f) Develop standards and procedures for the transfer of  
13 part or all of the responsibilities for a case from one office to  
14 another in situations considered appropriate by the bureau.

15       (g) Certify domestic relations mediation training programs  
16 as provided in section 13.

17       (h) Establish a 9-person state advisory committee, serving  
18 without compensation except as provided in subsection (4), com-  
19 posed of the following members, each of whom is a member of a  
20 citizen advisory committee:

21       (i) Three public members who have had contact with an office  
22 of the friend of the court.

23       (ii) Three attorneys who are members of the state bar of  
24 Michigan and whose practices are primarily domestic relations  
25 law. Not more than 1 attorney may be a circuit court judge.

26       (iii) Three human service professionals who provide family  
27 counseling.

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1 (i) Cooperate with the office of child support in developing  
2 and implementing a statewide information system as provided in  
3 the office of child support act, ~~Act No. 174 of the Public Acts~~  
4 ~~of 1971, being sections 400.231 to 400.235 of the Michigan~~  
5 ~~Compiled Laws~~ 1971 PA 174, MCL 400.231 TO 400.235.

6 (j) Develop and make available guidelines to assist the  
7 office of the friend of the court in determining the appropriate-  
8 ness in individual cases of the following:

9 (i) Imposing a lien or requiring the posting of a bond,  
10 security, or other guarantee to secure the payment of support.

11 (ii) Implementing the offset of a delinquent payer's state  
12 income tax refund.

13 (k) Develop and provide the office of the friend of the  
14 court with all of the following:

15 (i) Form motions, responses, and orders for use by an indi-  
16 vidual in requesting the court to modify his or her child sup-  
17 port, custody, or parenting time order, or in responding to a  
18 motion for modification without the assistance of legal counsel.

19 (ii) Instructions on preparing and filing the forms,  
20 instructions on service of process, and instructions on schedul-  
21 ing a support, custody, or parenting time modification hearing.

22 (l) Develop guidelines for, and encourage the use of, plain  
23 language within the office of the friend of the court including,  
24 but not limited to, the use of plain language in forms and  
25 instructions within the office and in statements of account pro-  
26 vided as required in section 9.

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1       (4) The state advisory committee established under  
2 subsection (3)(h) shall advise the bureau in the performance of  
3 its duties under this section. The bureau shall make a state  
4 advisory committee report or recommendation available to the  
5 public. State advisory committee members shall be reimbursed for  
6 their expenses for mileage, meals, and, if necessary, lodging,  
7 under the schedule for reimbursement established annually by the  
8 legislature. A state advisory committee meeting is open to the  
9 public. A member of the public attending a state advisory com-  
10 mittee meeting shall be given a reasonable opportunity to address  
11 the committee on any issue under consideration by the committee.  
12 If a vote is to be taken by the state advisory committee, the  
13 opportunity to address the committee shall be given before the  
14 vote is taken.

15       (5) The bureau may call upon each office of the friend of  
16 the court for assistance in performing the duties imposed in this  
17 section.

18       Enacting section 1. This amendatory act does not take  
19 effect unless Senate Bill No. 803 of the 89th Legislature is  
20 enacted into law.