

SENATE BILL NO. 790

November 6, 1997, Introduced by Senator GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

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

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.

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

1 (iii) In the county of Wayne, the executive chief judge of
2 the circuit court in the third judicial circuit and the
3 recorder's court of the city of Detroit.

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

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

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

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

24 (g) "Domestic relations matter" means a circuit court pro-
25 ceeding as to child custody or parenting time, or child or spou-
26 sal support, that arises out of litigation under a statute of
27 this state, including but not limited to the following:

1 (i) ~~Chapter 84 of the Revised Statutes of 1846, being~~
2 ~~sections 552.1 to 552.45 of the Michigan Compiled Laws 1846 RS~~
3 ~~84, MCL 552.1 TO 552.45.~~

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

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

10 (iv) ~~Act No. 293 of the Public Acts of 1968, being sections~~
11 ~~722.1 to 722.6 of the Michigan Compiled Laws 1968 PA 293, MCL~~
12 ~~722.1 TO 722.6.~~

13 (v) The paternity act, ~~Act No. 205 of the Public Acts of~~
14 ~~1956, being sections 722.711 to 722.730 of the Michigan Compiled~~
15 ~~Laws 1956 PA 205, MCL 722.711 TO 722.730.~~

16 (vi) Revised uniform reciprocal enforcement of support act,
17 ~~Act No. 8 of the Public Acts of 1952, being sections 780.151 to~~
18 ~~780.183 of the Michigan Compiled Laws 1952 PA 8, MCL 780.151 TO~~
19 ~~780.183.~~

20 (vii) THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, 1996 PA
21 310, MCL 552.1101 TO 552.1901.

22 (h) "Domestic relations mediation" means a process by which
23 the parties are assisted by a domestic relations mediator in vol-
24 untarily formulating an agreement to resolve a dispute concerning
25 child custody or parenting time that arises from a domestic rela-
26 tions matter.

1 (i) "Friend of the court" means the person serving under
2 section 21(1) or appointed under section 23 as the head of the
3 office of the friend of the court.

4 Sec. 18. (1) Subject to subsections (3) and (4), upon the
5 request of the office of the friend of the court, any employer or
6 former employer of a ~~custodial parent or an absent~~ parent as
7 defined in section 1 of the office of child support act, ~~Act~~
8 ~~No. 174 of the Public Acts of 1971, being section 400.231 of the~~
9 ~~Michigan Compiled Laws~~ 1971 PA 174, MCL 400.231, WHO IS OR WAS
10 EMPLOYED BY THE EMPLOYER AS AN EMPLOYEE OR INDEPENDENT CONTRACTOR
11 shall provide all of the following information relative to the
12 ~~custodial parent or absent~~ parent:

13 (a) Full name and address.

14 (b) Social security number.

15 (c) Date of birth.

16 (d) Amount of wages earned by or other income due the custo-
17 dial parent or absent parent. As used in this subdivision and
18 subdivision (e), "income" means income as defined in section 2 of
19 the support and parenting time enforcement act, ~~Act No. 295 of~~
20 ~~the Public Acts of 1982, being section 552.602 of the Michigan~~
21 ~~Compiled Laws~~ 1982 PA 295, MCL 552.602. Both net and gross
22 income shall be reported, regardless of method of payment.

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

1 (f) Dependent health care coverage available to the
2 custodial parent or absent parent as a benefit of employment.

3 (2) THE FRIEND OF THE COURT OR HIS OR HER DESIGNEE MAY ISSUE
4 AN ADMINISTRATIVE SUBPOENA TO REQUIRE ANY PUBLIC OR PRIVATE
5 ENTITY DOING BUSINESS IN THE STATE TO FURNISH ANY INFORMATION IN
6 THE POSSESSION OF THE ENTITY THAT PERTAINS TO A PARENT AND IS
7 NEEDED TO ESTABLISH, MODIFY, OR ENFORCE A SUPPORT ORDER. THE
8 OFFICERS OR EMPLOYEES OF THE ENTITY SHALL FURNISH THE INFORMATION
9 WITHIN 15 DAYS AFTER THE SUBPOENA IS RECEIVED BY THE ENTITY.

10 (3) ~~-(2)-~~ A request OR SUBPOENA for information under this
11 section shall certify that the information obtained will be
12 treated as confidential and shall not be used or released except
13 for the purposes of administering, enforcing, and complying with
14 state and federal laws governing child support.

15 (4) ~~-(3)-~~ A former employer ~~shall~~ IS not ~~be~~ required to
16 provide information concerning a person who was last employed by
17 the former employer more than 3 years before the date of the
18 request OR SUBPOENA FOR INFORMATION UNDER THIS SECTION.

19 (5) ~~-(4)-~~ This section does not require the creation or
20 maintenance of records not otherwise required to be created or
21 maintained, or require an employer or former employer to discover
22 information not contained in records of, or otherwise known to,
23 the employer or former employer.

24 (6) ~~-(5)-~~ A copy of information provided to the office under
25 this section shall be made available to the ~~custodial parent or~~
26 ~~absent~~ parent, ~~or both,~~ upon his or her request.

1 (7) IN THE CASE OF DISOBEDIENCE OF A REQUEST OR SUBPOENA FOR
2 INFORMATION UNDER THIS SECTION, THE FRIEND OF THE COURT OR HIS OR
3 HER DESIGNEE MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN
4 WHICH THE INQUIRY IS BEING MADE TO REQUIRE THE PRODUCTION OF
5 BOOKS, PAPERS, AND DOCUMENTS. ANY CIRCUIT COURT OF THE STATE
6 MAY, IN THE CASE OF REFUSAL TO OBEY A SUBPOENA OR REQUEST FOR
7 INFORMATION UNDER THIS SECTION, ISSUE AN ORDER REQUIRING THE
8 PERSON OR OTHER ENTITY TO APPEAR AND TO PRODUCE BOOKS, RECORDS,
9 AND PAPERS IF SO ORDERED. FAILURE TO OBEY THE ORDER OF THE COURT
10 MAY BE PUNISHED BY THE COURT AS A CONTEMPT.

11 (8) AN EMPLOYER, FORMER EMPLOYER, OR OTHER ENTITY IS NOT
12 LIABLE UNDER FEDERAL OR STATE LAW TO A PERSON OR GOVERNMENTAL
13 ENTITY FOR A DISCLOSURE OF INFORMATION TO THE OFFICE UNDER THIS
14 SECTION OR FOR ANY OTHER ACTION TAKEN BY THE EMPLOYER, FORMER
15 EMPLOYER, OR OTHER ENTITY IN GOOD FAITH TO COMPLY WITH THE
16 REQUIREMENTS OF THIS SECTION.