

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 6007 (Substitute S-1 as reported)
Sponsor: Representative Andrew Raczkowski
House Committee: Civil Law and the Judiciary
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Support and Parenting Time Enforcement Act to require the Friend of the Court (FOC) to take certain actions in response to complaint alleging a violation of a custody or parenting time order; allow the FOC not to respond under certain circumstances; and provide for sanctions against a party to a parenting time dispute who acted in bad faith.

Currently, in a parenting time dispute, an FOC office must apply a makeup parenting time policy, begin civil contempt proceedings, and/or petition the court for a modification of existing parenting time provisions, unless the parties resolve their dispute through domestic relations mediation or an informal joint meeting. The bill, instead, would require the FOC to respond as currently provided, or to schedule mediation or a joint meeting among the parties, in response to a complaint alleging a custody or parenting time order violation. Under the bill, however, the FOC could decline to respond to an alleged violation if the complaining party had previously submitted two or more unwarranted complaints, costs were assessed against that party, and the party had not paid the costs; if the alleged violation occurred more than 56 days before the complaint was submitted; or if the custody or parenting time order did not include an enforceable provision that was relevant to the alleged violation.

A joint meeting of the parties scheduled by the FOC could take place in person or by means of telecommunications equipment. The individual conducting the meeting would have to advise the parties that its purpose was to reach an accommodation and that he or she could recommend an order that the court could issue to resolve the dispute. If the individual submitted a recommended order to the court, he or she would have to give each party a copy of the recommended order and notice that the court could issue the order unless a party objected within 21 days. If a party objected within the 21-day period, the FOC office would have to set a hearing before a judge or referee to resolve the dispute.

If the court found that a party to a parenting time dispute had acted in bad faith, the court would have to order the party to pay a sanction of up to \$250 for the first time, up to \$500 for a second time, and up to \$1,000 for a third or subsequent time. The money would have to be deposited in the county's FOC fund. The court also would have to order the party who acted in bad faith to pay the other party's costs.

MCL 552.602 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in an indeterminate amount of additional revenue for the Friend of the Court Fund from new sanction provisions in the bill.

Date Completed: 6-10-02

Fiscal Analyst: Bill Bowerman