

**SUBSTITUTE FOR  
HOUSE BILL NO. 6009**

A bill to amend 1982 PA 294, entitled  
"Friend of the court act,"  
by amending sections 2, 2a, and 17d (MCL 552.502, 552.502a, and  
552.517d), section 2 as amended by 1998 PA 63, section 2a as  
amended by 1999 PA 150, and section 17d as amended by 1996  
PA 144, and by adding sections 11a and 11b.

**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.

**HB6009, As Passed House, May 28, 2002**

House Bill No. 6009

2

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.

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

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

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

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

26       (g) "Current employment" means employment within 1 year  
27 before a friend of the court request for information.

**HB6009, As Passed House, May 28, 2002**

House Bill No. 6009

3

1           (H) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN  
2 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A  
3 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,  
4 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY  
5 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH  
6 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

7           (I) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

8           (J) ~~(h)~~ "Domestic relations matter" means a circuit court  
9 proceeding as to child custody or parenting time, or child or  
10 spousal support, that arises out of litigation under a statute of  
11 this state, including but not limited to the following:

12           (i) 1846 RS 84, MCL 552.1 to 552.45.

13           (ii) The family support act, 1966 PA 138, MCL 552.451 to  
14 552.459.

15           (iii) ~~The child~~ CHILD custody act of 1970, 1970 PA 91,  
16 MCL 722.21 to ~~722.30~~ 722.31.

17           (iv) 1968 PA 293, MCL 722.1 to 722.6.

18           (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

19           (vi) Revised uniform reciprocal enforcement of support act,  
20 1952 PA 8, MCL 780.151 to 780.183.

21           (vii) ~~The uniform~~ UNIFORM interstate family support act,  
22 1996 PA 310, MCL 552.1101 to 552.1901.

23           (K) ~~(i)~~ "Domestic relations mediation" means a process by  
24 which the parties are assisted by a domestic relations mediator  
25 in voluntarily formulating an agreement to resolve a dispute con-  
26 cerning child custody or parenting time that arises from a  
27 domestic relations matter.

**HB6009, As Passed House, May 28, 2002**

House Bill No. 6009

4

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

4       (M) ~~-(k)-~~ "Income" means that term as defined in section 2  
5     of the support and parenting time enforcement act, 1982 PA 295,  
6     MCL 552.602.

7       Sec. 2a. As used in this act:

8       (a) "Medical assistance" means medical assistance as estab-  
9     lished under title XIX of the social security act, chapter 531,  
10    49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6 ~~,~~  
11    and 1396r-8 to 1396v.

12       (b) "Office" and "office of the friend of the court" mean an  
13    agency created in section 3.

14       (c) "Payer" means a person ordered by the circuit court to  
15    pay support.

16       (d) "Public assistance" means cash assistance provided under  
17    the social welfare act, 1939 PA 280, 400.1 to 400.119b.

18       (e) "Recipient of support" means the following:

19       (i) The spouse, if the support order orders spousal  
20    support.

21       (ii) The custodial parent or guardian, if the support order  
22    orders support for a minor child or a child who is 18 years of  
23    age or older.

24       (iii) The family independence agency, if support has been  
25    assigned to that department.

26       (f) "State advisory committee" means the committee  
27    established by the bureau under section 19.

**HB6009, As Passed House, May 28, 2002**

House Bill No. 6009

5

1 (g) "State disbursement unit" or "SDU" means the entity  
2 established in section 6 of the office of child support act, 1971  
3 PA 174, MCL 400.236.

4 (h) "Support" means all of the following:

5 (i) The payment of money for a child or a spouse ordered by  
6 the circuit court, whether the order is embodied in an interim,  
7 temporary, permanent, or modified order or judgment. Support may  
8 include payment of the expenses of medical, dental, and other  
9 health care, child care expenses, and educational expenses.

10 (ii) The payment of money ordered by the circuit court under  
11 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the  
12 necessary expenses incurred by or for the mother in connection  
13 with her confinement, for other expenses in connection with the  
14 pregnancy of the mother, or for the repayment of genetic testing  
15 expenses.

16 (iii) A surcharge accumulated under section 3a of the sup-  
17 port and parenting time enforcement act, MCL 552.603a.

18 (i) "Support and parenting time enforcement act" means 1982  
19 PA 295, MCL 552.601 to 552.650.

20 (j) "Support order" means an order entered by the circuit  
21 court for the payment of support in a sum certain, whether in the  
22 form of a lump sum or a periodic payment.

23 (K) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL  
24 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,  
25 656 TO 657, 658a TO 660, AND 663 TO 669b.

**HB6009, As Passed House, May 28, 2002**

House Bill No. 6009

6

1        SEC. 11A. (1) A COMPLAINT SEEKING ENFORCEMENT FOR PAYMENT  
2    OF A HEALTH CARE EXPENSE MUST INCLUDE INFORMATION SHOWING THAT  
3    ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

4        (A) THE PARENT AGAINST WHOM THE COMPLAINT IS DIRECTED IS  
5    OBLIGATED TO PAY THE CHILD'S UNINSURED HEALTH CARE EXPENSES, A  
6    DEMAND FOR PAYMENT OF THE UNINSURED PORTION WAS MADE TO THAT  
7    PARENT WITHIN 28 DAYS AFTER THE INSURERS' FINAL PAYMENT OR DENIAL  
8    OF COVERAGE, AND THAT PARENT DID NOT PAY THE UNINSURED PORTION  
9    WITHIN 28 DAYS AFTER THE DEMAND.

10       (B) THE COMPLAINT IS SUBMITTED TO THE OFFICE ON OR BEFORE  
11    ANY OF THE FOLLOWING:

12       (i) ONE YEAR AFTER THE EXPENSE WAS INCURRED.

13       (ii) SIX MONTHS AFTER THE INSURERS' FINAL PAYMENT OR DENIAL  
14    OF COVERAGE FOR THE EXPENSE, IF ALL MEASURES NECESSARY TO SUBMIT  
15    A CLAIM FOR THE HEALTH CARE EXPENSE TO ALL INSURERS THAT MIGHT BE  
16    OBLIGATED TO PAY THE EXPENSE WERE COMPLETED WITHIN 2 MONTHS AFTER  
17    THE EXPENSE WAS INCURRED.

18       (iii) SIX MONTHS AFTER A PARENT DEFAULTS IN PAYING FOR THE  
19    HEALTH CARE EXPENSE AS REQUIRED UNDER A WRITTEN AGREEMENT, SIGNED  
20    BY BOTH PARENTS, THAT LISTS THE SPECIFIC BILLS COVERED BY THE  
21    AGREEMENT, STATES THE AMOUNT TO BE PAID IN TOTAL, AND SETS FORTH  
22    THE SCHEDULE FOR THE PAYMENT OF THAT AMOUNT, WHETHER BY INSTALL-  
23    MENTS OR OTHERWISE.

24       (2) IF AN OFFICE RECEIVES A COMPLAINT THAT MEETS THE  
25    REQUIREMENTS OF SUBSECTION (1), THE OFFICE SHALL SEND A COPY OF  
26    THE COMPLAINT TO THE PARENT WHO IS NAMED IN THE COMPLAINT AS  
27    OBLIGATED TO PAY THE CHILD'S UNINSURED HEALTH CARE EXPENSES. THE

**HB6009, As Passed House, May 28, 2002**

Sub. HB 6009 (H-3) as amended May 28, 2002

7

1 OFFICE SHALL INCLUDE WITH THE COPY OF THE COMPLAINT SENT TO THAT  
2 PARENT A NOTICE ADVISING THE PARENT OF THE PROVISIONS OF SUBSEC-  
3 TION (3).

4 (3) IF, WITHIN [21] DAYS AFTER THE COMPLAINT AND NOTICE ARE  
5 SENT TO A PARENT UNDER SUBSECTION (2), THE PARENT DOES NOT FILE  
6 WITH THE OFFICE A WRITTEN OBJECTION TO THE COMPLAINT, THE AMOUNT  
7 OF THE HEALTH CARE EXPENSE STATED IN THE COMPLAINT BECOMES A SUP-  
8 PORT ARREARAGE AND IS SUBJECT TO ANY ENFORCEMENT PROCESS AVAIL-  
9 ABLE TO COLLECT A SUPPORT ARREARAGE. IF THE PARENT FILES A WRIT-  
10 TEN OBJECTION WITHIN THE [21-DAY] TIME LIMIT, THE OFFICE SHALL SET  
11 A COURT HEARING, BEFORE A JUDGE OR REFEREE, TO RESOLVE THE  
12 COMPLAINT.

13 SEC. 11B. (1) AN OFFICE SHALL INITIATE ENFORCEMENT UNDER  
14 THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT IF THE OFFICE  
15 RECEIVES A WRITTEN COMPLAINT THAT STATES SPECIFIC FACTS CONSTI-  
16 Tuting A CUSTODY OR PARENTING TIME ORDER VIOLATION. UPON REQUEST  
17 OF A PARENT WHO HAS THE RIGHT TO INTERACT WITH HIS OR HER CHILD  
18 UNDER A CUSTODY OR PARENTING TIME ORDER, AN OFFICE SHALL ASSIST  
19 THE PARENT IN PREPARING A COMPLAINT UNDER THIS SUBSECTION.

20 (2) WITHIN 14 DAYS AFTER AN OFFICE RECEIVES A COMPLAINT  
21 UNDER SUBSECTION (1), THE OFFICE SHALL SEND A COPY OF THE COM-  
22 PLAINT TO THE INDIVIDUAL ACCUSED OF INTERFERING AND EACH OTHER  
23 PARTY TO THE CUSTODY OR PARENTING TIME ORDER.

24 (3) IF, IN THE OPINION OF THE OFFICE, THE FACTS AS STATED IN  
25 THE COMPLAINT ALLEGE A CUSTODY OR PARENTING TIME ORDER VIOLATION  
26 THAT CAN BE ADDRESSED BY TAKING AN ACTION AUTHORIZED UNDER  
27 SECTION 41 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,

**HB6009, As Passed House, May 28, 2002**

Sub. HB 6009 (H-3) as amended May 28, 2002

8

1 MCL 552.641, THE OFFICE SHALL PROCEED UNDER SECTION 41 OF THE  
2 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.641.

3 Sec. 17d. (1) After a final judgment containing a parenting  
4 time order ~~has been~~ IS entered in a domestic relations matter  
5 FOR WHICH THERE IS AN OPEN FRIEND OF THE COURT CASE, if there is  
6 ~~a~~ AN UNRESOLVED dispute as to parenting time, ~~that is not~~  
7 ~~resolved voluntarily by the parties through a meeting with the~~  
8 ~~office of the friend of the court under section 11 or through~~  
9 ~~domestic relations mediation under section 13,~~ the office may  
10 ~~petition~~ FILE A MOTION WITH the court for a modification of the  
11 parenting time order. ~~A written report and recommendation shall~~  
12 ~~accompany the petition.~~ (2) ~~Before a court hearing on a proposed~~  
13 ~~modification of a parenting time order, the office shall notify~~  
14 ~~both parties of the proposed modification and afford the parties~~  
15 ~~an opportunity for review and comment.~~ THE OFFICE SHALL SEND  
16 EACH PARTY TO THE PARENTING TIME ORDER NOTICE OF THE FILING OF  
17 THE MOTION. WITH A MOTION FILED AND EACH NOTICE SENT UNDER THIS  
18 SUBSECTION, THE OFFICE SHALL INCLUDE THE FOLLOWING:

19 (A) SUBJECT TO SUBSECTION (2), A WRITTEN REPORT AND  
20 RECOMMENDATION.

21 (B) EITHER AS A SEPARATE DOCUMENT OR IN THE MOTION DOCUMENT  
22 UNDER A SEPARATE HEADING, A NOTICE, IN NOT LESS THAN 12-POINT,  
23 BOLDFACED TYPE, THAT STATES SUBSTANTIALLY THE FOLLOWING:

24 "A PARTY MAY OBJECT TO THE OFFICE OF THE FRIEND OF THE  
25 COURT'S RECOMMENDATION FOR MODIFICATION OF THE PARENTING  
26 TIME ORDER. IF A PARTY DOES NOT OBJECT TO THE  
27 RECOMMENDATION WITHIN [21] DAYS AFTER THIS NOTICE WAS SENT TO



**HB6009, As Passed House, May 28, 2002**

Sub. HB 6009 (H-3) as amended May 28, 2002

9

1 THE PARTY, THE OFFICE OF THE FRIEND OF THE COURT MAY SUBMIT  
2 TO THE COURT A PARENTING TIME ORDER THAT INCORPORATES THE  
3 RECOMMENDATION.".

4 (2) THE OFFICE SHALL PREPARE A WRITTEN REPORT AND RECOMMEN-  
5 DATION REQUIRED FOR SUBSECTION (1) AFTER MAKING AN EVALUATION  
6 THAT IS COMMENSURATE WITH THE SCOPE OF THE UNRESOLVED DISPUTE AS  
7 TO PARENTING TIME.

8 (3) IF, WITHIN [21] DAYS AFTER THE NOTICE UNDER SUBSECTION (1)  
9 IS SENT TO EACH PARTY, NO PARTY OBJECTS TO THE RECOMMENDATION FOR  
10 MODIFICATION OF THE PARENTING TIME ORDER, THE OFFICE MAY SUBMIT  
11 AN ORDER, INCORPORATING THE RECOMMENDATION, TO THE COURT FOR THE  
12 COURT'S ADOPTION. IF A PARTY OBJECTS WITHIN THE [21] DAYS, THE  
13 MOTION FOR MODIFICATION OF THE PARENTING TIME ORDER SHALL BE  
14 NOTICED FOR A HEARING BEFORE A JUDGE OR REFEREE.

15 (4) AT A HEARING ON A MOTION FILED UNDER THIS SECTION, THE  
16 JUDGE OR REFEREE MAY USE STATEMENTS OF FACT IN THE OFFICE'S  
17 REPORT AND RECOMMENDATION AS EVIDENCE TO PROVE A FACT RELEVANT TO  
18 THE PROCEEDING, BUT ONLY IF NO OTHER EVIDENCE IS PRESENTED CON-  
19 CERNING THAT FACT.

20 Enacting section 1. This amendatory act takes effect June  
21 3, 2003.