

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6009**

A bill to amend 1982 PA 294, entitled  
"Friend of the court act,"  
by amending sections 17d and 19 (MCL 552.517d and 552.519), section 17d as amended by 1996 PA 144 and section 19 as amended by 2001 PA 193, and by adding sections 11a and 11b.

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

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.

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

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

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

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

15 (2) IF AN OFFICE RECEIVES A COMPLAINT THAT MEETS THE  
16 REQUIREMENTS OF SUBSECTION (1), THE OFFICE SHALL SEND A COPY OF  
17 THE COMPLAINT TO THE PARENT WHO IS NAMED IN THE COMPLAINT AS  
18 OBLIGATED TO PAY THE CHILD'S UNINSURED HEALTH CARE EXPENSES. THE  
19 OFFICE SHALL INCLUDE WITH THE COPY OF THE COMPLAINT SENT TO THAT  
20 PARENT A NOTICE ADVISING THE PARENT OF THE PROVISIONS OF SUBSEC-  
21 TION (3).

22 (3) IF, WITHIN 21 DAYS AFTER THE COMPLAINT AND NOTICE ARE  
23 SENT TO A PARENT UNDER SUBSECTION (2), THE PARENT DOES NOT FILE  
24 WITH THE OFFICE A WRITTEN OBJECTION TO THE COMPLAINT, THE AMOUNT  
25 OF THE HEALTH CARE EXPENSE STATED IN THE COMPLAINT BECOMES A SUP-  
26 PORT ARREARAGE AND IS SUBJECT TO ANY ENFORCEMENT PROCESS  
27 AVAILABLE TO COLLECT A SUPPORT ARREARAGE. IF THE PARENT FILES A

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1 WRITTEN OBJECTION WITHIN THE 21-DAY TIME LIMIT, THE OFFICE SHALL  
2 SET A COURT HEARING, BEFORE A JUDGE OR REFEREE, TO RESOLVE THE  
3 COMPLAINT.

4 SEC. 11B. (1) AN OFFICE SHALL INITIATE ENFORCEMENT UNDER  
5 THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT IF THE OFFICE  
6 RECEIVES A WRITTEN COMPLAINT THAT STATES SPECIFIC FACTS CONSTI-  
7 Tuting A CUSTODY OR PARENTING TIME ORDER VIOLATION. UPON REQUEST  
8 OF A PARENT WHO HAS THE RIGHT TO INTERACT WITH HIS OR HER CHILD  
9 UNDER A CUSTODY OR PARENTING TIME ORDER, AN OFFICE SHALL ASSIST  
10 THE PARENT IN PREPARING A COMPLAINT UNDER THIS SUBSECTION.

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

15 (3) IF, IN THE OPINION OF THE OFFICE, THE FACTS AS STATED IN  
16 THE COMPLAINT ALLEGE A CUSTODY OR PARENTING TIME ORDER VIOLATION  
17 THAT CAN BE ADDRESSED BY TAKING AN ACTION AUTHORIZED UNDER SEC-  
18 TION 41 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,  
19 MCL 552.641, THE OFFICE SHALL PROCEED UNDER SECTION 41 OF THE  
20 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.641.

21 Sec. 17d. (1) After a final judgment containing a parenting  
22 time order ~~has been~~ IS entered in a domestic relations matter  
23 FOR WHICH THERE IS AN OPEN FRIEND OF THE COURT CASE, if there is  
24 ~~a~~ AN UNRESOLVED dispute as to parenting time, ~~that is not~~  
25 ~~resolved voluntarily by the parties through a meeting with the~~  
26 ~~office of the friend of the court under section 11 or through~~  
27 ~~domestic relations mediation under section 13,~~ the office may

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1 ~~petition~~ FILE A MOTION WITH the court for a modification of the  
2 parenting time order. ~~A written report and recommendation shall~~  
3 ~~accompany the petition. (2) Before a court hearing on a proposed~~  
4 ~~modification of a parenting time order, the office shall notify~~  
5 ~~both parties of the proposed modification and afford the parties~~  
6 ~~an opportunity for review and comment.~~ THE OFFICE SHALL SEND  
7 EACH PARTY TO THE PARENTING TIME ORDER NOTICE OF THE FILING OF  
8 THE MOTION. WITH A MOTION FILED AND EACH NOTICE SENT UNDER THIS  
9 SUBSECTION, THE OFFICE SHALL INCLUDE THE FOLLOWING:

10 (A) SUBJECT TO SUBSECTION (2), A WRITTEN REPORT AND  
11 RECOMMENDATION.

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

15 "A PARTY MAY OBJECT TO THE OFFICE OF THE FRIEND OF THE  
16 COURT'S RECOMMENDATION FOR MODIFICATION OF THE PARENTING  
17 TIME ORDER. IF A PARTY DOES NOT OBJECT TO THE RECOMMENDA-  
18 TION WITHIN 21 DAYS AFTER THIS NOTICE WAS SENT TO THE  
19 PARTY, THE OFFICE OF THE FRIEND OF THE COURT MAY SUBMIT TO  
20 THE COURT A PARENTING TIME ORDER THAT INCORPORATES THE  
21 RECOMMENDATION.".

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

26 (3) IF, WITHIN 21 DAYS AFTER THE NOTICE UNDER SUBSECTION (1)  
27 IS SENT TO EACH PARTY, NO PARTY OBJECTS TO THE RECOMMENDATION FOR

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1 MODIFICATION OF THE PARENTING TIME ORDER, THE OFFICE MAY SUBMIT  
2 AN ORDER, INCORPORATING THE RECOMMENDATION, TO THE COURT FOR THE  
3 COURT'S ADOPTION. IF A PARTY OBJECTS WITHIN THE 21 DAYS, THE  
4 MOTION FOR MODIFICATION OF THE PARENTING TIME ORDER SHALL BE  
5 NOTICED FOR A HEARING BEFORE A JUDGE OR REFEREE.

6 (4) AT A HEARING ON A MOTION FILED UNDER THIS SECTION, THE  
7 JUDGE OR REFEREE MAY ADMIT A STATEMENT OF FACT IN THE OFFICE'S  
8 REPORT OR RECOMMENDATION AS EVIDENCE TO PROVE A FACT RELEVANT TO  
9 THE PROCEEDING, BUT ONLY IF ALL PARTIES STIPULATE TO OR NO PARTY  
10 OBJECTS TO THE ADMISSION OF THE STATEMENT OF FACT AND NO OTHER  
11 EVIDENCE IS PRESENTED CONCERNING THE FACT TO BE PROVED.

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

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

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

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

20 (i) Case load and staffing standards for employees who per-  
21 form domestic relations mediation functions, investigation and  
22 recommendation functions, referee functions, enforcement func-  
23 tions, and clerical functions.

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

25 (iii) Public educational programs regarding domestic rela-  
26 tions law and community resources, including financial and other  
27 counseling, and employment opportunities.

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1           (iv) Procedural changes in response to the type of  
2   grievances received by an office.

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

5           (vi) A formula to be used in establishing and modifying a  
6   child support amount and health care obligation. The formula  
7   shall be based upon the needs of the child and the actual  
8   resources of each parent. The formula shall establish a minimum  
9   threshold for modification of a child support amount. The for-  
10   mula shall consider the child care and dependent health care cov-  
11   erage costs of each parent. The formula shall include guidelines  
12   for setting and administratively adjusting the amount of periodic  
13   payments for overdue support, including guidelines for adjustment  
14   of arrearage payment schedules when the current support obliga-  
15   tion for a child terminates and the payer owes overdue support.

16           (b) Provide training programs for the friend of the court,  
17   domestic relations mediators, and employees of the office to  
18   better enable them to carry out the duties described in this act  
19   and supreme court rules. ~~The~~ AFTER SEPTEMBER 30, 2002, THE  
20   training programs shall include training in the dynamics of  
21   domestic violence and in handling domestic relations matters that  
22   have a history of domestic violence.

23           (c) Gather and monitor relevant statistics.

24           (d) Annually issue a report containing a detailed summary of  
25   the types of grievances received by each office, and whether the  
26   grievances are resolved or outstanding. The report shall be  
27   transmitted to the legislature and to each office and shall be

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1 made available to the public. The annual report required by this  
2 subdivision shall include, but is not limited to, all of the  
3 following:

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

7 (ii) An evaluative summary, supplemented by applicable quan-  
8 titative data, of the activities and functioning of the aggregate  
9 of all citizen advisory committees in the state during the pre-  
10 ceding year.

11 (iii) An identification of problems that impede the effi-  
12 ciency of the activities and functioning of the citizen advisory  
13 committees and the satisfaction of the users of the committees'  
14 services.

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

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

21 (g) Certify domestic relations mediation training programs  
22 as provided in section 13.

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

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

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

6           (iii) Three human service professionals who provide family  
7 counseling.

8           (i) Cooperate with the office of child support in developing  
9 and implementing a statewide information system as provided in  
10 the office of child support act, 1971 PA 174, MCL 400.231 to  
11 ~~400.239~~ 400.240.

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

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

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

19           (k) Develop and provide the office of the friend of the  
20 court with all of the following:

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

25           (ii) Instructions on preparing and filing the forms,  
26 instructions on service of process, and instructions on



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1 scheduling a support, custody, or parenting time modification  
2 hearing.

3 (l) Develop guidelines for, and encourage the use of, plain  
4 language within the office of the friend of the court including,  
5 but not limited to, the use of plain language in forms and  
6 instructions within the office and in statements of account pro-  
7 vided as required in section 9.

8 (M) IN CONSULTATION WITH THE DOMESTIC VIOLENCE PREVENTION  
9 AND TREATMENT BOARD CREATED IN SECTION 2 OF 1978 PA 389,  
10 MCL 400.1502, DEVELOP GUIDELINES FOR THE IMPLEMENTATION OF  
11 SECTION 41 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,  
12 MCL 552.641, THAT TAKE INTO CONSIDERATION AT LEAST ALL OF THE  
13 FOLLOWING REGARDING THE PARTIES AND EACH CHILD INVOLVED IN A DIS-  
14 PUTE GOVERNED BY SECTION 41 OF THE SUPPORT AND PARENTING TIME  
15 ENFORCEMENT ACT, MCL 552.641:

16 (i) DOMESTIC VIOLENCE.

17 (ii) SAFETY OF THE PARTIES AND CHILD.

18 (iii) UNEVEN BARGAINING POSITIONS OF THE PARTIES.

19 (4) The state advisory committee established under subsec-  
20 tion (3)(h) shall advise the bureau in the performance of its  
21 duties under this section. The bureau shall make a state  
22 advisory committee report or recommendation available to the  
23 public. State advisory committee members shall be reimbursed for  
24 their expenses for mileage, meals, and, if necessary, lodging,  
25 under the schedule for reimbursement established annually by the  
26 legislature. A state advisory committee meeting is open to the  
27 public. A member of the public attending a state advisory

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1 committee meeting shall be given a reasonable opportunity to  
2 address the committee on any issue under consideration by the  
3 committee. If a vote is to be taken by the state advisory com-  
4 mittee, the opportunity to address the committee shall be given  
5 before the vote is taken.

6 (5) The bureau may call upon each office of the friend of  
7 the court for assistance in performing the duties imposed in this  
8 section.

9 Enacting section 1. This amendatory act takes effect  
10 December 1, 2002.

11 Enacting section 2. This amendatory act does not take  
12 effect unless House Bill No. 6011 of the 91st Legislature is  
13 enacted into law.