

# SENATE BILL No. 530

September 19, 2013, Introduced by Senators CASWELL and COLBECK and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 9, 12, 13, 15, 22, and 26 (MCL 552.509, 552.512, 552.513, 552.515, 552.522, and 552.526), section 9 as amended by 2004 PA 210, section 12 as amended by 1996 PA 276, sections 13 and 15 as amended by 2009 PA 233, and section 26 as amended by 2002 PA 571.

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

1        Sec. 9. ~~(1) Except as otherwise provided in subsections (2)~~  
 2        ~~and (3), after a support order is entered in a friend of the court~~  
 3        ~~case, the office shall receive each payment and service fee under~~  
 4        ~~the support order; shall, not less than once each month, record~~  
 5        ~~each support payment due, paid, and past due; and shall disburse~~  
 6        ~~each support payment to the recipient of support within 14 days~~

1 ~~after the office receives each payment or within the federally~~  
2 ~~mandated time frame, whichever is shorter.~~

3 ~~—— (2) An office shall receive support order and service fee~~  
4 ~~payments, and shall disburse support, as required by subsection (1)~~  
5 ~~until the state disbursement unit implements support and fee~~  
6 ~~receipt and disbursement for the cases administered by that office.~~  
7 ~~At the family independence agency's direction and in cooperation~~  
8 ~~with the SDU, an office shall continue support and fee receipt and~~  
9 ~~support disbursement to facilitate the transition of that~~  
10 ~~responsibility to the SDU as directed in, and in accordance with~~  
11 ~~the transition schedule developed as required by, the office of~~  
12 ~~child support act, 1971 PA 174, MCL 400.231 to 400.240.~~

13 (1) ~~(3) After SDU support and fee receipt and disbursement is~~  
14 ~~implemented in a circuit court circuit, the office for that court~~  
15 **THE OFFICE** may accept a support payment made in cash or by  
16 cashier's check or money order. If the office accepts such a  
17 payment, the office shall transmit the payment to the SDU and shall  
18 inform the payer of the SDU's location and the requirement to make  
19 payments through the SDU.

20 (2) ~~(4)~~ Promptly after November 3, 1999, each office shall  
21 establish and maintain the support order and account records  
22 necessary to enforce support orders and necessary to record  
23 obligations, support and fee receipt and disbursement, and related  
24 payments. Each office shall provide the SDU with access to those  
25 records and shall assist the SDU to resolve support and fee receipt  
26 and disbursement problems related to inadequate identifying  
27 information.

1           (3) ~~(5)~~—The office shall provide annually to each party,  
2 without charge, 1 statement of account upon request. Additional  
3 statements of account shall be provided at a reasonable fee  
4 sufficient to pay for the cost of reproduction. Statements provided  
5 under this subsection are in addition to statements provided for  
6 administrative and judicial hearings.

7           (4) ~~(6)~~—The office shall initiate and carry out proceedings to  
8 enforce an order in a friend of the court case regarding custody,  
9 parenting time, health care coverage, or support in accordance with  
10 this act, the support and parenting time enforcement act, and  
11 supreme court rules.

12           (5) ~~(7)~~—Upon request of a child support agency of another  
13 state, the office shall initiate and carry out certain proceedings  
14 to enforce support orders entered in the other state without the  
15 need to register the order as a friend of the court case in this  
16 state. The order shall be enforced using automated administrative  
17 enforcement actions authorized under the support and parenting time  
18 enforcement act.

19           Sec. 12. (1) Except as otherwise provided in this section, ~~in~~  
20 ~~a format acceptable to the friend of the court, the family~~  
21 ~~independence agency, and the consumer reporting agency, the office~~  
22 ~~of the friend of the court~~ **THE TITLE IV-D AGENCY** shall report to a  
23 consumer reporting agency the arrearage amount for each payer with  
24 an arrearage of support of 2 or more months. ~~On a monthly basis and~~  
25 ~~in a format acceptable to the friend of the court, the family~~  
26 ~~independence agency, and the consumer reporting agency, the office~~  
27 ~~of the friend of the court~~ **THE TITLE IV-D AGENCY** may make support

1 information available to the consumer reporting agency concerning  
2 any other payer who requests that report. The ~~office~~ **TITLE IV-D**  
3 **AGENCY** shall not make information available under this subsection  
4 ~~to a consumer reporting agency if the office~~ **UNLESS THE TITLE IV-D**  
5 **AGENCY** determines that the agency ~~does not have~~ **RECEIVING THE**  
6 **REPORT FURNISHES EVIDENCE SATISFACTORY TO THE TITLE IV-D AGENCY**  
7 **THAT IT IS A CONSUMER REPORTING AGENCY AND THAT IT HAS** sufficient  
8 capability to systematically and timely make accurate use of the  
9 information. ~~and if the agency does not furnish evidence~~  
10 ~~satisfactory to the office that the agency is a consumer reporting~~  
11 ~~agency.~~

12 (2) Before making the initial support information available  
13 under subsection (1), the ~~office of the friend of the court~~ **TITLE**  
14 **IV-D AGENCY** shall provide the payer with notice of all of the  
15 following:

16 (a) The proposed action.

17 (b) The amount of the arrearage, if any.

18 (c) The payer's right to a review, the date by which a request  
19 for a review must be made, and the grounds on which the payer may  
20 object to the proposed action.

21 (d) That the payer may avoid the reporting of the arrearage  
22 stated in the notice by paying the entire arrearage within 21 days  
23 after the date notice was sent.

24 (3) The office of the friend of the court shall provide to a  
25 payer a review to enable a payer to object to the reporting of the  
26 support information, including an arrearage, on the grounds of a  
27 mistake of fact concerning the amount of the arrearage or the

1 identity of the payer. If a payer requests a review within the time  
2 specified in the notice given under subsection (2), the ~~office~~  
3 **TITLE IV-D AGENCY** shall not report the support information as  
4 required or permitted by this section until after 1 of the  
5 following occurs:

6 (a) The payer fails to produce evidence that the support  
7 information is incorrect and the time scheduled for the review has  
8 passed.

9 (b) After conducting the review, the office determines the  
10 correct support information.

11 ~~(4) The office of the friend of the court shall not make~~  
12 ~~support information, including an arrearage, available under~~  
13 ~~subsection (1) if 21 days have not expired after the date the~~  
14 ~~notice was sent under subsection (2). The office of the friend of~~  
15 ~~the court~~ **THE TITLE IV-D AGENCY** shall not report an arrearage  
16 amount as required under subsection (1) if the payer pays the  
17 entire arrearage within 21 days after the date the notice was sent  
18 under subsection (2).

19 (5) Within 14 days after the ~~office of the friend of the court~~  
20 **TITLE IV-D AGENCY** knows that incorrect information has been made  
21 available to a consumer reporting agency, the ~~office~~ **TITLE IV-D**  
22 **AGENCY** shall contact the consumer reporting agency and correct the  
23 information.

24 (6) The ~~state court administrative office~~ **OF CHILD SUPPORT** is  
25 responsible for determining what support information should be  
26 provided to a consumer reporting agency and establishing the  
27 policies and procedures for making support information available to

1 a consumer reporting agency under this section.

2 (7) Upon request of a consumer reporting agency or the payer,  
3 ~~the office of the friend of the court~~ **TITLE IV-D AGENCY** shall make  
4 available to the consumer reporting agency current support  
5 information of an individual payer.

6 Sec. 13. (1) In a friend of the court case, the office shall  
7 provide, either directly or by contract, alternative dispute  
8 resolution to assist the parties in settling voluntarily a dispute  
9 concerning child custody or parenting time. The alternative dispute  
10 resolution shall be provided ~~pursuant~~ **ACCORDING** to a plan approved  
11 by the chief judge and the state court administrative office. The  
12 plan shall be consistent with standards established by the state  
13 court administrative office under the supervision and direction of  
14 the supreme court and shall include minimum qualifications and  
15 training requirements for ~~alternative dispute resolution providers~~  
16 **DOMESTIC RELATIONS MEDIATION** and a designation of matters that are  
17 subject to alternative dispute resolution by various means. A party  
18 shall not be required to meet with a person conducting alternative  
19 dispute resolution **EXCEPT BY COURT ORDER**.

20 (2) If an agreement is reached by the parties through friend  
21 of the court alternative dispute resolution, a consent order  
22 incorporating the agreement shall be prepared by an employee of the  
23 office or individual approved by the court using a form provided by  
24 the state court administrative office, under the supervision and  
25 direction of the supreme court, or approved by the chief judge. The  
26 consent order shall be provided to, and shall be entered by, the  
27 court.

1           (3) **EACH ALTERNATIVE DISPUTE RESOLUTION PLAN PREPARED**  
 2 **ACCORDING TO SUBSECTION (1) SHALL INCLUDE AN OPTION FOR DOMESTIC**  
 3 **RELATIONS MEDIATION.** Except as provided in subsection (2), a  
 4 communication between a friend of the court ~~alternative dispute~~  
 5 **DOMESTIC RELATIONS MEDIATION** resolution provider and a party  
 6 pertaining to the matter subject to resolution is confidential as  
 7 provided in court rule.

8           (4) An employee of the office or other person who provides  
 9 ~~alternative dispute~~ **DOMESTIC RELATIONS MEDIATION** resolution  
 10 services under a plan approved under subsection (1) shall have all  
 11 of the following qualifications:

12           (a) Possess knowledge of the court system of this state and  
 13 the procedures used in domestic relations matters.

14           (b) Possess knowledge of other resources in the community to  
 15 which the parties to a domestic relations matter can be referred  
 16 for assistance.

17           (c) Other qualifications as prescribed by the state court  
 18 administrative office under the supervision and direction of the  
 19 supreme court.

20 ~~—— (5) A domestic relations mediator who performs mediation~~  
 21 ~~pursuant to a plan approved under subsection (1) shall have all of~~  
 22 ~~the following minimum qualifications:~~

23 ~~—— (a) One or more of the following:~~

24 ~~—— (i) A license or a limited license to engage in the practice of~~  
 25 ~~psychology under parts 161 and 182 of the public health code, 1978~~  
 26 ~~PA 368, MCL 333.16101 to 333.16349 and 333.18201 to 333.18237, or a~~  
 27 ~~master's degree in counseling, social work, or marriage and family~~

1 ~~counseling, and successful completion of the training program~~  
 2 ~~provided by the bureau under section 19(3)(b).~~

3 ~~—— (ii) Not less than 5 years of experience in family counseling,~~  
 4 ~~preferably in a setting related to the areas of responsibility of~~  
 5 ~~the friend of the court and preferably to reflect the ethnic~~  
 6 ~~population to be served, and successful completion of the training~~  
 7 ~~program provided by the bureau under section 19(3)(b).~~

8 ~~—— (iii) A graduate degree in a behavioral science and successful~~  
 9 ~~completion of a domestic relations mediation training program~~  
 10 ~~certified by the bureau with not less than 40 hours of classroom~~  
 11 ~~instruction and 250 hours of practical experience working under the~~  
 12 ~~direction of a person who has successfully completed a program~~  
 13 ~~certified by the bureau.~~

14 ~~—— (iv) Membership in the state bar of Michigan and successful~~  
 15 ~~completion of the training program provided by the bureau under~~  
 16 ~~section 19(3)(b).~~

17 ~~—— (b) Knowledge of the court system of this state and the~~  
 18 ~~procedures used in domestic relations matters.~~

19 ~~—— (c) Knowledge of other resources in the community to which the~~  
 20 ~~parties to a domestic relations matter can be referred for~~  
 21 ~~assistance.~~

22 ~~—— (d) Knowledge of child development, clinical issues relating~~  
 23 ~~to children, the effects of divorce on children, and child custody~~  
 24 ~~research.~~

25       Sec. 15. An employee of the office who provides alternative  
 26 ~~dispute resolution~~ **DOMESTIC RELATIONS MEDIATION** in a friend of the  
 27 court case involving a particular party shall not perform referee

1 functions, investigation and recommendation functions, or  
 2 enforcement functions as to any domestic relations matter involving  
 3 that party.

4       Sec. 22. If the friend of the court serving a judicial circuit  
 5 is not an attorney who is a member of the state bar of Michigan and  
 6 that office does not employ such an attorney, the chief judge may  
 7 appoint an attorney who is a member of the state bar of Michigan to  
 8 assist the friend of the court when legal assistance is necessary  
 9 to carry out the duties imposed in this act. An attorney appointed  
 10 under this section to assist an office shall be compensated in a  
 11 ~~reasonable amount, based upon time and expenses, to be determined~~  
 12 ~~by the county board or boards of commissioners of the judicial~~  
 13 ~~circuit served by that office.~~ **THE MANNER PROVIDED UNDER SECTION**  
 14 **27.** If the judicial circuit is one in which the employees serving  
 15 in the circuit court are employees of the state judicial council,  
 16 the compensation of an attorney appointed under this section shall  
 17 be paid ~~by the state and fixed by the state judicial council as~~  
 18 ~~provided in section 9104 of the revised judicature act of 1961, Act~~  
 19 ~~No. 236 of the Public Acts of 1961, being section 600.9104 of the~~  
 20 ~~Michigan Compiled Laws.~~ **IN THE MANNER PROVIDED UNDER SECTION 27.**

21       Sec. 26. (1) A party to a friend of the court case who has a  
 22 grievance concerning office operations or employees shall utilize  
 23 the following grievance procedure:

24       (a) File the grievance, in writing, with the appropriate  
 25 friend of the court office. The office shall cause the grievance to  
 26 be investigated and decided as soon as practicable. Within 30 days  
 27 after a grievance is filed, the office shall respond to the

1 grievance or issue a statement to the party filing the grievance  
2 stating the reason a response is not possible within that time.

3 (b) A party who is not satisfied with the decision of the  
4 office under subdivision (a) may file a further grievance, in  
5 writing, with the chief judge. The chief judge shall cause the  
6 grievance to be investigated and decided as soon as practicable.  
7 Within 30 days after a grievance is filed, the court shall respond  
8 to the grievance or issue a statement to the party filing the  
9 grievance stating the reason a response is not possible within that  
10 time.

11 (2) Each office shall maintain a record of grievances received  
12 and a record of whether the grievance is decided or outstanding.  
13 The record shall be transmitted not less than ~~biannually~~ **ANNUALLY**  
14 to the bureau. ~~Each office shall provide public access to the~~  
15 ~~report of grievances prepared by the bureau under section 19.~~

16 (3) In addition to the grievance procedure provided in  
17 subsection (1), a party to a friend of the court case who has a  
18 grievance concerning office operations may file, at any time during  
19 the proceedings, the grievance in writing with the appropriate  
20 citizen advisory committee. In its discretion, the citizen advisory  
21 committee shall conduct a review or investigation of, or hold a  
22 formal or informal hearing on, a grievance submitted to the  
23 committee. The citizen advisory committee may delegate its  
24 responsibility under this subsection to subcommittees appointed as  
25 provided in section 4a.

26 (4) In addition to action taken under subsection (3), the  
27 citizen advisory committee shall establish a procedure for randomly

1 selecting grievances submitted directly to the office of the friend  
2 of the court. The citizen advisory committee shall review the  
3 response of the office to these grievances and report its findings  
4 to the court and the county board, either immediately or in the  
5 committee's annual report.

6 (5) The citizen advisory committee shall examine the  
7 grievances filed with the friend of the court under this section  
8 and shall review or investigate each grievance that alleges that a  
9 decision was made based on gender rather than the best interests of  
10 the child.

11 (6) If a citizen advisory committee reviews or investigates a  
12 grievance, the committee shall respond to the grievance as soon as  
13 practicable.

14 (7) A grievance filed under subsection (3) is limited to  
15 office operations, and the citizen advisory committee shall inform  
16 an individual who files with the committee a grievance that  
17 concerns an office employee or a court or office decision or  
18 recommendation regarding a specific case that such a matter is not  
19 a proper subject for a grievance.