

Act No. 382
Public Acts of 2014
Approved by the Governor
December 17, 2014
Filed with the Secretary of State
December 17, 2014
EFFECTIVE DATE: March 17, 2015

STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014

Introduced by Senators Caswell and Colbeck

ENROLLED SENATE BILL No. 530

AN ACT to amend 1982 PA 294, entitled “An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts,” 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:

Sec. 9. (1) The office may accept a support payment made in cash or by cashier’s check or money order. If the office accepts such a payment, the office shall transmit the payment to the SDU and shall inform the payer of the SDU’s location and the requirement to make payments through the SDU.

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

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

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

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

Sec. 12. (1) Except as otherwise provided in this section, the title IV-D agency shall report to a consumer reporting agency the arrearage amount for each payer with an arrearage of support of 2 or more months. The title IV-D agency may make support information available to the consumer reporting agency concerning any other payer who requests that report. The title IV-D agency shall not make information available under this subsection unless the title IV-D agency determines that the agency receiving the report furnishes evidence satisfactory to the title IV-D agency that it is a consumer reporting agency and that it has sufficient capability to systematically and timely make accurate use of the information.

(2) Before making the initial support information available under subsection (1), the title IV-D agency shall provide the payer with notice of all of the following:

(a) The proposed action.

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

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

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

(3) The office of the friend of the court shall provide to a payer a review to enable a payer to object to the reporting of the support information, including an arrearage, on the grounds of a mistake of fact concerning the amount of the arrearage or the identity of the payer. If a payer requests a review within the time specified in the notice given under subsection (2), the title IV-D agency shall not report the support information as required or permitted by this section until after 1 of the following occurs:

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

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

(4) The title IV-D agency shall not report an arrearage amount as required under subsection (1) if the payer pays the entire arrearage within 21 days after the date the notice was sent under subsection (2).

(5) Within 14 days after the title IV-D agency knows that incorrect information has been made available to a consumer reporting agency, the title IV-D agency shall contact the consumer reporting agency and correct the information.

(6) The office of child support is responsible for determining what support information should be provided to a consumer reporting agency and establishing the policies and procedures for making support information available to a consumer reporting agency under this section.

(7) Upon request of a consumer reporting agency or the payer, the title IV-D agency shall make available to the consumer reporting agency current support information of an individual payer.

Sec. 13. (1) In a friend of the court case, the office shall provide, either directly or by contract, alternative dispute resolution to assist the parties in settling voluntarily a dispute concerning child custody or parenting time. The alternative dispute resolution shall be provided according to a plan approved by the chief judge and the state court administrative office. The plan adopted shall include a screening process for domestic violence, the existence of a protection order between the parties, child abuse or neglect, and other safety concerns, and the plan shall provide a method to address those concerns. The plan shall be consistent with standards established by the state court administrative office under the supervision and direction of the supreme court and shall include minimum qualifications and training requirements for alternative dispute resolution and domestic relations mediation providers and a designation of matters that are subject to alternative dispute resolution by various means. A party may be required by court order to meet with a person conducting alternative dispute resolution. As used in this subsection, "protection order" means a personal protection order issued under section 2950 or 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950 or 600.2950a, a foreign protection order as defined in section 2950h of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950h, a condition of pretrial release issued to protect a named individual under section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, a condition of probation issued to protect a named individual under section 3(2)(o) of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, or a condition of parole issued to protect a named individual under section 36(16) of the corrections code of 1953, 1953 PA 232, MCL 791.236.

(2) If an agreement is reached by the parties through friend of the court alternative dispute resolution, a consent order incorporating the agreement shall be prepared by an employee of the office or individual approved by the court

using a form provided by the state court administrative office, under the supervision and direction of the supreme court, or approved by the chief judge. The consent order shall be provided to, and shall be entered by, the court.

(3) Each alternative dispute resolution plan prepared according to subsection (1) shall include an option for domestic relations mediation. Except as provided in subsection (2), a communication between a friend of the court alternative dispute resolution and domestic relations mediation provider and a party pertaining to the matter subject to resolution is confidential as provided in court rule.

(4) An employee of the office or other person who provides domestic relations mediation services under a plan approved under subsection (1) shall have all of the following qualifications:

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

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

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

(d) Other qualifications as prescribed by the chief judge of the circuit court.

(5) Employees of the office who conduct any other form of alternative dispute resolution shall have the qualifications to conduct a joint meeting as described in section 42a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.642a.

Sec. 15. An employee of the office who provides domestic relations mediation in a friend of the court case involving a particular party shall not perform referee functions, investigation and recommendation functions, or enforcement functions as to any domestic relations matter involving that party.

Sec. 22. If the friend of the court serving a judicial circuit is not an attorney who is a member of the state bar of Michigan and that office does not employ such an attorney, the chief judge may appoint an attorney who is a member of the state bar of Michigan to assist the friend of the court when legal assistance is necessary to carry out the duties imposed in this act. An attorney appointed under this section to assist an office shall be compensated in the manner provided under section 27.

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

(a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

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

(2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than annually to the bureau.

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

(4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.

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

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

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor