



HOUSE BILL No. 5220

November 18, 1993, Introduced by Reps. Jersevic, Goschka, McManus, Gernaat, Hammerstrom, Bodem, Dalman, Gnodtke, Gustafson, Kukuk and Jaye and referred to the Committee on Judiciary.

A bill to amend section 12 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

as amended by Act No. 250 of the Public Acts of 1992, being section 552.512 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12 of Act No. 294 of the Public Acts of
2 1982, as amended by Act No. 250 of the Public Acts of 1992, being
3 section 552.512 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 12. (1) Except as otherwise provided in this section,
6 the office of the friend of the court may report to a consumer
7 reporting agency support information concerning all payers with
8 an arrearage of support of 1 or more months or an amount equal to
9 or greater than \$1,000.00, whichever is reached first.

1 Thereafter, the office of the friend of the court shall make the
2 support information available to the consumer reporting agency on
3 a monthly basis.

4 (2) Before making the initial support information available
5 pursuant to subsection (1), the office of the friend of the court
6 shall provide the payer with notice of all of the following:

7 (a) The proposed action.

8 (b) The amount of the arrearage.

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

12 (d) That the payer may avoid the reporting of the support
13 information by paying the entire arrearage within 21 days after
14 the date notice was sent.

15 (e) That if the payer is reported, support information will
16 continue to be provided to the consumer reporting agency until
17 the support arrearage falls and remains below the applicable
18 threshold set forth in subsection (1) for 2 years.

19 (3) The office of the friend of the court shall provide to a
20 payer a review to enable a payer to object to the reporting of
21 the support information on the grounds of a mistake of fact con-
22 cerning the amount of the arrearage or the identity of the payer
23 under 1 or more of the following circumstances:

24 (a) If before the initial reporting, the payer requests a
25 review within 14 days after the date notice was sent pursuant to
26 subsection (2).

1 (b) If a payer requests a review within 30 days after the
2 payer notifies the office of the friend of the court that he or
3 she has been denied credit by a lender due in part to the report-
4 ing to the consumer reporting agency of support information by
5 the office of the friend of the court.

6 (4) A review under this section shall be held before a ref-
7 erree, the friend of the court, or a friend of the court employee
8 designated by the friend of the court who has not had prior
9 involvement with the enforcement of a support obligation of the
10 payer.

11 (5) The office of the friend of the court shall not make
12 support information available pursuant to subsection (1) if any
13 of the following are true:

14 (a) Twenty-one days have not expired after the date the
15 notice was sent under subsection (2).

16 (b) The payer pays the entire arrearage within 21 days after
17 the date the notice was sent under subsection (2).

18 (c) The payer requests a review under subsection (3) and 2
19 working days have not expired after the review.

20 (d) The payer pays the entire arrearage within 2 working
21 days after the review under subsection (3).

22 (6) The office of the friend of the court shall discontinue
23 reporting support information to a consumer reporting agency
24 regarding a payer and request deletion of the support information
25 previously reported if the payer's support arrearage has fallen
26 and remained below the applicable threshold found in subsection

1 (1) for 2 years. When the consumer reporting agency receives the
2 request for deletion, it shall comply with the request promptly.

3 (7) The state court administrative office is responsible for
4 determining what support information should be provided to a con-
5 sumer reporting agency and establishing the policies and proce-
6 dures for making support information available to a consumer
7 reporting agency pursuant to this section.

8 (8) Upon request of a consumer reporting agency, the office
9 of the friend of the court shall make available to the consumer
10 reporting agency current support information of an individual
11 payer whose case is being reported to the consumer reporting
12 agency.

13 (9) Support information is not available under this section
14 if the recipient of support has filed with the office an agree-
15 ment signed by the payer and the recipient of support ~~which~~
16 THAT stipulates that information concerning an arrearage be made
17 available only upon the request of the recipient of support. The
18 parties shall not enter into an agreement pursuant to this sub-
19 section if the recipient of support is a recipient of public
20 assistance or if an arrearage is payable to the state. If the
21 recipient of support becomes a recipient of public assistance,
22 the agreement is void.

23 (10) IF REQUESTED BY EITHER THE PAYER OR PAYEE OF CHILD SUP-
24 PORT, THE OFFICE OF THE FRIEND OF THE COURT SHALL REPORT INFORMA-
25 TION CONCERNING THE PAYER'S SUPPORT PAYMENT HISTORY. IF THE
26 OFFICE IS ACTING ON THE REQUEST OF A PAYEE, THE OFFICE SHALL
27 FOLLOW THIS SECTION'S PROVISIONS REGARDING NOTICE AND REVIEW. A

1 REPORT MADE UNDER THIS SUBSECTION DOES NOT NEED TO MEET THE
2 THRESHOLD REQUIREMENT OF SUBSECTION (1).

3 (11) ~~-(10)-~~ The office of the friend of the court may charge
4 a consumer reporting agency a fee not to exceed the actual cost
5 to the office of complying with this section.