



# SENATE BILL No. 1274

September 21, 1994, Introduced by Senators VAN REGENMORTER  
WELBORN and DINGELL and referred to the Committee on  
Judiciary

A bill to amend the title and sections 8, 19, and 31 of Act  
No 294 of the Public Acts of 1982, entitled as amended  
"Friend of the court act,"  
section 8 as added by Act No 208 of the Public Acts of 1985 and  
sections 19 and 31 as amended by Act No 37 of the Public Acts of  
1994, being sections 552 508, 552 519, and 552 531 of the  
Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 8, 19, and 31 of Act  
2 No 294 of the Public Acts of 1982, section 8 as added by Act  
3 No 208 of the Public Acts of 1985 and sections 19 and 31 as  
4 amended by Act No 37 of the Public Acts of 1994, being  
5 sections 552 508, 552 519, and 552 531 of the Michigan Compiled  
6 Laws, are amended to read as follows

## TITLE

1  
2 An act to revise and consolidate the laws relating to the  
3 friend of the court to provide for the appointment of the friend  
4 of the court to create the office of the friend of the court to  
5 establish the rights, powers, and duties of the friend of the  
6 court and the office of the friend of the court to establish a  
7 state friend of the court bureau and to provide the powers and  
8 duties of the bureau to prescribe powers and duties of the  
9 FAMILY DIVISION OF circuit court to prescribe certain duties of  
10 certain employers and former employers and to repeal certain  
11 acts and parts of acts

12 Sec 8 The ~~circuit~~ court shall utilize referees and take  
13 other appropriate action to expedite obtaining relief in the form  
14 of child or spousal support in domestic relations matters,  
15 including the entry and enforcement of child support orders and  
16 the enforcement of spousal support orders, as necessary to obtain  
17 dispositions of petitions for relief within the following time  
18 frames

19 (a) Ninety percent of dispositions within 3 months after  
20 filing a petition

21 (b) Ninety-eight percent of dispositions within 6 months  
22 after filing a petition

23 (c) One hundred percent of dispositions within 12 months  
24 after filing a petition

25 Sec 19 (1) The state friend of the court bureau is cre-  
26 ated within the office of the state court administrator, under  
27 the supervision and direction of the supreme court

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

2 (3) The bureau shall do all of the following

3 (a) Develop and recommend guidelines for conduct, opera-  
4 tions, and procedures of the office and its employees, including,  
5 but not limited to, ALL OF the following

6 (1) Case load and staffing standards for employees who per-  
7 form domestic relations mediation functions, investigation and  
8 recommendation functions, referee functions, enforcement func-  
9 tions, and clerical functions

10 (11) Orientation programs for clients of the office

11 (111) Public educational programs regarding domestic rela-  
12 tions law and community resources, including financial and other  
13 counseling, and employment opportunities

14 (1v) Procedural changes in response to the type of griev-  
15 ances received by an office

16 (v) Model pamphlets and procedural forms, which shall be  
17 distributed to each office

18 (vi) A formula to be used in establishing and modifying a  
19 child support amount and health care obligation The formula  
20 shall be based upon the needs of the child and the actual  
21 resources of each parent The formula shall establish a minimum  
22 threshold for modification of a child support amount The for-  
23 mula shall consider the child care and dependent health care cov-  
24 erage costs of each parent

25 (b) Provide training programs for the friend of the court,  
26 domestic relations mediators, and employees of the office, to

1 better enable them to carry out the duties described in this act  
2 and supreme court rules

3 (c) Gather and monitor relevant statistics

4 (d) Annually issue a report containing a detailed summary of  
5 the types of grievances received by each office, and whether the  
6 grievances are resolved or outstanding The report shall be  
7 transmitted to the legislature and to each office

8 (e) Develop and recommend guidelines to be used by an office  
9 in determining whether or not visitation has been wrongfully  
10 denied by the custodial parent

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

14 (g) Certify domestic relations mediation training programs  
15 as provided in section 13

16 (h) Establish a 9-person advisory committee, serving without  
17 compensation except as provided in subsection (4) composed of  
18 the following

19 (1) Three public members who have had contact with an office  
20 of the friend of the court

21 (11) Three attorneys who are members of the state bar of  
22 Michigan and whose practices are primarily domestic relations  
23 law Not more than 1 attorney may be a JUDGE OF THE FAMILY DIVI-  
24 SION OF circuit court ~~—judge—~~

25 (111) Three human service professionals who provide family  
26 counseling

1       (1) Cooperate with the office of child support in developing  
2 and implementing a statewide information system as provided in  
3 the office of child support act, Act No 174 of the Public Acts  
4 of 1971, being sections 400 231 to 400 235 of the Michigan  
5 Compiled Laws

6       (j) Develop and make available guidelines to assist the  
7 office of the friend of the court in determining the appropriate-  
8 ness in individual cases of the following

9       (1) Imposing a lien or requiring the posting of a bond,  
10 security, or other guarantee to secure the payment of support

11       (11) Implementing the offset of a delinquent payer's state  
12 income tax refund

13       (k) Develop and provide the office of the friend of the  
14 court with

15       (1) Form motions, responses, and orders for use by a payer  
16 or payee in requesting the court to modify his or her child sup-  
17 port order, or in responding to a motion for modification without  
18 the assistance of legal counsel

19       (11) Instructions on preparing and filing the forms,  
20 instructions on service of process, and instructions on schedul-  
21 ing a support modification hearing

22       (4) The advisory committee established under subsection  
23 (3)(h) shall advise the bureau in the performance of its duties  
24 under this section   Advisory committee members shall be reim-  
25 bursed for their expenses for mileage, meals, and, if necessary,  
26 lodging, pursuant to the schedule for reimbursement established  
27 annually by the legislature   Meetings of the advisory committee

1 shall be open to the public Members of the public attending a  
2 meeting of the advisory committee shall be given a reasonable  
3 opportunity to address the committee on any issue under consider-  
4 ation by the committee If a vote is to be taken by the advisory  
5 committee, the opportunity to address the committee shall be  
6 given before the vote is taken

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

10 Sec 31 (1) "Bureau" means the state friend of the court  
11 bureau created in section 19

12 (2) "Chief judge" means the following

13 (a) The JUDGE OF THE FAMILY DIVISION OF circuit ~~judge~~  
14 COURT in a judicial circuit having only 1 ~~circuit~~ judge OF THE  
15 FAMILY DIVISION

16 (b) ~~Except in the county of Wayne, the~~ THE chief judge of  
17 the FAMILY DIVISION OF circuit court in a judicial circuit having  
18 2 or more ~~circuit~~ judges OF THE FAMILY DIVISION

19 ~~(c) In the county of Wayne, the executive chief judge of~~  
20 ~~the circuit court in the third judicial circuit and the~~  
21 ~~recorder's court of the city of Detroit~~

22 (3) "Consumer reporting agency" means a person that, for  
23 monetary fees or dues, or on a cooperative nonprofit basis, regu-  
24 larly engages in whole or in part in the practice of assembling  
25 or evaluating consumer credit information or other information on  
26 consumers for the purpose of furnishing consumer reports to third  
27 parties, and that uses any means or facility of interstate

1 commerce for the purpose of preparing or furnishing consumer  
2 reports As used in this subsection, "consumer report" means  
3 that term as defined in section 603 of title VI of the consumer  
4 credit protection act, Public Law 90-321, 15 U S C 1681a

5 (4) "Court" means the FAMILY DIVISION OF circuit court

6 (5) "Domestic relations mediation" means a process by which  
7 the parties are assisted by a domestic relations mediator in vol-  
8 untarily formulating an agreement to resolve a dispute concerning  
9 child custody or visitation that arises from a domestic relations  
10 matter

11 (6) "Domestic relations matter" means a ~~circuit~~ court pro-  
12 ceeding as to child custody or visitation, or child or spouse  
13 support, that arises out of litigation under a statute of this  
14 state, including but not limited to the following

15 (a) Chapter 84 of the Revised Statutes of 1846, being sec-  
16 tions 552 1 to 552 45 of the Michigan Compiled Laws

17 (b) The family support act, Act No 138 of the Public Acts  
18 of 1966, being sections 552 451 to 552 459 of the Michigan  
19 Compiled Laws

20 (c) The child custody act of 1970, Act No 91 of the Public  
21 Acts of 1970 being sections 722 21 to 722 29 of the Michigan  
22 Compiled Laws

23 (d) Act No 293 of the Public Acts of 1968, being sections  
24 722 1 to 722 6 of the Michigan Compiled Laws

25 (e) The paternity act, Act No 205 of the Public Acts of  
26 1956, being sections 722 711 to 722 730 of the Michigan Compiled  
27 Laws

1 (f) Revised uniform reciprocal enforcement of support act,  
2 Act No 8 of the Public Acts of 1952, being sections 780 151 to  
3 780 183 of the Michigan Compiled Laws

4 (7) "Friend of the court" means the person serving under  
5 section 21(1) or appointed pursuant to section 23, as the head of  
6 the office of the friend of the court

7 (8) "Medical assistance" means medical assistance as estab-  
8 lished under title XIX of the social security act, chapter 531,  
9 49 Stat 620, 42 U S C 1396 to 1396g and 1396i to 1396v

10 (9) "Office" and "office of the friend of the court" mean  
11 the agency created in section 3

12 (10) "Payer" means a person ordered by the circuit court to  
13 pay support

14 (11) "Public assistance" means aid to families with depen-  
15 dent children, general assistance, foster care maintenance, or a  
16 combination of those items

17 (12) "Recipient of support" means the following

18 (a) The spouse, if the support order orders support for the  
19 spouse

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

23 (c) The state department of social services, if support has  
24 been assigned to the state department

25 (13) "Support" means either of the following

26 (a) The payment of money for a child or a spouse ordered by  
27 the ~~circuit~~ court, whether the order is embodied in an interim,



1 temporary, permanent, or modified order or judgment Support may  
2 include payment of the expenses of medical, dental, and other  
3 health care, child care expenses, and educational expenses

4 (b) The payment of money ordered by the ~~circuit~~ court  
5 under the paternity act, Act No 205 of the Public Acts of 1956,  
6 for the necessary expenses incurred by or for the mother in con-  
7 nection with her confinement or of other expenses in connection  
8 with the pregnancy of the mother

9 (14) "Support and visitation enforcement act" means Act  
10 No 295 of the Public Acts of 1982, being sections 552 601 to  
11 552 650 of the Michigan Compiled Laws

12 (15) "Support order" means an order entered by the ~~circuit~~  
13 court for the payment of support in a sum certain, whether in the  
14 form of a lump sum or a periodic payment

15 Section 2 This amendatory act shall not take effect unless  
16 Senate Bill No 1273

17 of the 87th Legislature is enacted into law