

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 6011**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 2a, 5, 9, 11, 13, 15, 17, 17b, 17c, and 26 (MCL 552.502, 552.502a, 552.505, 552.509, 552.511, 552.513, 552.515, 552.517, 552.517b, 552.517c, and 552.526), section 2 as amended by 1998 PA 63, sections 2a and 9 as amended by 1999 PA 150, section 5 as amended by 1996 PA 365, section 11 as amended by 1996 PA 266, section 13 as amended by 1996 PA 144, section 17 as amended and sections 17b and 17c as added by 1994 PA 37, and section 26 as amended by 1996 PA 366, and by adding section 5a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
2 (a) "Bureau" means the state friend of the court bureau
3 created in section 19.

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1 (B) "CENTRALIZING ENFORCEMENT" MEANS THE PROCESS AUTHORIZED
2 UNDER SECTION 10 OF THE OFFICE OF THE CHILD SUPPORT ACT, 1971 PA
3 174, MCL 400.231 TO 400.240.

4 (C) ~~(b)~~ "Chief judge" means the following:

5 (i) The circuit judge in a judicial circuit having only 1
6 circuit judge.

7 (ii) Except in the county of Wayne, the chief judge of the
8 circuit court in a judicial circuit having 2 or more circuit
9 judges.

10 (iii) In the county of Wayne, the executive chief judge of
11 the circuit court in the third judicial circuit.

12 (D) ~~(c)~~ "Citizen advisory committee" means a citizen
13 friend of the court advisory committee established as provided in
14 section 4.

15 (E) ~~(d)~~ "Consumer reporting agency" means a person that,
16 for monetary fees or dues, or on a cooperative nonprofit basis,
17 regularly engages in whole or in part in the practice of assembl-
18 ing or evaluating consumer credit information or other informa-
19 tion on consumers for the purpose of furnishing consumer reports
20 to third parties, and that uses any means or facility of inter-
21 state commerce for the purpose of preparing or furnishing con-
22 sumer reports. As used in this subdivision, "consumer report"
23 means that term as defined in section 603 of the fair credit
24 reporting act, title VI of the consumer credit protection act,
25 Public Law 90-321, 15 U.S.C. 1681a.

26 (F) ~~(e)~~ "County board" means the county board of
27 commissioners in the county served by the office. If a judicial

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1 circuit includes more than 1 county, action required to be taken
2 by the county board means action by the county boards of commis-
3 sioners for all counties composing that circuit.

4 (G) ~~(f)~~ "Court" means the circuit court.

5 (H) ~~(g)~~ "Current employment" means employment within 1
6 year before a friend of the court request for information.

7 (I) "CUSTODY OR PARENTING TIME ORDER VIOLATION" MEANS AN
8 INDIVIDUAL'S ACT OR FAILURE TO ACT THAT INTERFERES WITH A
9 PARENT'S RIGHT TO INTERACT WITH HIS OR HER CHILD IN THE TIME,
10 PLACE, AND MANNER ESTABLISHED IN THE ORDER THAT GOVERNS CUSTODY
11 OR PARENTING TIME BETWEEN THE PARENT AND THE CHILD AND TO WHICH
12 THE INDIVIDUAL ACCUSED OF INTERFERING IS SUBJECT.

13 (J) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

14 (K) ~~(h)~~ "Domestic relations matter" means a circuit court
15 proceeding as to child custody or parenting time, or child or
16 spousal support, that arises out of litigation under a statute of
17 this state, including but not limited to the following:

18 (i) 1846 RS 84, MCL 552.1 to 552.45.

19 (ii) The family support act, 1966 PA 138, MCL 552.451 to
20 552.459.

21 (iii) ~~The child~~ CHILD custody act of 1970, 1970 PA 91, MCL
22 722.21 to ~~722.30~~ 722.31.

23 (iv) 1968 PA 293, MCL 722.1 to 722.6.

24 (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

25 (vi) Revised uniform reciprocal enforcement of support act,
26 1952 PA 8, MCL 780.151 to 780.183.

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1 (vii) ~~The uniform~~ UNIFORM interstate family support act,
2 1996 PA 310, MCL 552.1101 to 552.1901.

3 (l) ~~(i)~~ "Domestic relations mediation" means a process by
4 which the parties are assisted by a domestic relations mediator
5 in voluntarily formulating an agreement to resolve a dispute con-
6 cerning child custody or parenting time that arises from a domes-
7 tic relations matter.

8 (M) ~~(j)~~ "Friend of the court" means the person serving
9 under section 21(1) or appointed under section 23 as the head of
10 the office of the friend of the court.

11 (N) "FRIEND OF THE COURT CASE" MEANS A DOMESTIC RELATIONS
12 MATTER THAT AN OFFICE ESTABLISHES AS A FRIEND OF THE COURT CASE
13 AS REQUIRED UNDER SECTION 5A. THE TERM "FRIEND OF THE COURT
14 CASE", WHEN USED IN A PROVISION OF THIS ACT, IS NOT EFFECTIVE
15 UNTIL ON AND AFTER THE EFFECTIVE DATE OF SECTION 5A.

16 (O) ~~(k)~~ "Income" means that term as defined in section 2
17 of the support and parenting time enforcement act, 1982 PA 295,
18 MCL 552.602.

19 Sec. 2a. As used in this act:

20 (a) "Medical assistance" means medical assistance as estab-
21 lished under title XIX of the social security act, chapter 531,
22 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6 ,
23 and 1396r-8 to 1396v.

24 (b) "Office" and "office of the friend of the court" mean an
25 agency created in section 3.

26 (c) "Payer" means a person ordered by the circuit court to
27 pay support.

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1 (d) "Public assistance" means cash assistance provided under
2 the social welfare act, 1939 PA 280, 400.1 to 400.119b.

3 (e) "Recipient of support" means the following:

4 (i) The spouse, if the support order orders spousal
5 support.

6 (ii) The custodial parent or guardian, if the support order
7 orders support for a minor child or a child who is 18 years of
8 age or older.

9 (iii) The family independence agency, if support has been
10 assigned to that department.

11 (f) "State advisory committee" means the committee estab-
12 lished by the bureau under section 19.

13 (g) "State disbursement unit" or "SDU" means the entity
14 established in section 6 of the office of child support act, 1971
15 PA 174, MCL 400.236.

16 (h) "Support" means all of the following:

17 (i) The payment of money for a child or a spouse ordered by
18 the circuit court, whether the order is embodied in an interim,
19 temporary, permanent, or modified order or judgment. Support may
20 include payment of the expenses of medical, dental, and other
21 health care, child care expenses, and educational expenses.

22 (ii) The payment of money ordered by the circuit court under
23 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
24 necessary expenses incurred by or for the mother in connection
25 with her confinement, for other expenses in connection with the
26 pregnancy of the mother, or for the repayment of genetic testing
27 expenses.

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1 (iii) A surcharge accumulated under section 3a of the
2 support and parenting time enforcement act, MCL 552.603a.

3 (i) "Support and parenting time enforcement act" means 1982
4 PA 295, MCL 552.601 to 552.650.

5 (j) "Support order" means an order entered by the circuit
6 court for the payment of support in a sum certain, whether in the
7 form of a lump sum or a periodic payment.

8 (K) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL
9 SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655,
10 656 TO 657, 658a TO 660, AND 663 TO 669b.

11 (l) "TITLE IV-D AGENCY" MEANS THAT TERM AS DEFINED IN SEC-
12 TION 2 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL
13 552.602.

14 Sec. 5. (1) ~~Before adjudication of a domestic relations~~
15 ~~matter, the~~ EACH office of the friend of the court has the fol-
16 lowing duties:

17 (A) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
18 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
19 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY CHOOSE NOT TO HAVE THE
20 OFFICE OF THE FRIEND OF THE COURT ADMINISTER AND ENFORCE OBLIGA-
21 TIONS THAT MAY BE IMPOSED IN THE DOMESTIC RELATIONS MATTER.

22 (B) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
23 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
24 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY DIRECT THE OFFICE OF
25 THE FRIEND OF THE COURT TO CLOSE THE FRIEND OF THE COURT CASE
26 THAT WAS OPENED IN THEIR DOMESTIC RELATIONS MATTER.

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1 (C) ~~(a)~~ To provide an informational pamphlet, in
2 accordance with the model pamphlet developed by the bureau, to
3 each party to a domestic relations matter. The informational
4 pamphlet shall explain the procedures of the court and the
5 office; the duties of the office; the rights and responsibilities
6 of the parties, including notification that each party to the
7 dispute has the right to meet with the individual investigating
8 the dispute before that individual makes a recommendation regard-
9 ing the dispute; the availability of and procedures used in
10 domestic relations mediation; the availability of human services
11 in the community; the availability of joint custody as described
12 in section 6a of the child custody act of 1970, ~~Act No. 91 of~~
13 ~~the Public Acts of 1970, being section 722.26a of the Michigan~~
14 ~~Compiled Laws~~ 1970 PA 91, MCL 722.26A; and how to file a griev-
15 ance regarding the office. The informational pamphlet shall be
16 provided as soon as possible after the filing of a complaint or
17 other initiating pleading. Upon request, a party shall receive
18 an oral explanation of the informational pamphlet from the
19 office.

20 (D) TO MAKE AVAILABLE TO AN INDIVIDUAL FORM MOTIONS,
21 RESPONSES, AND ORDERS FOR REQUESTING THE COURT TO MODIFY THE
22 INDIVIDUAL'S CHILD SUPPORT, CUSTODY, OR PARENTING TIME ORDER, OR
23 FOR RESPONDING TO A MOTION FOR SUCH A MODIFICATION, WITHOUT
24 ASSISTANCE OF LEGAL COUNSEL. THE OFFICE SHALL MAKE AVAILABLE
25 INSTRUCTIONS ON PREPARING AND FILING EACH OF THOSE FORMS AND
26 INSTRUCTIONS ON SERVICE OF PROCESS AND ON SCHEDULING A
27 MODIFICATION HEARING.

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1 (E) ~~(b)~~ To inform the parties of the availability of
2 domestic relations mediation if there is a dispute as to child
3 custody or parenting time.

4 (F) ~~(c)~~ To inform the parents of the availability of joint
5 custody as described in section 6a of ~~Act No. 91 of the Public~~
6 ~~Acts of 1970~~ THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL
7 722.26A, if there is a dispute between the parents as to child
8 custody.

9 (G) ~~(d)~~ To investigate all relevant facts, and to make a
10 written report and recommendation to the parties and to the court
11 regarding child custody or parenting time, or both, if there is a
12 dispute as to child custody or parenting time, or both, and
13 domestic relations mediation is refused by either party or is
14 unsuccessful, or if ordered to do so by the court. The investi-
15 gation may include reports and evaluations by outside persons or
16 agencies if requested by the parties or the court, and shall
17 include documentation of alleged facts, if practicable. If
18 requested by a party, an investigation shall include a meeting
19 with the party. A written report and recommendation regarding
20 child custody or parenting time, or both, shall be based upon the
21 factors enumerated in ~~Act No. 91 of the Public Acts of 1970,~~
22 ~~being sections 722.21 to 722.29 of the Michigan Compiled Laws~~
23 THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31.

24 (H) ~~(e)~~ To investigate all relevant facts and to make a
25 written report and recommendation to the parties and their attor-
26 neys and to the court regarding child support, if ordered to do
27 so by the court. The written report and recommendation shall be

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1 placed in the court file. The investigation may include reports
2 and evaluations by outside persons or agencies if requested by
3 the parties or the court, and shall include documentation of
4 alleged facts, if practicable. If requested by a party, an
5 investigation shall include a meeting with the party. The child
6 support formula developed by the bureau under section 19 shall be
7 used as a guideline in recommending child support. The written
8 report shall include the support amount determined by application
9 of the child support formula and all factual assumptions upon
10 which that support amount is based. If the office of the friend
11 of the court determines from the facts of the case that applica-
12 tion of the child support formula would be unjust or inappropri-
13 ate, the written report shall also include all of the following:

14 (i) An alternative support recommendation.

15 (ii) All factual assumptions upon which the alternative sup-
16 port recommendation is based, if applicable.

17 (iii) How the alternative support recommendation deviates
18 from the child support formula.

19 (iv) The reasons for the alternative support
20 recommendation.

21 (2) If a party who requests a meeting during an investiga-
22 tion fails to attend the scheduled meeting without good cause,
23 the investigation may be completed without a meeting with that
24 party.

25 SEC. 5A. (1) EXCEPT AS REQUIRED BY THIS SECTION, AN OFFICE
26 OF THE FRIEND OF THE COURT SHALL OPEN AND MAINTAIN A FRIEND OF
27 THE COURT CASE FOR A DOMESTIC RELATIONS MATTER. IF THERE IS AN

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1 OPEN FRIEND OF THE COURT CASE FOR A DOMESTIC RELATIONS MATTER,
2 THE OFFICE OF THE FRIEND OF THE COURT SHALL ADMINISTER AND
3 ENFORCE THE OBLIGATIONS OF THE PARTIES TO THE FRIEND OF THE COURT
4 CASE AS PROVIDED IN THIS ACT. IF THERE IS NOT AN OPEN FRIEND OF
5 THE COURT CASE FOR A DOMESTIC RELATIONS MATTER, THE OFFICE OF THE
6 FRIEND OF THE COURT SHALL NOT ADMINISTER OR ENFORCE AN OBLIGATION
7 OF A PARTY TO THE DOMESTIC RELATIONS MATTER.

8 (2) THE PARTIES TO A DOMESTIC RELATIONS MATTER ARE NOT
9 REQUIRED TO HAVE A FRIEND OF THE COURT CASE OPENED OR MAINTAINED
10 FOR THEIR DOMESTIC RELATIONS MATTER. WITH THEIR INITIAL PLEAD-
11 INGS, THE PARTIES TO A DOMESTIC RELATIONS MATTER MAY FILE A
12 MOTION FOR THE COURT TO ORDER THE OFFICE OF THE FRIEND OF THE
13 COURT NOT TO OPEN A FRIEND OF THE COURT CASE FOR THE DOMESTIC
14 RELATIONS MATTER. IF THE PARTIES TO A DOMESTIC RELATIONS MATTER
15 FILE A MOTION UNDER THIS SUBSECTION, THE COURT SHALL ISSUE THAT
16 ORDER UNLESS THE COURT DETERMINES 1 OR MORE OF THE FOLLOWING:

17 (A) A PARTY TO THE DOMESTIC RELATIONS MATTER IS ELIGIBLE FOR
18 TITLE IV-D SERVICES BECAUSE OF THE PARTY'S CURRENT OR PAST
19 RECEIPT OF PUBLIC ASSISTANCE.

20 (B) A PARTY TO THE DOMESTIC RELATIONS MATTER APPLIES FOR
21 TITLE IV-D SERVICES.

22 (C) A PARTY TO THE DOMESTIC RELATIONS MATTER REQUESTS THAT
23 THE OFFICE OF THE FRIEND OF THE COURT OPEN AND MAINTAIN A FRIEND
24 OF THE COURT CASE FOR THE DOMESTIC RELATIONS MATTER, EVEN THOUGH
25 THE PARTY MAY NOT BE ELIGIBLE FOR TITLE IV-D SERVICES BECAUSE THE
26 DOMESTIC RELATIONS MATTER INVOLVES, BY WAY OF EXAMPLE AND NOT

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1 LIMITATION, ONLY SPOUSAL SUPPORT, CHILD CUSTODY, PARENTING TIME,
2 OR CHILD CUSTODY AND PARENTING TIME.

3 (D) THERE EXISTS IN THE DOMESTIC RELATIONS MATTER EVIDENCE
4 OF DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND EVIDENCE
5 THAT A PARTY TO THE DOMESTIC RELATIONS MATTER HAS CHOSEN NOT TO
6 APPLY FOR TITLE IV-D SERVICES AGAINST THE BEST INTEREST OF EITHER
7 THE PARTY OR THE PARTY'S CHILD.

8 (E) THE PARTIES HAVE NOT FILED WITH THE COURT A DOCUMENT,
9 SIGNED BY EACH PARTY, THAT INCLUDES A LIST OF THE FRIEND OF THE
10 COURT SERVICES AND AN ACKNOWLEDGMENT THAT THE PARTIES ARE CHOOS-
11 ING TO DO WITHOUT THOSE SERVICES.

12 (3) IF A FRIEND OF THE COURT CASE IS NOT OPENED FOR A DOMES-
13 TIC RELATIONS MATTER, THE PARTIES TO THE DOMESTIC RELATIONS
14 MATTER HAVE FULL RESPONSIBILITY FOR ADMINISTRATION AND ENFORCE-
15 MENT OF THE OBLIGATIONS IMPOSED IN THE DOMESTIC RELATIONS
16 MATTER.

17 (4) THE PARTIES TO A FRIEND OF THE COURT CASE MAY FILE A
18 MOTION FOR THE COURT TO ORDER THE OFFICE OF THE FRIEND OF THE
19 COURT TO CLOSE THEIR FRIEND OF THE COURT CASE. THE COURT SHALL
20 ISSUE AN ORDER THAT THE OFFICE OF THE FRIEND OF THE COURT SHALL
21 CLOSE THE FRIEND OF THE COURT CASE UNLESS THE COURT DETERMINES 1
22 OR MORE OF THE FOLLOWING:

23 (A) A PARTY TO THE FRIEND OF THE COURT CASE OBJECTS.

24 (B) A PARTY TO THE FRIEND OF THE COURT CASE IS ELIGIBLE FOR
25 TITLE IV-D SERVICES BECAUSE THE PARTY IS RECEIVING PUBLIC
26 ASSISTANCE.

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1 (C) A PARTY TO THE FRIEND OF THE COURT CASE IS ELIGIBLE FOR
2 TITLE IV-D SERVICES BECAUSE THE PARTY RECEIVED PUBLIC ASSISTANCE
3 AND AN ARREARAGE IS OWED TO THE GOVERNMENTAL ENTITY THAT PROVIDED
4 THE PUBLIC ASSISTANCE.

5 (D) THE FRIEND OF THE COURT CASE RECORD SHOWS THAT, WITHIN
6 THE PREVIOUS 12 MONTHS, A CHILD SUPPORT ARREARAGE OR CUSTODY OR
7 PARENTING TIME ORDER VIOLATION HAS OCCURRED IN THE CASE.

8 (E) WITHIN THE PREVIOUS 12 MONTHS, A PARTY TO THE FRIEND OF
9 THE COURT CASE HAS REOPENED A FRIEND OF THE COURT CASE.

10 (F) THERE EXISTS IN THE FRIEND OF THE COURT CASE EVIDENCE OF
11 DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND EVIDENCE
12 THAT A PARTY TO THE FRIEND OF THE COURT CASE HAS CHOSEN TO CLOSE
13 THE CASE AGAINST THE BEST INTEREST OF EITHER THE PARTY OR THE
14 PARTY'S CHILD.

15 (G) THE PARTIES HAVE NOT FILED WITH THE COURT A DOCUMENT,
16 SIGNED BY EACH PARTY, THAT INCLUDES A LIST OF THE FRIEND OF THE
17 COURT SERVICES AND AN ACKNOWLEDGMENT THAT THE PARTIES ARE CHOOS-
18 ING TO DO WITHOUT THOSE SERVICES.

19 (5) THE CLOSURE OF A FRIEND OF THE COURT CASE DOES NOT
20 RELEASE A PARTY FROM THE PARTY'S OBLIGATIONS IMPOSED IN THE
21 UNDERLYING DOMESTIC RELATIONS MATTER. THE PARTIES TO A CLOSED
22 FRIEND OF THE COURT CASE ASSUME FULL RESPONSIBILITY FOR ADMINIS-
23 TRATION AND ENFORCEMENT OF OBLIGATIONS IMPOSED IN THE UNDERLYING
24 DOMESTIC RELATIONS MATTER.

25 (6) IF A PARTY TO THE UNDERLYING DOMESTIC RELATIONS MATTER
26 WANTS TO ENSURE THAT CHILD SUPPORT PAYMENTS MADE AFTER A FRIEND
27 OF THE COURT CASE IS CLOSED WILL BE TAKEN INTO ACCOUNT IN ANY

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1 POSSIBLE FUTURE OFFICE OF THE FRIEND OF THE COURT ENFORCEMENT
2 ACTION, THE CHILD SUPPORT PAYMENTS MUST BE MADE THROUGH THE SDU.
3 IF THE PARTIES CHOOSE TO CONTINUE TO HAVE CHILD SUPPORT PAYMENTS
4 MADE THROUGH THE SDU, THE OFFICE OF THE FRIEND OF THE COURT SHALL
5 NOT CLOSE ITS FRIEND OF THE COURT CASE UNTIL EACH PARTY PROVIDES
6 THE SDU WITH THE INFORMATION NECESSARY TO PROCESS THE CHILD SUP-
7 PORT PAYMENTS REQUIRED IN THE UNDERLYING DOMESTIC RELATIONS
8 MATTER.

9 (7) IF A PARTY TO A DOMESTIC RELATIONS MATTER FOR WHICH
10 THERE IS NOT AN OPEN FRIEND OF THE COURT CASE APPLIES FOR SERV-
11 ICES FROM THE OFFICE OF THE FRIEND OF THE COURT OR APPLIES FOR
12 PUBLIC ASSISTANCE, THE OFFICE OF THE FRIEND OF THE COURT SHALL
13 OPEN OR REOPEN A FRIEND OF THE COURT CASE. IF THE OFFICE OF THE
14 FRIEND OF THE COURT OPENS OR REOPENS A FRIEND OF THE COURT CASE
15 AS REQUIRED BY THIS SUBSECTION, THE COURT SHALL ISSUE AN ORDER IN
16 THAT DOMESTIC RELATIONS MATTER THAT CONTAINS THE PROVISIONS
17 REQUIRED BY THIS ACT AND BY THE SUPPORT AND PARENTING TIME
18 ENFORCEMENT ACT FOR A FRIEND OF THE COURT CASE.

19 (8) IF THE PARTIES TO A DOMESTIC RELATIONS MATTER FILE A
20 MOTION UNDER SUBSECTION (2) OR (4), THE FRIEND OF THE COURT SHALL
21 ADVISE THE PARTIES IN WRITING AS TO THE SERVICES THAT THE OFFICE
22 OF THE FRIEND OF THE COURT IS NOT REQUIRED TO PROVIDE. THE STATE
23 COURT ADMINISTRATIVE OFFICE SHALL DEVELOP AND MAKE AVAILABLE A
24 FORM FOR USE BY AN OFFICE OF THE FRIEND OF THE COURT UNDER THIS
25 SUBSECTION AND A DOCUMENT FOR USE BY PARTIES TO A DOMESTIC RELA-
26 TIONS MATTER UNDER SUBSECTION (2) OR (4).

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1 Sec. 9. (1) Except as otherwise provided in subsections (2)
2 and (3) or in the order or judgment, after a support order is
3 entered in a ~~domestic relations matter~~ FRIEND OF THE COURT
4 CASE, the office shall receive each payment and service fee under
5 the support order; shall, not less than once each month, record
6 each support payment due, paid, and past due; and shall disburse
7 each support payment to the recipient of support within 14 days
8 after the office receives each payment or within the federally
9 mandated time frame, whichever is shorter.

10 (2) An office shall receive support order and service fee
11 payments, and shall disburse support, as required by subsection
12 (1) until the state disbursement unit implements support and fee
13 receipt and disbursement for the cases administered by that
14 office. At the family independence agency's direction and in
15 cooperation with the SDU, an office shall continue support and
16 fee receipt and support disbursement to facilitate the transition
17 of that responsibility to the SDU as directed in, and in accord-
18 ance with the transition schedule developed as required by, the
19 office of child support act, 1971 PA 174, MCL 400.231 to
20 ~~400.239~~ 400.240.

21 (3) After SDU support and fee receipt and disbursement is
22 implemented in a circuit court circuit, the office for that court
23 may accept a support payment made in cash or by cashier's check
24 or money order. If the office accepts such a payment, the office
25 shall transmit the payment to the SDU and shall inform the payer
26 of the SDU's location and the requirement to make payments
27 through the SDU.

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1 (4) Promptly after ~~the effective date of the amendatory act~~
2 ~~that added this subsection~~ NOVEMBER 3, 1999, each office shall
3 establish and maintain the support order and account records nec-
4 essary to enforce support orders and necessary to record obliga-
5 tions, support and fee receipt and disbursement, and related
6 payments. Each office shall provide the SDU with access to those
7 records and shall assist the SDU to resolve support and fee
8 receipt and disbursement problems related to inadequate identify-
9 ing information.

10 (5) The office shall provide annually to each party, without
11 charge, 1 statement of account upon request. Additional state-
12 ments of account shall be provided at a reasonable fee sufficient
13 to pay for the cost of reproduction. Statements provided under
14 this subsection are in addition to statements provided for admin-
15 istrative and judicial hearings.

16 (6) The office shall initiate and carry out proceedings to
17 enforce an order ~~entered in a domestic relations matter~~ IN A
18 FRIEND OF THE COURT CASE regarding custody, parenting time,
19 health care coverage, or support in accordance with this act, the
20 support and parenting time enforcement act, and supreme court
21 rules.

22 (7) Upon request of a child support agency of another state,
23 the office shall initiate and carry out certain proceedings to
24 enforce support orders entered in the other state without the
25 need to register the order as a ~~domestic relations matter~~
26 FRIEND OF THE COURT CASE in this state. The order shall be

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1 enforced using automated administrative enforcement actions
2 authorized under the support and parenting time enforcement act.

3 Sec. 11. (1) Each office shall initiate 1 OR MORE SUPPORT
4 enforcement MEASURES under the support and parenting time
5 enforcement act when ~~either~~ 1 of the following applies:

6 (a) ~~A fixed amount of arrearage is reached, except as oth-~~
7 ~~erwise provided in section 4 of the support and parenting time~~
8 ~~enforcement act, being section 552.604 of the Michigan Compiled~~
9 ~~Laws. The amount of arrearage so fixed shall be an amount equal~~
10 ~~to the amount of support payable for 1 month under the payer's~~
11 ~~support order. The office shall not initiate enforcement under~~
12 ~~this subdivision if the support order was entered ex parte and~~
13 ~~the office has not received a copy of proof of service of the~~
14 ~~order.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
15 ARREARAGE UNDER THE SUPPORT ORDER IS EQUAL TO OR GREATER THAN THE
16 MONTHLY AMOUNT OF SUPPORT PAYABLE UNDER THE ORDER. IF THE SUP-
17 PORT ORDER WAS ENTERED EX PARTE, AN OFFICE SHALL NOT INITIATE
18 ENFORCEMENT UNDER THIS SUBDIVISION UNTIL THE OFFICE RECEIVES A
19 COPY OF PROOF OF SERVICE FOR THE ORDER AND AT LEAST 1 MONTH HAS
20 ELAPSED SINCE THE DATE OF SERVICE. AN OFFICE IS NOT REQUIRED TO
21 INITIATE ENFORCEMENT UNDER THIS SUBDIVISION IF 1 OR MORE OF THE
22 FOLLOWING CIRCUMSTANCES EXIST:

23 (i) DESPITE THE EXISTENCE OF THE ARREARAGE, AN ORDER OF
24 INCOME WITHHOLDING IS EFFECTIVE AND PAYMENT IS BEING MADE UNDER
25 THE ORDER OF INCOME WITHHOLDING IN THE AMOUNT REQUIRED UNDER THE
26 ORDER.

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1 (ii) DESPITE THE EXISTENCE OF THE ARREARAGE AND EVEN THOUGH
2 AN ORDER OF INCOME WITHHOLDING IS NOT EFFECTIVE, PAYMENT IS BEING
3 MADE IN THE AMOUNT REQUIRED UNDER THE ORDER.

4 (iii) ONE OR MORE SUPPORT ENFORCEMENT MEASURES HAVE BEEN
5 INITIATED AND AN OBJECTION TO 1 OR MORE OF THOSE MEASURES HAS NOT
6 BEEN RESOLVED.

7 (b) A parent fails to obtain or maintain health care cover-
8 age for the parent's child as ordered by the court. The office
9 shall initiate enforcement under this subdivision at the follow-
10 ing times:

11 (i) Within 60 days after the entry of a support order con-
12 taining health care coverage provisions.

13 (ii) When a review is conducted as provided in section 17.

14 (iii) Concurrent with enforcement initiated by the office
15 under subdivision (a).

16 (iv) Upon receipt of a written complaint from a party.

17 (v) Upon receipt of a written complaint from the department
18 ~~of social services~~ if the child for whose benefit health care
19 coverage is ordered is a recipient of public assistance or medi-
20 cal assistance.

21 (C) A PERSON LEGALLY RESPONSIBLE FOR THE ACTUAL CARE OF A
22 CHILD INCURS AN UNINSURED HEALTH CARE EXPENSE AND SUBMITS TO THE
23 OFFICE A WRITTEN COMPLAINT THAT MEETS THE REQUIREMENTS OF SECTION
24 11A.

25 (2) AN ARREARAGE AMOUNT THAT ARISES AT THE MOMENT A COURT
26 ISSUES AN ORDER IMPOSING OR MODIFYING SUPPORT, BECAUSE THE ORDER
27 RELATES BACK TO A PETITION OR MOTION FILING DATE, SHALL NOT BE

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1 CONSIDERED AS AN ARREARAGE FOR THE PURPOSE OF INITIATING SUPPORT
2 ENFORCEMENT MEASURES, CENTRALIZING ENFORCEMENT, OR OTHER ACTION
3 REQUIRED OR AUTHORIZED IN RESPONSE TO A SUPPORT ARREARAGE UNDER
4 THIS ACT OR THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,
5 UNLESS THE PAYER FAILS TO BECOME CURRENT WITH THE COURT ORDERED
6 SUPPORT PAYMENTS WITHIN 2 MONTHS AFTER ENTRY OF THE ORDER IMPOS-
7 ING OR MODIFYING SUPPORT.

8 ~~(2) For a custody or parenting time order, the office may~~
9 ~~initiate enforcement proceedings under subsection (3) upon its~~
10 ~~own initiative and shall initiate enforcement proceedings upon~~
11 ~~receipt of a written complaint stating the specific facts alleged~~
12 ~~to constitute a violation, if the office determines that there is~~
13 ~~reason to believe a violation of a custody or parenting time~~
14 ~~order has occurred. Upon request, the office of the friend of~~
15 ~~the court shall assist a person in preparing a complaint under~~
16 ~~this subsection.~~

17 ~~(3) The office shall send, by ordinary mail, a notice to an~~
18 ~~alleged violator of a custody or parenting time order, informing~~
19 ~~the alleged violator of the nature of the alleged violation, the~~
20 ~~proposed action under this or other applicable act, the avail-~~
21 ~~ability of domestic relations mediation, and the right to peti-~~
22 ~~tion for modification of the parenting time order. The notice~~
23 ~~shall contain the following statement in boldfaced type of not~~
24 ~~less than 12 points:~~

25

26 ~~"FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE~~
27 ~~WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A~~

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1 ~~SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT~~
2 ~~PROCEEDINGS BEING BROUGHT AGAINST YOU."~~

3 ~~(4) A copy of the notice described in subsection (3) shall~~
4 ~~be sent by ordinary mail to the party alleging a violation.~~

5 ~~(5) Fourteen days after the date of the notice to the~~
6 ~~alleged violator under subsection (3), the office may do 1 or~~
7 ~~more of the following:~~

8 ~~(a) Schedule a joint meeting with the parties to discuss the~~
9 ~~allegations of failure to comply with a custody or parenting time~~
10 ~~order, and attempt to resolve the differences between the~~
11 ~~parties.~~

12 ~~(b) Refer the parties to meet with a domestic relations~~
13 ~~mediator as provided in section 13, if the parties agree to~~
14 ~~mediation.~~

15 ~~(c) If appropriate, proceed under section 41 of the support~~
16 ~~and parenting time enforcement act, being section 552.641 of the~~
17 ~~Michigan Compiled Laws, or other applicable act.~~

18 Sec. 13. (1) The office shall provide, either directly or
19 by contract, domestic relations mediation to assist the parties
20 in settling voluntarily a dispute concerning child custody or
21 parenting time that arises ~~from a domestic relations matter~~ IN
22 A FRIEND OF THE COURT CASE. Parties shall not be required to
23 meet with a domestic relations mediator. The service may be pro-
24 vided directly by the office only if such a service is in place
25 on July 1, 1983, if the service is not available from a private
26 source, or if the court can demonstrate that providing the
27 service within the friend of the court office is cost

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1 beneficial. Any expansion of existing services provided by the
2 court on July 1, 1983 shall be provided by an individual meeting
3 the domestic relations mediator minimum qualifications listed
4 under subsection (4).

5 (2) If an agreement is reached by the parties through domes-
6 tic relations mediation, a consent order incorporating the agree-
7 ment shall be prepared by ~~the friend of the court;~~ an employee
8 of the office who is a member of the state bar of Michigan; under
9 section 22, BY a member of the state bar of Michigan; or by the
10 attorney for 1 of the parties. The consent order shall be pro-
11 vided to, and shall be entered by, the court.

12 (3) Except as provided in subsection (2), a communication
13 between a domestic relations mediator and a party to a domestic
14 relations mediation is confidential. The secrecy of the communi-
15 cation shall be preserved inviolate as a privileged
16 communication. The communication shall not be admitted in evi-
17 dence in any proceedings. The same protection shall be given to
18 communications between the parties in the presence of the
19 mediator.

20 (4) A domestic relations mediator who performs mediation
21 under this act shall have all of the following minimum
22 qualifications:

23 (a) One or more of the following:

24 (i) A license or a limited license to engage in the practice
25 of psychology under parts 161 and 182 of the public health code,
26 ~~Act No. 368 of the Public Acts of 1978, being sections 333.16101~~
27 ~~to 333.16349 and 333.18201 to 333.18237 of the Michigan Compiled~~

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1 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.16349 AND 333.18201 TO
2 333.18237, or a master's degree in counseling, social work, or
3 marriage and family counseling; and successful completion of the
4 training program provided by the bureau under section 19(3)(b).

5 (ii) Not less than 5 years of experience in family counsel-
6 ing, preferably in a setting related to the areas of responsibil-
7 ity of the friend of the court and preferably to reflect the
8 ethnic population to be served, and successful completion of the
9 training program provided by the bureau under section 19(3)(b).

10 (iii) A graduate degree in a behavioral science and success-
11 ful completion of a domestic relations mediation training program
12 certified by the bureau with not less than 40 hours of classroom
13 instruction and 250 hours of practical experience working under
14 the direction of a person who has successfully completed a pro-
15 gram certified by the bureau.

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

19 (b) Knowledge of the court system of this state and the pro-
20 cedures used in domestic relations matters.

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

24 (d) Knowledge of child development, clinical issues relating
25 to children, the effects of divorce on children, and child cus-
26 tody research.

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1 Sec. 15. An employee of the office who performs domestic
2 relations mediation ~~as to any domestic relations matter~~ IN A
3 FRIEND OF THE COURT CASE involving a particular party shall not
4 perform referee functions, investigation and recommendation func-
5 tions, or enforcement functions as to any domestic relations
6 matter involving that party.

7 Sec. 17. (1) After a final judgment containing a child sup-
8 port order has been entered in a ~~domestic relations matter~~
9 FRIEND OF THE COURT CASE, the office shall periodically review
10 the order, as follows:

11 (a) If a child is being supported in whole or in part by
12 public assistance, not less than once each 24 months unless both
13 of the following apply:

14 (i) The office receives notice from the department ~~of~~
15 ~~social services~~ that good cause exists not to proceed with sup-
16 port action.

17 (ii) Neither party has requested a review.

18 (b) At the initiative of the office, if there are reasonable
19 grounds to believe that the amount of child support awarded in
20 the judgment should be modified or that dependent health care
21 coverage is available and the support order should be modified to
22 include an order for health care coverage. Reasonable grounds to
23 review an order ~~pursuant to~~ UNDER this subdivision include tem-
24 porary or permanent changes in the physical custody of a child
25 that the court has not ordered, increased or decreased need of
26 the child, probable access by an employed parent to dependent
27 health care coverage, or changed financial conditions of a

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1 recipient or a payer of child support including, but not limited
2 to, application for or receipt of public assistance, unemployment
3 compensation, or worker's compensation.

4 (c) Upon receipt of a written request from either party.
5 Within 15 days after receipt of the review request, the office
6 shall determine whether the order is due for review. The office
7 is not required to investigate more than 1 request received from
8 a party each 24 months.

9 (d) If a child is receiving medical assistance, not less
10 than once each 24 months unless either of the following applies:

11 (i) The order requires provision of health care coverage for
12 the child and neither party has requested a review.

13 (ii) The office receives notice from the department ~~of~~
14 ~~social services~~ that good cause exists not to proceed with sup-
15 port action and neither party has requested a review.

16 (e) If requested by the initiating state for a recipient of
17 services in that state under ~~part D of title IV of the social~~
18 ~~security act, 42 U.S.C. 651 to 669~~ TITLE IV-D, not less than
19 once each 24 months. Within 15 days after receipt of a review
20 request, the office shall determine whether an order is due for
21 review.

22 (2) Within 180 days after determining that a review is
23 required under subsection (1), the office shall send notices as
24 provided in section 17b(2) and (3), conduct a review, and obtain
25 a modification of the order if appropriate.

26 (3) The office shall use the child support formula developed
27 by the bureau under section 19 in calculating the child support

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1 award. If the office determines from the facts of the case that
2 application of the child support formula would be unjust or inap-
3 propriate, or that income should not be based on actual income
4 earned by the parties, the office shall prepare a written report
5 that includes all of the following:

6 (a) The support amount, based on actual income earned by the
7 parties, determined by application of the child support formula
8 and all factual assumptions upon which that support amount is
9 based.

10 (b) An alternative support recommendation and all factual
11 assumptions upon which the alternative support recommendation is
12 based.

13 (c) How the alternative support recommendation deviates from
14 the child support formula.

15 (d) The reasons for the alternative support recommendation.

16 (e) All evidence known to the friend of the court that the
17 individual is or is not able to earn the income imputed to him or
18 her.

19 (4) The office shall petition the court if modification is
20 determined to be necessary under subsection (3) unless either of
21 the following applies:

22 (a) The difference between the existing and projected child
23 support award is within the minimum threshold for modification of
24 a child support amount as established by the formula.

25 (b) The court previously determined that application of the
26 formula was unjust or inappropriate and the office determines

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1 under subsection (3) that the facts of the case and the reasons
2 and amount of the prior deviation remain unchanged.

3 (5) A petition for modification may be made at the same time
4 the parties are provided with notice under section 17b(3). A
5 hearing held on a proposed modification shall be scheduled no
6 earlier than 30 days after the date of the notice provided for in
7 section 17b(3).

8 (6) If the office determines there should be no change in
9 the order and a party objects to the determination in writing to
10 the office within 30 days after the date of the notice provided
11 for in section 17b(3), the office shall schedule a hearing before
12 the court.

13 (7) If a support order lacks provisions for health care cov-
14 erage, the office shall petition the court for a modification to
15 require that 1 or both parents obtain or maintain health care
16 coverage for the benefit of each child who is subject to the sup-
17 port order if either of the following is true:

18 (a) Either parent has health care coverage available, as a
19 benefit of employment, for the benefit of the child at a reason-
20 able cost.

21 (b) Either parent is self-employed, maintains health care
22 coverage for himself or herself, and can obtain health care cov-
23 erage for the benefit of the child at a reasonable cost.

24 (8) The office shall determine the costs to each parent for
25 dependent health care coverage and child care costs and shall
26 disclose those costs in the report under section 17b(4).

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1 Sec. 17b. (1) Each party subject to a child support order
2 shall be notified of the right to request a review of the order
3 as provided in section 17, and the place and manner in which to
4 make the request. For a ~~domestic relations matter initiated on~~
5 ~~or after 90 days after the effective date of this section~~ FRIEND
6 OF THE COURT CASE, the notice shall be provided by the office or,
7 pursuant to court rule, by the plaintiff, using the informational
8 pamphlet required under section 5. ~~Unless notice is provided to~~
9 ~~the party in the informational pamphlet, no later than 180 days~~
10 ~~after the effective date of this section, the office in each~~
11 ~~judicial circuit shall send a notice to each party subject to a~~
12 ~~child support order informing the party of the right to request a~~
13 ~~review of the order.~~ The notice shall be sent to the party's
14 last known address.

15 (2) The office shall notify each party of a review of a
16 child support order under section 17 at least 30 days before the
17 review is conducted. The notice shall request income, expense,
18 or other information as needed from the party to conduct the
19 review and shall specify the date by which that information is
20 due. The notice shall be sent to each party to his or her last
21 known address.

22 (3) After a review of a child support order has been con-
23 ducted, the office shall notify each party of a proposed increase
24 or decrease in the amount of child support, a proposed modifica-
25 tion to order health care coverage, or a determination that there
26 should be no change in the order. Notice of an increase or
27 decrease in child support or a modification to order health care

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1 coverage can be provided by or with a copy of the petition for
2 modification. The notice shall also inform the parties of both
3 of the following:

4 (a) That the party may object to the proposed modification
5 or determination that there should be no change in the order at a
6 hearing before a referee or the court.

7 (b) The time, place, and manner in which to raise
8 objections.

9 (4) The office shall make available to each party and his or
10 her attorney a copy of the written report, transcript, recommen-
11 dation, and supporting documents or a summary of supporting docu-
12 ments prepared or used by the office under section 17 before the
13 court modifies a support order.

14 Sec. 17c. (1) If Michigan is the initiating state in an
15 interstate ~~domestic relations matter~~ FRIEND OF THE COURT CASE
16 involving child support, the office shall determine whether a
17 review of a support order in another state is appropriate in
18 accordance with section 17 and is appropriate based upon the res-
19 idence and jurisdiction of the parties.

20 (2) If the office determines that a review of a support
21 order in another state is appropriate, the office shall obtain
22 income, expense, and other information needed to conduct the
23 review from the requesting party or recipient of public assist-
24 ance or medical assistance.

25 (3) The office shall initiate a request for a review within
26 20 calendar days after receipt of the information requested under
27 subsection (2).

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1 (4) The office shall forward to a party who resides in
2 Michigan a copy of each notice issued by the responding state in
3 conjunction with the review and modification of a support order,
4 which notice is sent to the office for distribution.

5 Sec. 26. (1) A party to a ~~domestic relations matter~~
6 FRIEND OF THE COURT CASE who has a grievance concerning office
7 operations or employees shall utilize the following grievance
8 procedure:

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

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

23 (2) Each office shall maintain a record of grievances
24 received and a record of whether the grievance is decided or
25 outstanding. The record shall be transmitted not less than bian-
26 nually to the bureau. Each office shall provide public access to

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1 the report of grievances prepared by the bureau under section
2 19.

3 (3) In addition to the grievance procedure provided in sub-
4 section (1), a party to a ~~domestic relations matter~~ FRIEND OF
5 THE COURT CASE who has a grievance concerning office operations
6 may file, at any time during the proceedings, the grievance in
7 writing with the appropriate citizen advisory committee. In its
8 discretion, the citizen advisory committee shall conduct a review
9 or investigation of, or hold a formal or informal hearing on, a
10 grievance submitted to the committee. The citizen advisory com-
11 mittee may delegate its responsibility under this subsection to
12 subcommittees appointed as provided in section 4a.

13 (4) In addition to action taken under subsection (3), the
14 citizen advisory committee shall establish a procedure for ran-
15 domly selecting grievances submitted directly to the office of
16 the friend of the court. The citizen advisory committee shall
17 review the response of the office to these grievances and report
18 its findings to the court and the county board, either immedi-
19 ately or in the committee's annual report.

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

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

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

7 Enacting section 1. Section 17a of the friend of the court
8 act, 1982 PA 294, MCL 552.517a, is repealed.

9 Enacting section 2. (1) Sections 2, 2a, 5, 9, 11, 13, 15,
10 17, 17b, 17c, and 26 of the friend of the court act, MCL 552.502,
11 552.502a, 552.505, 552.509, 552.511, 552.513, 552.515, 552.517,
12 552.517b, 552.517c, and 552.526, as amended by this amendatory
13 act, take effect June 1, 2003.

14 (2) Section 5a of the friend of the cort act, MCL 552.505a,
15 as added by this amendatory act, takes effect December 1, 2002.

16 Enacting section 3. This amendatory act does not take
17 effect unless all of the following bills of the 91st Legislature
18 are enacted into law:

19 (a) House Bill No. 6008.

20 (b) House Bill No. 6009.

21 (c) House Bill No. 6010.