

SENATE BILL No. 522

May 22, 2007, Introduced by Senator WHITMER and referred to the Committee on Families and Human Services.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 5 (MCL 552.505), as amended by 2002 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Each office of the friend of the court has the
2 following duties:

3 (a) To inform each party to the domestic relations matter
4 that, unless 1 of the parties is required to participate in the
5 title IV-D child support program, they may choose not to have the
6 office of the friend of the court administer and enforce
7 obligations that may be imposed in the domestic relations matter.

8 (b) To inform each party to the domestic relations matter
9 that, unless 1 of the parties is required to participate in the

1 title IV-D child support program, they may direct the office of the
2 friend of the court to close the friend of the court case that was
3 opened in their domestic relations matter.

4 (c) To provide an informational pamphlet, in accordance with
5 the model pamphlet developed by the bureau, to each party to a
6 domestic relations matter. The informational pamphlet shall explain
7 the procedures of the court and the office; the duties of the
8 office; the rights and responsibilities of the parties, including
9 notification that each party to the dispute has the right to meet
10 with the individual investigating the dispute before that
11 individual makes a recommendation regarding the dispute; the
12 availability of and procedures used in domestic relations
13 mediation; the availability of human services in the community; the
14 availability of joint custody as described in section 6a of the
15 child custody act of 1970, 1970 PA 91, MCL 722.26a; and how to file
16 a grievance regarding the office. The informational pamphlet shall
17 be provided as soon as possible after the filing of a complaint or
18 other initiating pleading. Upon request, a party shall receive an
19 oral explanation of the informational pamphlet from the 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 modification
27 hearing.

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

4 (f) To inform the parents of the availability of joint custody
5 as described in section 6a of the child custody act of 1970, 1970
6 PA 91, MCL 722.26a, if there is a dispute between the parents as to
7 child custody.

8 (g) To investigate all relevant facts, and to make a written
9 report and recommendation to the parties and to the court regarding
10 child custody or parenting time, or both, if there is a dispute as
11 to child custody or parenting time, or both, and domestic relations
12 mediation is refused by either party or is unsuccessful, or if
13 ordered to do so by the court. The investigation may include
14 reports and evaluations by outside persons or agencies if requested
15 by the parties or the court, and shall include documentation of
16 alleged facts, if practicable. If requested by a party, an
17 investigation shall include a meeting with the party. A written
18 report and recommendation regarding child custody or parenting
19 time, or both, shall be based upon the factors enumerated in the
20 child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

21 (h) To investigate all relevant facts and to make a written
22 report and recommendation to the parties and their attorneys and to
23 the court regarding child support, if ordered to do so by the
24 court. The written report and recommendation shall be placed in the
25 court file. The investigation may include reports and evaluations
26 by outside persons or agencies if requested by the parties or the
27 court, and shall include documentation of alleged facts, if

1 practicable. If requested by a party, an investigation shall
2 include a meeting with the party. The child support formula
3 developed by the bureau under section 19 shall be used as a
4 guideline in recommending child support. The written report shall
5 include the support amount determined by application of the child
6 support formula and all factual assumptions upon which that support
7 amount is based. If the office of the friend of the court
8 determines from the facts of the case that application of the child
9 support formula would be unjust or inappropriate, the written
10 report shall also include all of the following:

11 (i) An alternative support recommendation.

12 (ii) All factual assumptions upon which the alternative support
13 recommendation is based, if applicable.

14 (iii) How the alternative support recommendation deviates from
15 the child support formula.

16 (iv) The reasons for the alternative support recommendation.

17 (2) If a party who requests a meeting during an investigation
18 fails to attend the scheduled meeting without good cause, the
19 investigation may be completed without a meeting with that party.

20 (3) **THE OFFICE OF THE FRIEND OF THE COURT MAY PROVIDE THE**
21 **INFORMATIONAL PAMPHLET REQUIRED BY SUBSECTION (1)(C) TO A PARTY BY**
22 **ELECTRONIC MEANS IF THE PARTY CHOOSES TO RECEIVE THE PAMPHLET IN**
23 **THAT MANNER.**