

FRIEND OF THE COURT ACT
Act 294 of 1982

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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

The People of the State of Michigan enact:

552.501 Short title; purposes and construction of act.

Sec. 1. (1) This act shall be known and may be cited as the “friend of the court act”.

(2) The purposes of this act are to enumerate and describe the powers and duties of the friend of the court and the office of the friend of the court; to ensure that procedures adopted by the friend of the court will protect the best interests of children in domestic relations matters; to encourage and assist parties voluntarily to resolve contested domestic relations matters by agreement; to compel the enforcement of parenting time and custody orders; and to compel the enforcement of support orders, ensuring that persons legally responsible for the care and support of children assume their legal obligations and reducing the financial cost to this state of providing public assistance funds for the care of children. This act shall be construed to promote the enumerated purposes and to facilitate the resolution of domestic relations matters.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996.

Popular name: Friend of the Court

552.502 Definitions; A to I.

Sec. 2. As used in this act:

(a) "Alternative dispute resolution" means a process established under section 13 by which the parties are assisted in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.

(b) "Bureau" means the state friend of the court bureau created in section 19.

(c) "Centralizing enforcement" means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.

(d) "Chief judge" means the following:

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

(ii) The chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.

(e) "Citizen advisory committee" means a citizen friend of the court advisory committee established as provided in section 4.

(f) "Consumer reporting agency" means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, "consumer report" means that term as defined in section 603 of the fair credit reporting act, 15 USC 1681a.

(g) "County board" means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.

(h) "Court" means the circuit court.

(i) "Current employment" means employment within 1 year before a friend of the court request for information.

(j) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

- (k) "De novo hearing" means a new judicial consideration of a matter previously heard by a referee.
- (l) "Department" means the department of health and human services.
- (m) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:
 - (i) 1846 RS 84, MCL 552.1 to 552.45.
 - (ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.
 - (iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.
 - (iv) 1968 PA 293, MCL 722.1 to 722.6.
 - (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.
 - (vi) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.
 - (vii) The uniform interstate family support act (2015).
- (n) "Friend of the court" means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.
- (o) "Friend of the court case" means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a.
- (p) "Income" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2015, Act 253, Eff. Jan. 1, 2016.

Popular name: Friend of the Court

552.502a Definitions; M to T.

Sec. 2a. As used in this act:

- (a) "Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396v.
- (b) "Office" and "office of the friend of the court" mean an agency created in section 3.
- (c) "Payer" means a person ordered by the circuit court to pay support.
- (d) "Public assistance" means cash assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.
- (e) "Recipient of support" means the following:
 - (i) The spouse, if the support order orders spousal support.
 - (ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.
 - (iii) The department of human services, if support has been assigned to that department.
 - (iv) The county, if the minor is in county-supported foster care.
- (f) "State advisory committee" means the committee established by the bureau under section 19.
- (g) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.
- (h) "Support" means all of the following:
 - (i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.
 - (ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the pregnancy of the mother or the birth of the child, or for the repayment of genetic testing expenses.
 - (iii) A surcharge under section 3a of the support and parenting time enforcement act, MCL 552.603a.
- (i) "Support and parenting time enforcement act" means 1982 PA 295, MCL 552.601 to 552.650.
- (j) "Support order" means an order entered by the circuit court for the payment of support in a sum certain, whether in the form of a lump sum or a periodic payment.
- (k) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.
- (l) "Title IV-D agency" means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.503 Office of the friend of the court; creation in judicial circuit; exception; separate office in county; vacancy; merger; head of office as friend of the court; friend of the court as employee of circuit court; performance of duties; office procedures; availability of services to public.

Sec. 3. (1) There is created in each judicial circuit of this state an office of the friend of the court, except as provided in subsection (2).

(2) If each county in a multicounty judicial circuit has a separate office of the friend of the court on the day before the effective date of this act, each county in that circuit shall have a separate office of the friend of the court on the effective date of this act. If a vacancy occurs in the position of the friend of the court in such a county, the chief judge may merge the office of the friend of the court in that county with the office of the friend of the court in another county of the judicial circuit.

(3) The head of each office is the friend of the court serving under section 21(1) or appointed according to section 23.

(4) The friend of the court is an employee of the circuit court in the judicial circuit served by the friend of the court.

(5) The duties of the office shall be performed under the direction and supervision of the chief judge.

(6) Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under this act or the support and parenting time enforcement act when a party in that case has requested title IV-D services.

(7) Each friend of the court shall take all necessary steps to adopt office procedures to implement this act, the Michigan court rules, and the recommendations of the bureau. Office of the friend of the court duties shall be performed in accordance with the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(8) An office of the friend of the court shall be open to the public making available all of the office's services not less than 20 hours each month during nontraditional office hours. This subsection does not require an office of the friend of the court to be open for a greater number of hours than it was required to be open before January 1, 1997.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504 Citizen friend of the court advisory committee; establishment; composition; appointment; vacancy; terms; election of chairperson and vice-chairperson; court administrative office guidelines; term limitation.

Sec. 4. (1) Each county may establish a citizen friend of the court advisory committee composed of the following members, each of whom is a resident of the county:

(a) A noncustodial parent.

(b) A custodial parent.

(c) An attorney who engages primarily in family law practice.

(d) The county sheriff or the sheriff's designee.

(e) The prosecuting attorney or the prosecuting attorney's designee.

(f) The director of the family independence agency or the director's designee.

(g) A mental health professional who provides family counseling.

(h) Two members of the general public who are not serving on the committee in a category listed in subdivisions (a) to (g).

(2) Except for a member serving under subsection (1)(d), (e), or (f), and except as otherwise provided in this subsection, the county board shall appoint the citizen advisory committee members. In a county organized under 1966 PA 293, MCL 45.501 to 45.521, the county executive shall appoint the citizen advisory committee members with the advice and consent of the county board, and shall exercise the other powers and duties prescribed for the county board by this section in regard to the citizen advisory committee.

(3) A vacancy on the citizen advisory committee shall be filled for the remainder of the term in the same manner as the position was originally filled. The county board shall attempt to compose the citizen advisory committee so that its membership reflects the ethnic, racial, and gender distribution of the community that it serves.

(4) Committee members shall serve renewable terms of 3 years for each time appointed. Members appointed under subsection (1)(a), (b), (c), (g), and (h) shall serve initial terms of 3 years for 2 members, 2 years for 2 members, and 1 year for 2 members to allow 1/3 of those members to be appointed to the committee each year.

(5) A citizen advisory committee shall elect 1 of its members as chairperson and 1 as vice-chairperson.

(6) A citizen advisory committee shall honor any guidelines established by the state court administrative office for a friend of the court office pertaining to citizen advisory committees.

(7) Except for a member serving under subsection (1)(d), (e), or (f), a citizen advisory committee member shall not serve more than 2 consecutive terms. After completion of 2 consecutive terms, a former member shall not be reappointed to serve during the 2 years immediately following the end of his or her previous term.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504a Citizen advisory committee; scope; duties; subcommittees; meetings open to the public; exception.

Sec. 4a. (1) A citizen advisory committee is advisory only. Once established, the citizen advisory committee shall do all of the following:

(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.

(b) Review and investigate grievances concerning the friend of the court as provided in section 26.

(c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.

(d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office, governor's office, and standing senate and house committees and appropriations subcommittees that are responsible for legislation concerning the judicial branch.

(2) A citizen advisory committee chairperson may appoint subcommittees comprised of 3 committee members to review, investigate, and hold hearings on grievances submitted to the citizen advisory committee as provided in section 26. The chairperson may serve on a grievance subcommittee and shall attempt to appoint members so that each member has an equal opportunity for subcommittee participation.

(3) Except as otherwise provided in this subsection, a citizen advisory committee meeting is open to the public. A member of the public attending a meeting shall be given a reasonable opportunity to address the committee on an issue under consideration by the committee. If a vote is to be taken by the citizen advisory committee, the opportunity to address the committee shall be given before the vote is taken. A citizen advisory committee meeting, including a meeting of a subcommittee appointed under subsection (2), is not open to the public while the committee or subcommittee is reviewing, investigating, or holding a hearing on a grievance as provided in section 26.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.504b Information and records to be provided to citizen advisory committee.

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested

by the committee and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

552.504c Information and records as confidential; disclosure; penalty; grounds for dismissal.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

History: Add. 1998, Act 551, Eff. Mar. 1, 1999.

Popular name: Friend of the Court

552.505 Duties of friend of the court; failure of party to attend scheduled meeting; charging parties for investigation, report and recommendations; waiver or suspension of fees; disposition of money collected.

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

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

(b) To inform each party to a domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may direct the office of the friend of the court to close the friend of the court case that was opened in their domestic relations matter.

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

(d) To make available form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision. The office shall make available instructions on preparing and filing each of those forms, on service of process, and on scheduling a modification hearing.

(e) To inform the parties of the availability of alternative dispute resolution if there is a dispute as to child custody or parenting time.

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

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court, regarding child custody or parenting time, or both, if ordered to do so by the court. If custody has been established by court order, the court shall order an investigation only if the court first finds that proper cause has been shown or that there has been a change of circumstances. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(h) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and

recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

- (i) An alternative support recommendation.
- (ii) All factual assumptions upon which the alternative support recommendation is based, if applicable.
- (iii) How the alternative support recommendation deviates from the child support formula.
- (iv) The reasons for the alternative support recommendation.

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

(3) Pursuant to standards prescribed by the state court administrative office under the supervision and direction of the supreme court, the office may charge the parties an amount that does not exceed the expenses of the office for conducting an investigation and making a report and recommendation under subsection (1)(g). If the court orders a whole or partial waiver or suspension of fees in the case because of indigency or inability to pay, the office shall not charge the amount or, if applicable, shall reduce the amount. An amount shall not be charged under this subsection if the investigation was not requested by either party. If the court determines that a request by a party that led to the investigation was frivolous, the court may order that the amount be charged only against the party, but the amount shall not be charged against the other party. Money collected under this subsection shall be deposited in the county friend of the court fund created under section 2530 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2530.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1989, Act 273, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.505a Open friend of the court case; closure.

Sec. 5a. (1) Except as required by this section, an office of the friend of the court shall open and maintain a friend of the court case for a domestic relations matter. If there is an open friend of the court case for a domestic relations matter, the office of the friend of the court shall administer and enforce the obligations of the parties to the friend of the court case as provided in this act. If there is not an open friend of the court case for a domestic relations matter, the office of the friend of the court shall not administer or enforce an obligation of a party to the domestic relations matter.

(2) The parties to a domestic relations matter are not required to have a friend of the court case opened or maintained for their domestic relations matter. With their initial pleadings, the parties to a domestic relations matter may file a motion for the court to order the office of the friend of the court not to open a friend of the court case for the domestic relations matter. If the parties to a domestic relations matter file a motion under this subsection, the court shall issue that order unless the court determines 1 or more of the following:

(a) A party to the domestic relations matter is eligible for title IV-D services because of the party's current or past receipt of public assistance.

(b) A party to the domestic relations matter applies for title IV-D services.

(c) A party to the domestic relations matter requests that the office of the friend of the court open and maintain a friend of the court case for the domestic relations matter, even though the party may not be eligible for title IV-D services because the domestic relations matter involves, by way of example and not limitation, only spousal support, child custody, parenting time, or child custody and parenting time.

(d) There exists in the domestic relations matter evidence of domestic violence or uneven bargaining positions and evidence that a party to the domestic relations matter has chosen not to apply for title IV-D services against the best interest of either the party or the party's child.

(e) The parties have not filed with the court a document, signed by each party, that includes a list of the friend of the court services and an acknowledgment that the parties are choosing to do without those services.

(3) If a friend of the court case is not opened for a domestic relations matter, the parties to the domestic relations matter have full responsibility for administration and enforcement of the obligations imposed in the domestic relations matter.

(4) The parties to a friend of the court case may file a motion for the court to order the office of the friend of the court to close their friend of the court case. The court shall issue an order that the office of the friend of the court shall close the friend of the court case unless the court determines 1 or more of the following:

(a) A party to the friend of the court case objects.

(b) A party to the friend of the court case is eligible for title IV-D services because the party is receiving public assistance.

(c) A party to the friend of the court case is eligible for title IV-D services because the party received public assistance and an arrearage is owed to the governmental entity that provided the public assistance.

(d) The friend of the court case record shows that, within the previous 12 months, a child support arrearage or custody or parenting time order violation has occurred in the case.

(e) Within the previous 12 months, a party to the friend of the court case has reopened a friend of the court case.

(f) There exists in the friend of the court case evidence of domestic violence or uneven bargaining positions and evidence that a party to the friend of the court case has chosen to close the case against the best interest of either the party or the party's child.

(g) The parties have not filed with the court a document, signed by each party, that includes a list of the friend of the court services and an acknowledgment that the parties are choosing to do without those services.

(5) The closure of a friend of the court case does not release a party from the party's obligations imposed in the underlying domestic relations matter. The parties to a closed friend of the court case assume full responsibility for administration and enforcement of obligations imposed in the underlying domestic relations matter.

(6) If a party to the underlying domestic relations matter wants to ensure that child support payments made after a friend of the court case is closed will be taken into account in any possible future office of the friend of the court enforcement action, the child support payments must be made through the SDU. If the parties choose to continue to have child support payments made through the SDU, the office of the friend of the court shall not close its friend of the court case until each party provides the SDU with the information necessary to process the child support payments required in the underlying domestic relations matter.

(7) If a party to a domestic relations matter for which there is not an open friend of the court case applies for services from the office of the friend of the court or applies for public assistance, the office of the friend of the court shall open or reopen a friend of the court case. If the office of the friend of the court opens or reopens a friend of the court case as required by this subsection, the court shall issue an order in that domestic relations matter that contains the provisions required by this act and by the support and parenting time enforcement act for a friend of the court case. The court may direct the party making the application or the friend of the court to prepare a written order and submit it for approval.

(8) If the parties to a domestic relations matter file a motion under subsection (2) or (4), the friend of the court shall advise the parties in writing as to the services that the office of the friend of the court is not required to provide. The state court administrative office shall develop and make available a form for use by an office of the friend of the court under this subsection and a document for use by parties to a domestic relations matter under subsection (2) or (4).

(9) For purposes of this section, a party receives public assistance if the party receives cash assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, medical assistance, or food assistance or if foster care is being or was provided to a child who is the subject of the case.

History: Add. 2002, Act 571, Eff. Dec. 1, 2002;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.507 Referee; designation by chief judge; powers; transcript of hearing; cost; de novo court hearing; request; interim order; review.

Sec. 7. (1) The chief judge may designate a referee as provided by the Michigan court rules.

(2) A referee may do all of the following:

(a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.

(b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.

(c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.

(d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.

(e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.

(f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.

(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.

(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.

(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:

(a) The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.

(b) For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.

(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:

(a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.

(b) A new decision based only on evidence presented at the time of the de novo hearing.

(c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.

(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.507a Making report, recommendation, and supporting documents available to attorneys and parties; informing parties in child custody dispute or guardian concerning preference expressed by child; availability of information.

Sec. 7a. (1) A copy of each report, recommendation, and any supporting documents or a summary of supporting documents prepared or used by the friend of the court or an employee of the office shall be made available to the attorney for each party and to each of the parties before the court takes any action on a recommendation by the office.

(2) In a child custody dispute, the parties shall be informed of whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court. The parties shall not be informed of the preference expressed by the child under section 3 of the child custody act of 1970, 1970 PA 91, MCL 722.23.

(3) If a guardian is appointed for a child, the guardian shall be informed whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or employee of the friend of the court, and, if so, the preference expressed.

(4) The manner and time within which the information required under this section is made available shall be determined by the Michigan court rules.

History: Add. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

552.508 Expediting relief; methods.

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

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

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

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

History: Add. 1985, Act 208, Eff. Mar. 1, 1986.

Popular name: Friend of the Court

552.509 Duties of office regarding support payments providing statement of account to parties; initiating and carrying out proceedings to enforce order regarding custody,

parenting time, health care coverage or support; enforcement orders entered in other state.

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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.509a Centralized receipt and disbursement of support and fees.

Sec. 9a. The SDU is responsible for the centralized receipt and disbursement of support and fees. An office of the friend of the court may continue to receive support and fees.

History: Add. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.511 Initiating enforcement of support order and custody or parenting time order; procedure; arrearage; amnesty.

Sec. 11. (1) Except as provided in this section, each office shall initiate 1 or more support enforcement measures under the support and parenting time enforcement act when 1 of the following applies:

(a) Except as otherwise provided in this subdivision, the arrearage under the support order is equal to or greater than the monthly amount of support payable under the order. If the support order was entered ex parte, an office shall not initiate enforcement under this subdivision until the office receives a copy of proof of service for the order and at least 1 month has elapsed since the date of service. An office is not required to initiate enforcement under this subdivision if 1 or more of the following circumstances exist:

(i) Despite the existence of the arrearage, an order of income withholding is effective and payment is being made under the order of income withholding in the amount required under the order.

(ii) Despite the existence of the arrearage and even though an order of income withholding is not effective, payment is being made in the amount required under the order.

(iii) One or more support enforcement measures have been initiated and an objection to 1 or more of those measures has not been resolved.

(b) A parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court. The office shall initiate enforcement under this subdivision at the following times:

(i) Within 60 days after the entry of a support order containing health care coverage provisions.

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

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

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

(v) Upon receipt of a written complaint from the department if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.

(c) A person legally responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint that meets the requirements of section 11a.

(2) An arrearage amount that arises at the moment a court issues an order imposing or modifying support,

because the order relates back to a petition or motion filing date, shall not be considered as an arrearage for the purpose of initiating support enforcement measures, centralizing enforcement, or other action required or authorized in response to a support arrearage under this act or the support and parenting time enforcement act, unless the payer fails to become current with the court ordered support payments within 2 months after entry of the order imposing or modifying support.

(3) An office shall not initiate a support enforcement measure to collect a payer's child support arrearage while the payer has amnesty for that arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 288, Eff. Jan. 1, 1993;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 266, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 567, Eff. June 1, 2005.

Popular name: Friend of the Court

552.511a Payment of health care expense; complaint; sending copy of complaint and notice to parent; objection; hearing.

Sec. 11a. (1) A complaint seeking enforcement for payment of a health care expense must include information showing that all of the following conditions have been met:

(a) The parent against whom the complaint is directed is obligated to pay the child's uninsured health care expenses, a demand for payment of the uninsured portion was made to that parent within 28 days after the insurers' final payment or denial of coverage, and that parent did not pay the uninsured portion within 28 days after the demand.

(b) If the state court administrative office, under the supervision and direction of the supreme court, establishes a minimum threshold for the enforcement of health care expenses, the health care expense is equal to or greater than the established threshold.

(c) The complaint is submitted to the office on or before any of the following:

(i) One year after the expense was incurred.

(ii) Six months after the insurers' final payment or denial of coverage for the expense, if all measures necessary to submit a claim for the health care expense to all insurers that might be obligated to pay the expense were completed within 2 months after the expense was incurred.

(iii) Six months after a parent defaults in paying for the health care expense as required under a written agreement, signed by both parents, that lists the specific bills covered by the agreement, states the amount to be paid in total, and sets forth the schedule for the payment of that amount, whether by installments or otherwise.

(2) If an office receives a complaint that meets the requirements of subsection (1), the office shall send a copy of the complaint to the parent who is named in the complaint as obligated to pay the child's uninsured health care expenses. The office shall include with the copy of the complaint sent to that parent a notice advising the parent of the provisions of subsection (3).

(3) If, within 21 days after the complaint and notice are sent to a parent under subsection (2), the parent does not file with the office a written objection to the complaint, the amount of the health care expense stated in the complaint becomes a support arrearage and is subject to any enforcement process available to collect a support arrearage. If the parent files a written objection within the 21-day time limit, the office shall set a court hearing, before a judge or referee, to resolve the complaint.

History: Add. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.511b Custody or parenting time order violations; complaint; sending copy of complaint to individual accused of interfering; action.

Sec. 11b. (1) An office shall initiate enforcement under the support and parenting time enforcement act if the office receives a written complaint that states specific facts constituting a custody or parenting time order violation. Upon request of a parent who has the right to interact with his or her child under a custody or parenting time order, an office shall assist the parent in preparing a complaint under this subsection.

(2) Within 14 days after an office receives a complaint under subsection (1), the office shall send a copy of the complaint to the individual accused of interfering and to each other party to the custody or parenting time order.

(3) If, in the opinion of the office, the facts as stated in the complaint allege a custody or parenting time order violation that can be addressed by taking an action authorized under section 41 of the support and parenting time enforcement act, MCL 552.641, the office shall proceed under section 41 of the support and parenting time enforcement act, MCL 552.641.

History: Add. 2002, Act 569, Eff. Dec. 1, 2002.

Popular name: Friend of the Court

552.512 Reporting information to consumer reporting agency.

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.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 250, Imd. Eff. Nov. 19, 1992;—Am. 1996, Act 276, Eff. Jan. 1, 1997;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.513 Alternative dispute resolution; approval of plan; "protection order" defined; agreement; consent order; confidentiality of communication; qualifications of person providing domestic relations mediation or other forms of alternative dispute resolution.

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 judicature act of 1961, 1961 PA 236, MCL 600.2950 or 600.2950a, a foreign protection order as defined in section 2950h of the revised judicature 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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.515 Certain actions by employee providing domestic relations mediation; prohibition.

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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.517 Review of child support order after final judgment; modification order; calculations; petition for modification; scheduling of hearing; petition to require dependent health care coverage; costs.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall use a procedure provided in section 17b to periodically review the order, as follows:

(a) If a child is being supported in whole or in part by public assistance, not less than once each 36 months unless both of the following apply:

(i) The office receives notice from the department that good cause exists not to proceed with support action.

(ii) Neither party has requested a review.

(b) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to act on more than 1 request received from a party each 36 months.

(c) If a child is receiving medical assistance, not less than once each 36 months unless either of the following applies:

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

(ii) The office receives notice from the department of human services that good cause exists not to proceed with support action and neither party has requested a review.

(d) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office shall determine whether an

order is due for review.

(e) At the direction of the court.

(f) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage is available and the support order should be modified to include an order for health care coverage. Reasonable grounds to review an order under this subdivision include any of the following:

(i) Temporary or permanent changes in the physical custody of a child that the court has not ordered.

(ii) Increased or decreased need of the child.

(iii) Probable access by an employed parent to dependent health care coverage.

(iv) Changed financial conditions of a recipient of support or a payer, including any of the following:

(A) Application for or receipt of public assistance, unemployment compensation, or worker's compensation.

(B) Incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than 1 year. Within 14 days after receiving information that a recipient of support or payer is incarcerated or released from incarceration as described in this sub-subparagraph, the office shall initiate a review of the order.

(v) That the order was based on incorrect facts.

(2) A review initiated by the office under subsection (1)(f) does not preclude the recipient of support or payer from requesting a review under subsection (1)(b).

(3) Within 180 days after determining that a review is required under subsection (1), the office shall obtain a modification of the order if appropriate.

(4) The office shall use the child support formula developed by the bureau under section 19 in calculating the child support award under section 17b.

(5) The office shall petition the court if modification is determined to be necessary under section 17b unless either of the following applies:

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

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons for and amount of the prior deviation remain unchanged.

(6) The notice under section 17b(3) constitutes a petition for modification of the support order and shall be filed with the court.

(7) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office shall schedule a hearing before the court.

(8) If a support order lacks provisions for health care coverage, the office shall petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order if either of the following is true:

(a) Either parent has health care coverage available, as a benefit of employment, for the benefit of the child at a reasonable cost.

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

(9) The office shall determine the costs to each parent for dependent health care coverage and child care costs and shall disclose those costs in the recommendation under section 17b(3).

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.517a Repealed. 2002, Act 571, Imd. Eff. Oct. 3, 2002.

Compiler's note: The repealed section pertained to making form motions, responses, and orders available to individuals.

Popular name: Friend of the Court

552.517b Review of order; notice of right to request; notice of review; calculation of support amount; objection; joint meeting expediting resolution of support issues; provisions; modification; frequency of review.

Sec. 17b. (1) Child support orders entered after June 30, 2005 shall be modified according to this section. For each support order entered before June 30, 2005, the friend of the court office shall provide notice to the parties of their right to a review under this section as required by federal law. Notices under this subsection

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may be placed in court orders as allowed by federal law.

(2) The friend of the court office shall initiate proceedings to review support by sending a notice to the parties. The notice shall request information sufficient to allow the friend of the court to review support, state the date the information is due, and advise the parties concerning how the review will be conducted.

(3) After the information in subsection (2) is due, but not sooner than 21 days or later than 120 days after the date the notice is sent, the friend of the court office shall calculate the support amount in accordance with the child support formula and send a notice to each party and his or her attorney, which shall include all of the following:

(a) The amount calculated for support.

(b) The proposed effective date of the support amount.

(c) Substantially the following statement: "Either party may object to the recommended support amount. If no objection is filed within 21 days of the date this notice was mailed, an order will be submitted to the court incorporating the new support amount." The notice also shall inform the parties of how and where to file an objection.

(4) Twenty-one or more days from the date the notice required by subsection (3) is sent, the friend of the court office shall determine if an objection has been filed. If an objection has been filed, the friend of the court shall set the matter for a hearing before a judge or referee or, if the office receives additional information with the objection, it may recalculate the support amount and send out a revised notice in accordance with subsection (3). If no objection is filed, the friend of the court office shall prepare an order. The court shall enter the order if it approves of the order.

(5) The friend of the court may schedule a joint meeting between the parties to attempt to expedite resolution of support issues in accordance with the guidelines developed under section 19(3)(m). The joint meeting and proceedings following the joint meeting are subject to the requirements of section 42a of the support and parenting time enforcement act, MCL 552.642a.

(6) The following provisions apply to support review proceedings under this section:

(a) A recommendation under subsection (3) shall state the calculations upon which the support amount is based. If the friend of the court office recommends a support amount based on imputed income, the recommendation shall also state the amount that would have been recommended based on the actual income of the parties if the actual income of the parties is known. If income is imputed, the recommendation shall recite all factual assumptions upon which the imputed income is based.

(b) The friend of the court office may impute income to a party who fails or refuses to provide information requested under subsection (2).

(c) At a hearing based on an objection to a friend of the court office recommendation, the trier of fact may consider the friend of the court office's recommendation as evidence to prove a fact relevant to the support calculation if no other evidence is presented concerning that fact, if the parties agree or no objection is made to its use for that purpose.

(7) The court shall not require proof of a substantial change in circumstances to modify a child support order when support is adjusted under section 17(1).

(8) A party may also file a motion to modify support. Upon motion of a party, the court may only modify a child support order upon finding a substantial change in circumstances, including, but not limited to, health care coverage becoming newly available to a party and a change in the support level under section 17(5)(a).

(9) Notwithstanding any other provisions of this section, the friend of the court office shall conduct a more frequent review of the support order upon presentation by a party of evidence of a substantial change in circumstances as set forth in the child support formula guidelines.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.517c Review of support order in another state; procedures.

Sec. 17c. (1) If Michigan is the initiating state in an interstate friend of the court case involving child support, the office shall determine whether a review of a support order in another state is appropriate in accordance with section 17 and is appropriate based upon the residence and jurisdiction of the parties.

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

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

(4) The office shall forward to a party who resides in Michigan a copy of each notice issued by the

responding state in conjunction with the review and modification of a support order, which notice is sent to the office for distribution.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

552.517d Motion for modification of parenting time order.

Sec. 17d. (1) After a final judgment containing a parenting time order is entered in a domestic relations matter for which there is an open friend of the court case, if there is an unresolved dispute as to parenting time, the office may file a motion with the court for a modification of the parenting time order. The office shall send each party to the parenting time order notice of the filing of the motion. With a motion filed and each notice sent under this subsection, the office shall include the following:

(a) Subject to subsection (2), a written report and recommendation.

(b) Either as a separate document or in the motion document under a separate heading, a notice, in not less than 12-point, boldfaced type, that states substantially the following:

“A party may object to the office of the friend of the court's recommendation for modification of the parenting time order. If a party does not object to the recommendation within 21 days after this notice was sent to the party, the office of the friend of the court may submit to the court a parenting time order that incorporates the recommendation.”.

(2) The office shall prepare a written report and recommendation required for subsection (1) after making an evaluation that is commensurate with the scope of the unresolved dispute as to parenting time.

(3) If, within 21 days after the notice under subsection (1) is sent to each party, no party objects to the recommendation for modification of the parenting time order, the office may submit an order, incorporating the recommendation, to the court for the court's adoption. If a party objects within the 21 days, the motion for modification of the parenting time order shall be noticed for a hearing before a judge or referee.

(4) At a hearing on a motion filed under this section, the judge or referee may admit a statement of fact in the office's report or recommendation as evidence to prove a fact relevant to the proceeding, but only if all parties stipulate to or no party objects to the admission of the statement of fact and no other evidence is presented concerning the fact to be proved.

History: Add. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 569, Eff. Dec. 1, 2002.

Popular name: Friend of the Court

552.517e Arrearage payment schedules; administrative adjustment.

Sec. 17e. The office shall utilize guidelines provided in the child support formula developed by the state friend of the court bureau under section 19 to administratively adjust arrearage payment schedules. In making an administrative adjustment as authorized by this subsection, the office shall follow procedures to afford the payer due process including at least notice, an opportunity for an administrative hearing, and an opportunity for an appeal on the record to an independent administrative or judicial tribunal.

History: Add. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

552.518 Information from employer or former employer relative to parent.

Sec. 18. (1) Subject to subsections (3) and (4), upon the request of the office of the friend of the court, any employer or former employer of a parent as defined in section 1 of the office of child support act, 1971 PA 174, MCL 400.231, who is or was employed by the employer as an employee or independent contractor shall provide all of the following information relative to the parent:

(a) Full name and address.

(b) Social security number. The requirement of this subdivision to provide a social security number with the information does not apply if the parent is exempt under federal law from obtaining a social security number or is exempt under federal or state law from disclosure of his or her social security number under these circumstances. The friend of the court shall inform the parent of this possible exemption.

(c) Date of birth.

(d) Amount of wages earned by or other income due the custodial parent or absent parent. Both net and gross income shall be reported, regardless of method of payment.

(e) The following information concerning the person's current and former employment status: whether or not the custodial parent or absent parent is currently employed, laid off, on sick, disability, or other leave of absence, or retired, and amount of income due from an employment related benefit plan, if any.

(f) Dependent health care coverage available to the custodial parent or absent parent as a benefit of

employment.

(2) The friend of the court or his or her designee may issue an administrative subpoena to require any public or private entity doing business in the state that employs or has employed a parent to furnish any current employment information in the possession of the entity that pertains to the parent and that is needed to establish, modify, or enforce a support order. The entity's officers or employees shall furnish the information within 15 days after the subpoena is received by the entity. This subsection does not abrogate a confidentiality privilege established by law.

(3) A request or subpoena for information under this section shall certify that the information obtained will be treated as confidential and shall not be used or released except for the purposes of administering, enforcing, and complying with state and federal laws governing child support.

(4) A former employer is not required to provide information concerning a person who was last employed by the former employer more than 3 years before the date of the request or subpoena for information under this section.

(5) This section does not require the creation or maintenance of records not otherwise required to be created or maintained, or require an employer or former employer to discover information not contained in records of, or otherwise known to, the employer or former employer.

(6) A copy of information provided to the office under this section shall be made available to the parent, upon his or her request.

(7) In the case of disobedience of a request or subpoena for information under this section, the friend of the court or his or her designee may petition the circuit court in the county in which the inquiry is being made to require the production of books, papers, and documents. In the case of refusal to obey a subpoena or request for information under this section, a circuit court may issue an order requiring the person or other entity to appear and to produce books, records, and papers if so ordered. Failure to obey the order of the court may be punished by the court as a contempt.

(8) An employer, former employer, or other entity is not liable under federal or state law to a person or governmental entity for a disclosure of information to the office under this section or for any other action taken by the employer, former employer, or other entity in good faith to comply with the requirements of this section.

History: Add. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1998, Act 63, Eff. Aug. 10, 1998.

Popular name: Friend of the Court

552.519 State friend of the court bureau; creation; supervision and direction; main office; duties; state advisory committee; report or recommendation; reimbursement for expenses; meetings; assistance.

Sec. 19. (1) The state friend of the court bureau is created within the state court administrative office, under the supervision and direction of the supreme court.

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

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

(a) Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:

(i) Case load and staffing standards for employees who perform alternative dispute resolution functions, investigation and recommendation functions, referee functions, enforcement functions, and clerical functions.

(ii) Orientation programs for clients of the office.

(iii) Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.

(iv) Procedural changes in response to the type of grievances received by an office.

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

(vi) A formula to be used in establishing and modifying a child support amount and health care obligation. The formula shall be based upon the needs of the child and the actual resources of each parent. The formula shall establish a minimum threshold for modification of a child support amount. The formula shall consider the child care and dependent health care coverage costs of each parent. The formula shall include guidelines for setting and administratively adjusting the amount of periodic payments for overdue support, including guidelines for adjustment of arrearage payment schedules when the current support obligation for a child terminates and the payer owes overdue support.

(b) Provide training programs for the friend of the court, providers of alternative dispute resolution, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules. After September 30, 2002, the training programs shall include training in the dynamics of domestic

violence and in handling domestic relations matters that have a history of domestic violence.

(c) Gather and monitor relevant statistics.

(d) Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding. The report shall be transmitted to the legislature and to each office and shall be made available to the public. The annual report required by this subdivision shall include, but is not limited to, all of the following:

(i) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.

(ii) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all citizen advisory committees in this state during the preceding year.

(iii) An identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services.

(e) Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.

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

(g) Certify alternative dispute resolution training programs.

(h) Establish a 9-person state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, giving preference to a member of a citizen advisory committee:

(i) Three public members who have had contact with an office of the friend of the court.

(ii) Three attorneys who are members of the state bar of Michigan and whose practices are primarily domestic relations law. Not more than 1 attorney may be a circuit court judge.

(iii) Three human service professionals who provide family counseling.

(i) Cooperate with the office of child support in developing and implementing a statewide information system as provided in the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(j) Develop and make available guidelines to assist the office of the friend of the court in determining the appropriateness in individual cases of the following:

(i) Imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support.

(ii) Implementing the offset of a delinquent payer's state income tax refund.

(k) Develop and provide the office of the friend of the court with all of the following:

(i) Form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision.

(ii) Instructions on preparing and filing the forms, instructions on service of process, and instructions on scheduling a support, custody, or parenting time modification hearing.

(iii) Guidelines for imputing income for the calculation of child support.

(l) Develop guidelines for, and encourage the use of, plain language within the office of the friend of the court including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account provided as required in section 9.

(m) In consultation with the domestic violence prevention and treatment board created in section 2 of 1978 PA 389, MCL 400.1502, develop guidelines for the implementation of section 41 of the support and parenting time enforcement act, MCL 552.641, that take into consideration at least all of the following regarding the parties and each child involved in a dispute governed by section 41 of the support and parenting time enforcement act, MCL 552.641:

(i) Domestic violence.

(ii) Safety of the parties and child.

(iii) Uneven bargaining positions of the parties.

(n) Coordinate the provision of title IV-D services by the friend of the court and cooperate with the office of child support in providing those services.

(4) The state advisory committee established under subsection (3)(h) shall advise the bureau in the performance of its duties under this section. The bureau shall make a state advisory committee report or recommendation available to the public. State advisory committee members shall be reimbursed for their expenses for mileage, meals, and, if necessary, lodging, under the schedule for reimbursement established annually by the legislature. A state advisory committee meeting is open to the public. A member of the public attending a state advisory committee meeting shall be given a reasonable opportunity to address the

committee on any issue under consideration by the committee. If a vote is to be taken by the state advisory committee, the opportunity to address the committee shall be given before the vote is taken.

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

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Imd. Eff. Jan. 8, 1986;—Am. 1987, Act 197, Imd. Eff. Dec. 14, 1987;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2001, Act 193, Eff. Oct. 1, 2002;—Am. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2004, Act 207, Eff. June 30, 2005;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.520 Information requested by department of human services.

Sec. 20. (1) If the department of human services requests information from an office of the friend of the court, that office may provide the information requested on a quarterly basis. Not less often than quarterly, the department of human services shall publish the information received under this section.

(2) If an office of the friend of the court receives notice from the department of human services under section 8 of the child protection law, 1975 PA 238, MCL 722.628, regarding a child as to whom the establishment or modification of custody or parenting time is pending in an open friend of the court case, the office shall notify the department of human services of procedural developments in the case until a final order regarding the pending custody or parenting time dispute is entered.

History: Add. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2008, Act 405, Imd. Eff. Jan. 6, 2009.

Popular name: Friend of the Court

552.521 Person appointed as friend of the court under former act; continuation; transfer of files, records, funds, and pending cases of office under former act; employees of friend of the court appointed under former act to become employees of corresponding office; employees of state judicial council serving in third judicial circuit to continue in present positions.

Sec. 21. (1) Each person appointed as friend of the court under former Act No. 412 of the Public Acts of 1919 who is serving in that position on the day before the effective date of this act shall continue to serve in that position, as reconstituted by this act.

(2) All files, records, funds, and pending cases of an office of the friend of the court under former Act No. 412 of the Public Acts of 1919 are transferred to the corresponding office as reconstituted by this act.

(3) Except in the county of Wayne, the employees of a friend of the court appointed under former Act No. 412 of the Public Acts of 1919 shall become employees of the corresponding office of the friend of the court as reconstituted by this act, in similar positions, and with salary ranges and benefits not inferior to their status under former Act No. 412 of the Public Acts of 1919. In the county of Wayne the employees of the state judicial council serving in the court in the third judicial circuit and supervised by the friend of the court on the day before the effective date of this act shall continue in their present positions.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: Act 412 of 1919, referred to in this section, was repealed by Act 294 of 1982.

Popular name: Friend of the Court

552.522 Appointment of attorney to assist friend of the court; compensation.

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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.523 Vacancy; appointment of person to position of friend of the court or interim friend of the court; experience or education.

Sec. 23. (1) If the position of friend of the court becomes vacant for any reason, the chief judge shall appoint a person to the position of friend of the court not later than 6 months after the vacancy occurs. An appointment under this subsection is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have any area in common with the geographic area served by

that friend of the court.

(2) If necessary, the chief judge may appoint an interim friend of the court to serve for not longer than 6 months until a friend of the court is appointed and approved under subsection (1).

(3) A friend of the court appointed under this section is an at-will employee and shall demonstrate experience or education in 1 or more of the following areas:

- (a) A human service or behavioral science field.
- (b) Family law.
- (c) Administration.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.524 Annual review of performance record of friend of the court; public notice and comments; written evaluation; written response; copies.

Sec. 24. (1) The chief judge annually shall review the performance record of each friend of the court serving that circuit to determine whether the friend of the court is guilty of misconduct, neglect of statutory duty, or failure to carry out written orders of the court relative to a statutory duty; whether the purposes of this act are being met; and whether the duties of the friend of the court are being carried out in a manner that reflects the needs of the community being served. Public notice of the annual review shall be given.

(2) Members of the public may submit written comments to the chief judge or county board relating to the criteria in subsection (1). The citizen advisory committee may advise the court and the county board regarding the criteria in subsection (1). The court shall prepare a written evaluation, which shall include a summary of any public comments received and of any citizen advisory committee report or recommendation. The court and county board may also, in a written response, address the recommendation of the citizen's advisory committee concerning the general operations of the citizen's advisory committee. The friend of the court and the bureau shall each receive a copy of the evaluation. The friend of the court shall have an opportunity to make a written response to the evaluation. A copy of the response shall be included with the evaluation.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.525 Removal of friend of the court; approval.

Sec. 25. The chief judge may remove the friend of the court. A removal under this section is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have an area in common with the geographic area served by that friend of the court.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

552.526 Grievance procedure; record; powers and duties of citizen advisory committee.

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.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court

552.527 Compensation and expenses of friend of the court and employees.

Sec. 27. The compensation and expenses of the friend of the court for each judicial circuit and of the employees of the office and all operating expenses incurred by the office shall be fixed by the chief judge as provided in section 591 of the revised judicature act of 1961, 1961 PA 236, MCL 600.591. The compensation and expenses shall be paid by the county treasurer from the general fund and the friend of the court fund created under section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530, of the county or counties served.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.528 Compilation of data.

Sec. 28. Each office of the friend of the court shall compile data as required by the state court administrative office, under the supervision and direction of the supreme court.

History: Add. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010.

Popular name: Friend of the Court

552.531 Repealed. 1996, Act 366, Eff. Jan. 1, 1997.

Compiler's note: The repealed section pertained to definitions.

Popular name: Friend of the Court

552.533 Repeal of MCL 552.251 to 552.255.

Sec. 33. Act No. 412 of the Public Acts of 1919, as amended, being sections 552.251 to 552.255 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

552.534 Conditional effective date.

Sec. 34. This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:

- (a) House Bill No. 4871.
- (b) House Bill No. 4873.
- (c) House Bill No. 5257.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: The following House Bills, referred to in this section, were enacted into law as follows:

House Bill No. 4871 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 295, Eff. July 1, 1983.

House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.

House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

Popular name: Friend of the Court

552.535 Effective date.

Sec. 35. Except as provided in section 34, this act shall take effect July 1, 1983.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court