

Act No. 241
Public Acts of 1995
Approved by the Governor
December 25, 1995
Filed with the Secretary of State
December 26, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Scott, Freeman, Vaughn, Clack, Murphy, Hanley, Agee, DeHart, Pitoniak, Anthony, Martinez, Munsell, Price, LaForge, Kilpatrick, Hood, DeMars, Hertel, Gagliardi, Mathieu, Leland, Brater, Baird, Schroer, Kelly, Cherry, Gire, Stallworth, Prusi, Parks, Tesanovich, Emerson, Geiger and Llewellyn
Reps. Alley, Baade, Brewer, Byl, Dobronski, Dolan, Jersevic, McBryde, Middaugh, Middleton, Olshove, Varga, Voorhees and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 5175

AN ACT to amend sections 9 and 11 of Act No. 294 of the Public Acts of 1982, entitled as amended "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment 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; to prescribe certain duties of certain employers and former employers; and to repeal certain acts and parts of acts," section 11 as amended by Act No. 288 of the Public Acts of 1992, being sections 552.509 and 552.511 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 9 and 11 of Act No. 294 of the Public Acts of 1982, section 11 as amended by Act No. 288 of the Public Acts of 1992, being sections 552.509 and 552.511 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 9. (1) After a support order is entered in a domestic relations matter except as otherwise provided in the order or judgment, the office shall receive all payments of support orders and service fees; not less than once each month record the support payments due, paid, and past due; and disburse all support receipts to the recipient of support.

(2) 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.

(3) The office shall initiate and carry out proceedings to enforce all orders entered in a domestic relations matter regarding custody, visitation, health care coverage, and support, in accordance with this act, the support and visitation enforcement act, and supreme court rules.

Sec. 11. (1) Each office shall initiate enforcement pursuant to the support and visitation enforcement act when either of the following applies:

(a) A fixed amount of arrearage is reached, except as otherwise provided in section 4 of the support and visitation enforcement act, being section 552.604 of the Michigan Compiled Laws. The amount of arrearage so fixed shall be an amount equal to the amount of support payable for 1 month under the payer's support order. The office shall not initiate

enforcement under this subdivision if the support order was entered ex parte and the office has not received a copy of proof of service of the order.

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

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

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

(3) The office shall send, by ordinary mail, a notice to an alleged violator of a custody or visitation order, informing the alleged violator of the nature of the alleged violation, the proposed action under this or other applicable act, and the availability of domestic relations mediation. The notice shall contain the following statement in boldface type of not less than 12 points:

“FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE WITHIN
14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A SATISFACTORY
ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS BEING
BROUGHT AGAINST YOU.”

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

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

(a) Schedule a joint meeting with the parties to discuss the allegations of failure to comply with a custody or visitation order, and attempt to resolve the differences between the parties.

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

(c) If appropriate, proceed under section 41 of the support and visitation enforcement act, being section 552.641 of the Michigan Compiled Laws, or other applicable act.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.

