



HOUSE BILL No. 5628

February 27, 1996, Introduced by Reps. McManus, McBryde, Horton, Middaugh, Sikkema, Walberg, Gernaat, Bush, Law, Bodem, DeMars, Nye, Geiger, DeLange, Ryan, Dalman and Jersevic and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 19 of Act No. 294 of the Public Acts of 1982, entitled as amended

"Friend of the court act,"

as amended by Act No. 37 of the Public Acts of 1994, being section 552.519 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 19 of Act No. 294 of the Public Acts of
2 1982, as amended by Act No. 37 of the Public Acts of 1994, being
3 section 552.519 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 19. (1) The state friend of the court bureau is cre-
6 ated within the office of the state court administrator, under
7 the supervision and direction of the supreme court.

8 (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 domestic relations mediation 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.

(vii) A FORMULA TO BE USED IN ESTABLISHING AND MODIFYING A SPOUSAL SUPPORT AMOUNT. THE FORMULA SHALL BE BASED UPON THE NEEDS OF THE SPOUSE, INCLUDING HEALTH CARE EXPENSES. THE FORMULA SHALL INCLUDE CONSIDERATION OF THE RELATIVE NEEDS AND EARNING

1 ABILITY OF EACH SPOUSE. THE FORMULA SHALL ACCOUNT FOR JUDGMENTS
2 OF DIVORCE THAT ARE BASED ON A FINDING OF FAULT, WEIGHING HEAVILY
3 IN FAVOR OF A PARTY TO SUCH A DIVORCE WHO IS NOT FOUND TO HAVE
4 FAULT.

5 (b) Provide training programs for the friend of the court,
6 domestic relations mediators, and employees of the office, to
7 better enable them to carry out the duties described in this act
8 and supreme court rules.

9 (c) Gather and monitor relevant statistics.

10 (d) Annually issue a report containing a detailed summary of
11 the types of grievances received by each office, and whether the
12 grievances are resolved or outstanding. The report shall be
13 transmitted to the legislature and to each office.

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

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

20 (g) Certify domestic relations mediation training programs
21 as provided in section 13.

22 (h) Establish a 9-person advisory committee, serving without
23 compensation except as provided in subsection (4), composed of
24 the following:

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

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

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

6 (i) Cooperate with the office of child support in developing
7 and implementing a statewide information system as provided in
8 the office of child support act, Act No. 174 of the Public Acts
9 of 1971, being sections 400.231 to 400.235 of the Michigan
10 Compiled Laws.

11 (j) Develop and make available guidelines to assist the
12 office of the friend of the court in determining the appropriate-
13 ness in individual cases of the following:

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

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

18 (k) Develop and provide the office of the friend of the
19 court with:

20 (i) Form motions, responses, and orders for use by a payer
21 or payee in requesting the court to modify his or her child sup-
22 port order, or in responding to a motion for modification, with-
23 out the assistance of legal counsel.

24 (ii) Instructions on preparing and filing the forms,
25 instructions on service of process, and instructions on schedul-
26 ing a support modification hearing.

1 (4) The advisory committee established under subsection
2 (3)(h) shall advise the bureau in the performance of its duties
3 under this section. Advisory committee members shall be reim-
4 bursed for their expenses for mileage, meals, and, if necessary,
5 lodging, ~~pursuant to~~ UNDER the schedule for reimbursement
6 established annually by the legislature. Meetings of the
7 advisory committee shall be open to the public. Members of the
8 public attending a meeting of the advisory committee shall be
9 given a reasonable opportunity to address the committee on any
10 issue under consideration by the committee. If a vote is to be
11 taken by the advisory committee, the opportunity to address the
12 committee shall be given before the vote is taken.

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

16 Section 2. This amendatory act shall not take effect unless
17 House Bill No. 4432 of the 88th Legislature is enacted into law.