




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4776 (Substitute S-1 as reported)
Sponsor: Representative Jim Howell
House Committee: Judiciary
Senate Committee: Families and Human Services

CONTENT

The bill would amend the Friend of the Court (FOC) Act to do the following:

- Provide that a referee's recommended order in a domestic relations matter could be presented to the court for entry of an interim order, pending a de novo hearing.
- Require that various documents prepared or used by the FOC or an FOC employee be made available to the parties before the court took any action on an FOC recommendation.
- Require that the parties to a child custody dispute be informed of whether a custody preference expressed by the child was considered, evaluated, and determined by the judge, referee, or FOC employee.
- Provide that, if a guardian were appointed for a child, the guardian would have to be informed whether a custody preference expressed by the child was considered, evaluated, and determined, and, if so, the preference expressed.

Under the Act, the chief judge of a circuit court may designate a referee. Among other things, a referee may hear all motions in a domestic relations matter referred to the referee by the court, and submit a recommended order to the court. The court is required to hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the request of either party or upon the court's motion.

Under the bill, pending a de novo hearing, the referee's recommended order could be presented to the court for entry of an interim order. The interim order would have to be served on the parties within three days and would be subject to de novo review as provided in the Act. The bill would define "de novo hearing" as "a judicial consideration of a matter based on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee, but may at the court's discretion be based in whole or in part on evidence that was not introduced at a previous hearing".

MCL 552.502 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

It appears that the bill would have no fiscal impact on the Family Independence Agency. The bill would have no fiscal impact on the Judiciary.

Date Completed: 5-20-04

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