

SENATE BILL No. 99

January 28, 2009, Introduced by Senators JANSEN and HARDIMAN and referred to the Committee on Families and Human Services.

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 2a, 5, 5a, 9a, 11a, 13, 15, 17, 17b, 19, 27, and 28 (MCL 552.502, 552.502a, 552.505, 552.505a, 552.509a, 552.511a, 552.513, 552.515, 552.517, 552.517b, 552.519, 552.527, and 552.528), sections 2 and 2a as amended by 2004 PA 210, sections 5, 13, and 15 as amended and section 5a as added by 2002 PA 571, section 9a as added by 1999 PA 150, section 11a as added by 2002 PA 569, sections 17, 17b, and 19 as amended by 2004 PA 207, and section 28 as added by 1996 PA 365.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "ALTERNATIVE DISPUTE RESOLUTION" MEANS A PROCESS
3 ESTABLISHED UNDER SECTION 13 BY WHICH THE PARTIES ARE ASSISTED IN
4 VOLUNTARILY FORMULATING AN AGREEMENT TO RESOLVE A DISPUTE

1 **CONCERNING CHILD CUSTODY OR PARENTING TIME THAT ARISES FROM A**
 2 **DOMESTIC RELATIONS MATTER.**

3 (B) ~~(a)~~—"Bureau" means the state friend of the court bureau
 4 created in section 19.

5 (C) ~~(b)~~—"Centralizing enforcement" means the process
 6 authorized under section 10 of the office of child support act,
 7 1971 PA 174, MCL 400.240.

8 (D) ~~(c)~~—"Chief judge" means the following:

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

11 (ii) ~~Except in the county of Wayne, the~~ **THE** chief judge of the
 12 circuit court in a judicial circuit having 2 or more circuit
 13 judges.

14 ~~— (iii) In the county of Wayne, the executive chief judge of the~~
 15 ~~circuit court in the third judicial circuit.~~

16 (E) ~~(d)~~—"Citizen advisory committee" means a citizen friend of
 17 the court advisory committee established as provided in section 4.

18 (F) ~~(e)~~—"Consumer reporting agency" means a person that, for
 19 monetary fees or dues, or on a cooperative nonprofit basis,
 20 regularly engages in whole or in part in the practice of assembling
 21 or evaluating consumer credit information or other information on
 22 consumers for the purpose of furnishing consumer reports to third
 23 parties, and that uses any means or facility of interstate commerce
 24 for the purpose of preparing or furnishing consumer reports. As
 25 used in this subdivision, "consumer report" means that term as
 26 defined in section 603 of the fair credit reporting act, ~~title VI~~
 27 ~~of the consumer credit protection act, Public Law 90-321, 15 USC~~

1 1681a.

2 (G) ~~(f)~~—"County board" means the county board of commissioners
3 in the county served by the office. If a judicial circuit includes
4 more than 1 county, action required to be taken by the county board
5 means action by the county boards of commissioners for all counties
6 composing that circuit.

7 (H) ~~(g)~~—"Court" means the circuit court.

8 (I) ~~(h)~~—"Current employment" means employment within 1 year
9 before a friend of the court request for information.

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

16 (K) ~~(j)~~—"De novo hearing" means a new judicial consideration
17 of a matter previously heard by a referee.

18 (L) ~~(k)~~—"Department" means the ~~family independence agency~~
19 **DEPARTMENT OF HUMAN SERVICES.**

20 (M) ~~(l)~~—"Domestic relations matter" means a circuit court
21 proceeding as to child custody, ~~or~~ parenting time, ~~or~~ child
22 **SUPPORT**, or spousal support, that arises out of litigation under a
23 statute of this state, including, but not limited to, the
24 following:

25 (i) 1846 RS 84, MCL 552.1 to 552.45.

26 (ii) The family support act, 1966 PA 138, MCL 552.451 to
27 552.459.

1 (iii) ~~Child~~**THE CHILD** custody act of 1970, 1970 PA 91, MCL
2 722.21 to 722.31.

3 (iv) 1968 PA 293, MCL 722.1 to 722.6.

4 (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

5 (vi) ~~Revised~~**THE REVISED** uniform reciprocal enforcement of
6 support act, 1952 PA 8, MCL 780.151 to 780.183.

7 (vii) ~~Uniform~~**THE UNIFORM** interstate family support act, 1996
8 PA 310, MCL 552.1101 to 552.1901.

9 ~~(m) "Domestic relations mediation" means a process by which~~
10 ~~the parties are assisted by a domestic relations mediator in~~
11 ~~voluntarily formulating an agreement to resolve a dispute~~
12 ~~concerning child custody or parenting time that arises from a~~
13 ~~domestic relations matter.~~

14 (n) "Friend of the court" means the person serving under
15 section 21(1) or appointed under section 23 as the head of the
16 office of the friend of the court.

17 (o) "Friend of the court case" means a domestic relations
18 matter that an office establishes as a friend of the court case as
19 required under section 5a. The term "friend of the court case",
20 when used in a provision of this act, is not effective until on and
21 after December 1, 2002.

22 (p) "Income" means that term as defined in section 2 of the
23 support and parenting time enforcement act, ~~1982 PA 295,~~ MCL
24 552.602.

25 Sec. 2a. As used in this act:

26 (a) "Medical assistance" means medical assistance as
27 established under title XIX of the social security act, 42 USC 1396

1 to ~~1396r-6~~ and ~~1396r-8~~ to 1396v.

2 (b) "Office" and "office of the friend of the court" mean an
3 agency created in section 3.

4 (c) "Payer" means a person ordered by the circuit court to pay
5 support.

6 (d) "Public assistance" means cash assistance provided under
7 the social welfare act, 1939 PA 280, **MCL** 400.1 to 400.119b.

8 (e) "Recipient of support" means the following:

9 (i) The spouse, if the support order orders spousal support.

10 (ii) The custodial parent or guardian, if the support order
11 orders support for a minor child or a child who is 18 years of age
12 or older.

13 (iii) The ~~family independence agency~~ **DEPARTMENT OF HUMAN**
14 **SERVICES**, if support has been assigned to that department.

15 (iv) **THE COUNTY, IF THE MINOR IS IN COUNTY-SUPPORTED FOSTER**
16 **CARE.**

17 (f) "State advisory committee" means the committee established
18 by the bureau under section 19.

19 (g) "State disbursement unit" or "SDU" means the entity
20 established in section 6 of the office of child support act, 1971
21 PA 174, MCL 400.236.

22 (h) "Support" means all of the following:

23 (i) The payment of money for a child or a spouse ordered by the
24 circuit court, whether the order is embodied in an interim,
25 temporary, permanent, or modified order or judgment. Support may
26 include payment of the expenses of medical, dental, and other
27 health care, child care expenses, and educational expenses.

1 (ii) The payment of money ordered by the circuit court under
 2 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
 3 necessary expenses ~~incurred by or for the mother in connection with~~
 4 ~~her confinement, for other expenses in connection with~~ **CONNECTED TO**
 5 the pregnancy of the mother **OR THE BIRTH OF THE CHILD**, or for the
 6 repayment of genetic testing expenses.

7 (iii) A surcharge under section 3a of the support and parenting
 8 time enforcement act, MCL 552.603a.

9 (i) "Support and parenting time enforcement act" means 1982 PA
 10 295, MCL 552.601 to 552.650.

11 (j) "Support order" means an order entered by the circuit
 12 court for the payment of support in a sum certain, whether in the
 13 form of a lump sum or a periodic payment.

14 (k) "Title IV-D" means part D of title IV of the social
 15 security act, 42 USC 651 to ~~655, 656 to 657, 658a to 660, and 663~~
 16 ~~to 669b~~.

17 (l) "Title IV-D agency" means that term as defined in section 2
 18 of the support and parenting time enforcement act, MCL 552.602.

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

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

26 (b) To inform each party to ~~the~~ **A** domestic relations matter
 27 that, unless 1 of the parties is required to participate in the

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

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

21 (d) To make available ~~to an individual~~ form motions,
22 responses, and orders ~~for requesting the court to modify the~~
23 ~~individual's~~ **TO BE USED BY A PARTY, WITHOUT THE ASSISTANCE OF LEGAL**
24 **COUNSEL, IN MAKING OR RESPONDING TO A MOTION FOR A PAYMENT PLAN**
25 **UNDER SECTION 5E OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT,**
26 **MCL 552.605E, OR FOR THE MODIFICATION OF A** child support, custody,
27 or parenting time order, ~~or for responding to a motion for such a~~

1 ~~modification, without assistance of legal counsel~~ **INCLUDING A**
2 **DOMICILE OR RESIDENCE PROVISION.** The office shall make available
3 instructions on preparing and filing each of those forms, ~~and~~
4 ~~instructions~~ on service of process, and on scheduling a
5 modification hearing.

6 (e) To inform the parties of the availability of ~~domestic~~
7 ~~relations mediation~~ **ALTERNATIVE DISPUTE RESOLUTION** if there is a
8 dispute as to child custody or parenting time.

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

13 (g) To investigate all relevant facts, and to make a written
14 report and recommendation to the parties and to the court,
15 regarding child custody or parenting time, or both, ~~if there is a~~
16 ~~dispute as to child custody or parenting time, or both, and~~
17 ~~domestic relations mediation is refused by either party or is~~
18 ~~unsuccessful, or if ordered to do so by the court.~~ **IF CUSTODY HAS**
19 **BEEN ESTABLISHED BY COURT ORDER, THE COURT SHALL ORDER AN**
20 **INVESTIGATION ONLY IF THE COURT FIRST FINDS THAT PROPER CAUSE HAS**
21 **BEEN SHOWN OR THAT THERE HAS BEEN A CHANGE OF CIRCUMSTANCES.** The
22 investigation may include reports and evaluations by outside
23 persons or agencies if requested by the parties or the court, and
24 shall include documentation of alleged facts, if practicable. If
25 requested by a party, an investigation shall include a meeting with
26 the party. A written report and recommendation regarding child
27 custody or parenting time, or both, shall be based upon the factors

1 enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21
2 to 722.31. PURSUANT TO STANDARDS PRESCRIBED BY THE STATE COURT
3 ADMINISTRATIVE OFFICE UNDER THE SUPERVISION AND DIRECTION OF THE
4 SUPREME COURT, THE OFFICE MAY CHARGE THE PARTIES AN AMOUNT THAT
5 DOES NOT EXCEED THE EXPENSES OF THE OFFICE FOR CONDUCTING THE
6 INVESTIGATION AND MAKING THE REPORT AND RECOMMENDATION. IF THE
7 COURT ORDERS A WHOLE OR PARTIAL WAIVER OR SUSPENSION OF FEES IN THE
8 CASE BECAUSE OF INDIGENCY OR INABILITY TO PAY, THE OFFICE SHALL NOT
9 CHARGE THE AMOUNT OR, IF APPLICABLE, SHALL REDUCE THE AMOUNT. MONEY
10 COLLECTED UNDER THIS SUBDIVISION SHALL BE DEPOSITED IN THE COUNTY
11 FRIEND OF THE COURT FUND CREATED UNDER SECTION 2530 OF THE REVISED
12 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2530.

13 (h) To investigate all relevant facts and to make a written
14 report and recommendation to the parties and their attorneys and to
15 the court regarding child support, if ordered to do so by the
16 court. The written report and recommendation shall be placed in the
17 court file. The investigation may include reports and evaluations
18 by outside persons or agencies if requested by the parties or the
19 court, and shall include documentation of alleged facts, if
20 practicable. ~~If requested by a party, an investigation shall~~
21 ~~include a meeting with the party.~~ The child support formula
22 developed by the bureau under section 19 shall be used as a
23 guideline in recommending child support. The written report shall
24 include the support amount determined by application of the child
25 support formula and all factual assumptions upon which that support
26 amount is based. If the office of the friend of the court
27 determines from the facts of the case that application of the child

1 support formula would be unjust or inappropriate, the written
2 report shall also include all of the following:

3 (i) An alternative support recommendation.

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

6 (iii) How the alternative support recommendation deviates from
7 the child support formula.

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

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

12 (3) **THE FRIEND OF THE COURT DOES NOT HAVE ANY DUTY RELATED TO**
13 **SPOUSAL SUPPORT UNLESS THE SPOUSAL SUPPORT IS ORDERED BEFORE APRIL**
14 **1, 2009, THE SPOUSAL SUPPORT IS TO BE PAID TO A PARTY WHO RECEIVES**
15 **TITLE IV-D SERVICES FOR THE ENFORCEMENT OF A CHILD SUPPORT ORDER,**
16 **OR THE COURT ORDERS THE FRIEND OF THE COURT TO PERFORM DUTIES WITH**
17 **RESPECT TO THE SPOUSAL SUPPORT. THE FRIEND OF THE COURT MAY PROVIDE**
18 **SERVICES WITH REGARD TO SPOUSAL SUPPORT IN A CASE IN WHICH THE**
19 **FRIEND OF THE COURT DOES NOT HAVE THE DUTY TO DO SO.**

20 Sec. 5a. (1) Except as required by this section, an office of
21 the friend of the court shall open and maintain a friend of the
22 court case for a domestic relations matter. If there is an open
23 friend of the court case for a domestic relations matter, the
24 office of the friend of the court shall administer and enforce the
25 obligations of the parties to the friend of the court case as
26 provided in this act. If there is not an open friend of the court
27 case for a domestic relations matter, the office of the friend of

1 the court shall not administer or enforce an obligation of a party
2 to the domestic relations matter.

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

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

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

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

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

1 party or the party's child.

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

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

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

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

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

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

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

27 (e) Within the previous 12 months, a party to the friend of

1 the court case has reopened a friend of the court case.

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

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

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

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

27 (7) If a party to a domestic relations matter for which there

1 is not an open friend of the court case applies for services from
2 the office of the friend of the court or applies for public
3 assistance, the office of the friend of the court shall open or
4 reopen a friend of the court case. If the office of the friend of
5 the court opens or reopens a friend of the court case as required
6 by this subsection, the court shall issue an order in that domestic
7 relations matter that contains the provisions required by this act
8 and by the support and parenting time enforcement act for a friend
9 of the court case. **THE COURT MAY DIRECT THE PARTY MAKING THE**
10 **APPLICATION OR THE FRIEND OF THE COURT TO PREPARE A WRITTEN ORDER**
11 **AND SUBMIT IT FOR APPROVAL.**

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

20 (9) **FOR PURPOSES OF THIS SECTION, A PARTY RECEIVES PUBLIC**
21 **ASSISTANCE IF THE PARTY RECEIVES CASH ASSISTANCE PROVIDED UNDER THE**
22 **SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B, MEDICAL**
23 **ASSISTANCE, OR FOOD ASSISTANCE OR IF FOSTER CARE IS BEING OR WAS**
24 **PROVIDED TO A CHILD WHO IS THE SUBJECT OF THE CASE.**

25 Sec. 9a. ~~The department, the SDU, and each office of the~~
26 ~~friend of the court shall cooperate in the transition to the~~
27 ~~centralized receipt~~ **IS RESPONSIBLE FOR THE CENTRALIZED RECEIPT** and

1 disbursement of support and fees. An office of the friend of the
2 court shall ~~MAY~~ continue to receive and ~~disburse~~ support and fees.
3 ~~through the transition, based on the schedule developed as required~~
4 ~~by section 6 of the office of child support act, 1971 PA 174, MCL~~
5 ~~400.236, and modifications to that schedule as the department~~
6 ~~considers necessary.~~

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

10 (a) The parent against whom the complaint is directed is
11 obligated to pay the child's uninsured health care expenses, a
12 demand for payment of the uninsured portion was made to that parent
13 within 28 days after the insurers' final payment or denial of
14 coverage, and that parent did not pay the uninsured portion within
15 28 days after the demand.

16 **(B) IF THE STATE COURT ADMINISTRATIVE OFFICE, UNDER THE**
17 **SUPERVISION AND DIRECTION OF THE SUPREME COURT, ESTABLISHES A**
18 **MINIMUM THRESHOLD FOR THE ENFORCEMENT OF HEALTH CARE EXPENSES, THE**
19 **HEALTH CARE EXPENSE IS EQUAL TO OR GREATER THAN THE ESTABLISHED**
20 **THRESHOLD.**

21 (C) ~~(b)~~ The complaint is submitted to the office on or before
22 any of the following:

23 (i) One year after the expense was incurred.

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

1 the expense was incurred.

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

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

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

22 Sec. 13. (1) ~~The~~ **IN A FRIEND OF THE COURT CASE, THE** office
23 shall provide, either directly or by contract, ~~domestic relations~~
24 ~~mediation~~ **ALTERNATIVE DISPUTE RESOLUTION** to assist the parties in
25 settling voluntarily a dispute concerning child custody or
26 parenting time. ~~that arises in a friend of the court case. Parties~~
27 **THE ALTERNATIVE DISPUTE RESOLUTION SHALL BE PROVIDED PURSUANT TO A**

1 PLAN APPROVED BY THE CHIEF JUDGE AND THE STATE COURT ADMINISTRATIVE
2 OFFICE. THE PLAN SHALL BE CONSISTENT WITH STANDARDS ESTABLISHED BY
3 THE STATE COURT ADMINISTRATIVE OFFICE UNDER THE SUPERVISION AND
4 DIRECTION OF THE SUPREME COURT AND SHALL INCLUDE MINIMUM
5 QUALIFICATIONS AND TRAINING REQUIREMENTS FOR ALTERNATIVE DISPUTE
6 RESOLUTION PROVIDERS AND A DESIGNATION OF MATTERS THAT ARE SUBJECT
7 TO ALTERNATIVE DISPUTE RESOLUTION BY VARIOUS MEANS. A PARTY shall
8 not be required to meet with a ~~domestic relations mediator~~ PERSON
9 CONDUCTING ALTERNATIVE DISPUTE RESOLUTION. ~~The service may be~~
10 ~~provided directly by the office only if such a service is in place~~
11 ~~on July 1, 1983, if the service is not available from a private~~
12 ~~source, or if the court can demonstrate that providing the service~~
13 ~~within the friend of the court office is cost beneficial. Any~~
14 ~~expansion of existing services provided by the court on July 1,~~
15 ~~1983 shall be provided by an individual meeting the domestic~~
16 ~~relations mediator minimum qualifications listed under subsection~~
17 ~~(4).~~

18 (2) If an agreement is reached by the parties through ~~domestic~~
19 ~~relations mediation~~ FRIEND OF THE COURT ALTERNATIVE DISPUTE
20 RESOLUTION, a consent order incorporating the agreement shall be
21 prepared by an employee of the office ~~who is a member of the state~~
22 ~~bar of Michigan; under section 22, by a member of the state bar of~~
23 ~~Michigan; or by the attorney for 1 of the parties~~ OR INDIVIDUAL
24 APPROVED BY THE COURT USING A FORM PROVIDED BY THE STATE COURT
25 ADMINISTRATIVE OFFICE, UNDER THE SUPERVISION AND DIRECTION OF THE
26 SUPREME COURT, OR APPROVED BY THE CHIEF JUDGE. The consent order
27 shall be provided to, and shall be entered by, the court.

1 (3) Except as provided in subsection (2), a communication
 2 between a ~~domestic relations mediator~~ **FRIEND OF THE COURT**
 3 **ALTERNATIVE DISPUTE RESOLUTION PROVIDER** and a party to a domestic
 4 ~~relations mediation~~ **PERTAINING TO THE MATTER SUBJECT TO RESOLUTION**
 5 is confidential **AS PROVIDED IN COURT RULE**. ~~The secrecy of the~~
 6 ~~communication shall be preserved inviolate as a privileged~~
 7 ~~communication. The communication shall not be admitted in evidence~~
 8 ~~in any proceedings. The same protection shall be given to~~
 9 ~~communications between the parties in the presence of the mediator.~~

10 (4) **AN EMPLOYEE OF THE OFFICE OR OTHER PERSON WHO PROVIDES**
 11 **ALTERNATIVE DISPUTE RESOLUTION SERVICES UNDER A PLAN APPROVED UNDER**
 12 **SUBSECTION (1) SHALL HAVE ALL OF THE FOLLOWING QUALIFICATIONS:**

13 (A) **POSSESS KNOWLEDGE OF THE COURT SYSTEM OF THIS STATE AND**
 14 **THE PROCEDURES USED IN DOMESTIC RELATIONS MATTERS.**

15 (B) **POSSESS KNOWLEDGE OF OTHER RESOURCES IN THE COMMUNITY TO**
 16 **WHICH THE PARTIES TO A DOMESTIC RELATIONS MATTER CAN BE REFERRED**
 17 **FOR ASSISTANCE.**

18 (C) **OTHER QUALIFICATIONS AS PRESCRIBED BY THE STATE COURT**
 19 **ADMINISTRATIVE OFFICE UNDER THE SUPERVISION AND DIRECTION OF THE**
 20 **SUPREME COURT.**

21 (5) ~~(4)~~ **A domestic relations mediator who performs mediation**
 22 ~~under this act~~ **PURSUANT TO A PLAN APPROVED UNDER SUBSECTION (1)**
 23 **shall have all of the following minimum qualifications:**

24 (a) One or more of the following:

25 (i) **A license or a limited license to engage in the practice of**
 26 **psychology under parts 161 and 182 of the public health code, 1978**
 27 **PA 368, MCL 333.16101 to 333.16349 and 333.18201 to 333.18237, or a**

1 master's degree in counseling, social work, or marriage and family
2 counseling; and successful completion of the training program
3 provided by the bureau under section 19(3)(b).

4 (ii) Not less than 5 years of experience in family counseling,
5 preferably in a setting related to the areas of responsibility of
6 the friend of the court and preferably to reflect the ethnic
7 population to be served, and successful completion of the training
8 program provided by the bureau under section 19(3)(b).

9 (iii) A graduate degree in a behavioral science and successful
10 completion of a domestic relations mediation training program
11 certified by the bureau with not less than 40 hours of classroom
12 instruction and 250 hours of practical experience working under the
13 direction of a person who has successfully completed a program
14 certified by the bureau.

15 (iv) Membership in the state bar of Michigan and successful
16 completion of the training program provided by the bureau under
17 section 19(3)(b).

18 (b) Knowledge of the court system of this state and the
19 procedures used in domestic relations matters.

20 (c) Knowledge of other resources in the community to which the
21 parties to a domestic relations matter can be referred for
22 assistance.

23 (d) Knowledge of child development, clinical issues relating
24 to children, the effects of divorce on children, and child custody
25 research.

26 Sec. 15. An employee of the office who ~~performs domestic~~
27 ~~relations mediation~~ **PROVIDES ALTERNATIVE DISPUTE RESOLUTION** in a

1 friend of the court case involving a particular party shall not
2 perform referee functions, investigation and recommendation
3 functions, or enforcement functions as to any domestic relations
4 matter involving that party.

5 Sec. 17. (1) After a final judgment containing a child support
6 order has been entered in a friend of the court case, the office
7 shall **USE A PROCEDURE PROVIDED IN SECTION 17B TO** periodically
8 review the order, as follows:

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

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

14 (ii) Neither party has requested a review.

15 ~~(b) At the initiative of the office, if there are reasonable~~
16 ~~grounds to believe that the amount of child support awarded in the~~
17 ~~judgment should be modified or that dependent health care coverage~~
18 ~~is available and the support order should be modified to include an~~
19 ~~order for health care coverage. Reasonable grounds to review an~~
20 ~~order under this subdivision include temporary or permanent changes~~
21 ~~in the physical custody of a child that the court has not ordered,~~
22 ~~increased or decreased need of the child, probable access by an~~
23 ~~employed parent to dependent health care coverage, or changed~~
24 ~~financial conditions of a recipient of support or a payer~~
25 ~~including, but not limited to, application for or receipt of public~~
26 ~~assistance, unemployment compensation, or worker's compensation, or~~
27 ~~incarceration or release from incarceration after a criminal~~

1 ~~conviction and sentencing to a term of more than 1 year. Within 14~~
2 ~~days after receiving information that a recipient of support or~~
3 ~~payer is incarcerated or released from incarceration as described~~
4 ~~in this subsection, the office shall initiate a review of the~~
5 ~~order. A review initiated by the office under this subdivision does~~
6 ~~not preclude the recipient of support or payer from requesting a~~
7 ~~review under subdivision (d).~~

8 ~~—— (c) At the direction of the court.~~

9 (B) ~~(d)~~ Upon receipt of a written request from either party.
10 Within 14 days after receipt of the review request, the office
11 shall determine whether the order is due for review. The office is
12 not required to ~~investigate~~ **ACT ON** more than 1 request received
13 from a party each 36 months.

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

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

18 (ii) The office receives notice from the ~~family independence~~
19 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES** that good cause exists not to
20 proceed with support action and neither party has requested a
21 review.

22 (D) ~~(f)~~ If requested by the initiating state for a recipient
23 of services in that state under title IV-D, not less than once each
24 36 months. Within 14 days after receipt of a review request, the
25 office shall determine whether an order is due for review.

26 (E) **AT THE DIRECTION OF THE COURT.**

27 (F) **AT THE INITIATIVE OF THE OFFICE, IF THERE ARE REASONABLE**

1 GROUNDS TO BELIEVE THAT THE AMOUNT OF CHILD SUPPORT AWARDED IN THE
2 JUDGMENT SHOULD BE MODIFIED OR THAT DEPENDENT HEALTH CARE COVERAGE
3 IS AVAILABLE AND THE SUPPORT ORDER SHOULD BE MODIFIED TO INCLUDE AN
4 ORDER FOR HEALTH CARE COVERAGE. REASONABLE GROUNDS TO REVIEW AN
5 ORDER UNDER THIS SUBDIVISION INCLUDE ANY OF THE FOLLOWING:

6 (i) TEMPORARY OR PERMANENT CHANGES IN THE PHYSICAL CUSTODY OF A
7 CHILD THAT THE COURT HAS NOT ORDERED.

8 (ii) INCREASED OR DECREASED NEED OF THE CHILD.

9 (iii) PROBABLE ACCESS BY AN EMPLOYED PARENT TO DEPENDENT HEALTH
10 CARE COVERAGE.

11 (iv) CHANGED FINANCIAL CONDITIONS OF A RECIPIENT OF SUPPORT OR
12 A PAYER, INCLUDING ANY OF THE FOLLOWING:

13 (A) APPLICATION FOR OR RECEIPT OF PUBLIC ASSISTANCE,
14 UNEMPLOYMENT COMPENSATION, OR WORKER'S COMPENSATION.

15 (B) INCARCERATION OR RELEASE FROM INCARCERATION AFTER A
16 CRIMINAL CONVICTION AND SENTENCING TO A TERM OF MORE THAN 1 YEAR.
17 WITHIN 14 DAYS AFTER RECEIVING INFORMATION THAT A RECIPIENT OF
18 SUPPORT OR PAYER IS INCARCERATED OR RELEASED FROM INCARCERATION AS
19 DESCRIBED IN THIS SUB-SUBPARAGRAPH, THE OFFICE SHALL INITIATE A
20 REVIEW OF THE ORDER.

21 (v) THAT THE ORDER WAS BASED ON INCORRECT FACTS.

22 (2) A REVIEW INITIATED BY THE OFFICE UNDER SUBSECTION (1) (F)
23 DOES NOT PRECLUDE THE RECIPIENT OF SUPPORT OR PAYER FROM REQUESTING
24 A REVIEW UNDER SUBSECTION (1) (B).

25 (3) ~~(2)~~ Within 180 days after determining that a review is
26 required under subsection (1), the office shall ~~send notices as~~
27 ~~provided in section 17b, conduct a review, and obtain a~~

1 modification of the order if appropriate.

2 (4) ~~(3)~~—The office shall use the child support formula
3 developed by the bureau under section 19 in calculating the child
4 support award **UNDER SECTION 17B**.

5 (5) ~~(4)~~—The office shall petition the court if modification is
6 determined to be necessary **UNDER SECTION 17B** unless either of the
7 following applies:

8 (a) The difference between the existing and projected child
9 support award is ~~within~~ **LESS THAN** the minimum threshold for
10 modification of a child support amount as established by the
11 formula.

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

16 (6) ~~(5)~~—The notice under section 17b(3) constitutes a petition
17 for modification of the support order and shall be filed with the
18 court.

19 (7) ~~(6)~~—If the office determines there should be no change in
20 the order and a party objects to the determination in writing to
21 the office within 21 days after the date of the notice provided for
22 in section 17b(3), the office shall schedule a hearing before the
23 court.

24 (8) ~~(7)~~—If a support order lacks provisions for health care
25 coverage, the office shall petition the court for a modification to
26 require that 1 or both parents obtain or maintain health care
27 coverage for the benefit of each child who is subject to the

1 support order if either of the following is true:

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

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

8 (9) ~~(8)~~—The office shall determine the costs to each parent
9 for dependent health care coverage and child care costs and shall
10 disclose those costs in the recommendation under section 17b(3).

11 Sec. 17b. (1) Child support orders entered after ~~the effective~~
12 ~~date of the 2004 amendatory act that added subsection (8) JUNE 30,~~
13 **2005** shall be modified according to this section. For each support
14 order entered before ~~the effective date of the 2004 amendatory act~~
15 ~~that added subsection (8) JUNE 30, 2005,~~ the friend of the court
16 office shall provide notice to the parties of their right to a
17 review under this section as required by federal law. Notices under
18 this subsection may be placed in court orders as allowed by federal
19 law.

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

25 (3) After the information in subsection (2) is due, but not
26 sooner than 21 days or later than 120 days after the date the
27 notice is sent, the friend of the court office shall calculate the

1 support amount in accordance with the child support formula and
2 send a notice to each party and his or her attorney, which shall
3 include all of the following:

4 (a) The amount calculated for support.

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

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

12 (4) Twenty-one or more days from the date the notice required
13 by subsection (3) is sent, the friend of the court office shall
14 determine if an objection has been filed. If an objection has been
15 filed, the friend of the court shall set the matter for a hearing
16 before a judge or referee or, if the office receives additional
17 information with the objection, it may recalculate the support
18 amount and send out a revised notice in accordance with subsection
19 (3). If no objection is filed, the friend of the court office shall
20 prepare an order. ~~which the~~ **THE** court shall enter **THE ORDER** if it
21 approves of the order.

22 (5) The friend of the court may schedule a joint meeting
23 between the parties to attempt to expedite resolution of support
24 issues in accordance with the guidelines ~~set forth in~~ **DEVELOPED**
25 **UNDER** section 19(3)(m). The joint meeting and proceedings following
26 the joint meeting are subject to the requirements of section 42a of
27 the support and parenting time enforcement act, MCL 552.642a.

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

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

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

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

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

23 (8) A party may also file a motion to modify support. Upon
24 motion of a party, the court may only modify a child support order
25 upon finding a substantial change in circumstances, including, but
26 not limited to, health care coverage becoming newly available to a
27 party and a change in the support level under section ~~17(4)(a)~~

1 17 (5) (A) .

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

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

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

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

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

15 (i) Case load and staffing standards for employees who perform
16 ~~domestic relations mediation~~ **ALTERNATIVE DISPUTE RESOLUTION**
17 functions, investigation and recommendation functions, referee
18 functions, enforcement functions, and clerical functions.

19 (ii) Orientation programs for clients of the office.

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

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

25 (v) Model pamphlets and procedural forms, ~~that~~ **WHICH** shall be
26 distributed to each office.

27 (vi) A formula to be used in establishing and modifying a child

1 support amount and health care obligation. The formula shall be
2 based upon the needs of the child and the actual resources of each
3 parent. The formula shall establish a minimum threshold for
4 modification of a child support amount. The formula shall consider
5 the child care and dependent health care coverage costs of each
6 parent. The formula shall include guidelines for setting and
7 administratively adjusting the amount of periodic payments for
8 overdue support, including guidelines for adjustment of arrearage
9 payment schedules when the current support obligation for a child
10 terminates and the payer owes overdue support.

11 (b) Provide training programs for the friend of the court,
12 ~~domestic relations mediators~~ **PROVIDERS OF ALTERNATIVE DISPUTE**
13 **RESOLUTION**, and employees of the office to better enable them to
14 carry out the duties described in this act and supreme court rules.
15 After September 30, 2002, the training programs shall include
16 training in the dynamics of domestic violence and in handling
17 domestic relations matters that have a history of domestic
18 violence.

19 (c) Gather and monitor relevant statistics.

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

27 (i) An evaluative summary, supplemented by applicable

1 quantitative data, of the activities and functioning of each
2 citizen advisory committee during the preceding year.

3 (ii) An evaluative summary, supplemented by applicable
4 quantitative data, of the activities and functioning of the
5 aggregate of all citizen advisory committees in ~~the~~**THIS** state
6 during the preceding year.

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

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

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

17 (g) Certify ~~domestic relations mediation~~**ALTERNATIVE DISPUTE**
18 **RESOLUTION** training programs. ~~as provided in section 13.~~

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

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

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

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

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

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

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

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

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

15 (i) Form motions, responses, and orders ~~for use by an~~
16 ~~individual in requesting the court to modify his or her~~ **TO BE USED**
17 **BY A PARTY, WITHOUT THE ASSISTANCE OF LEGAL COUNSEL, IN MAKING OR**
18 **RESPONDING TO A MOTION FOR A PAYMENT PLAN UNDER SECTION 5E OF THE**
19 **SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.605E, OR FOR**
20 **THE MODIFICATION OF A** child support, custody, or parenting time
21 order, ~~or in responding to a motion for modification without the~~
22 ~~assistance of legal counsel~~ **INCLUDING A DOMICILE OR RESIDENCE**
23 **PROVISION.**

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

27 (iii) Guidelines for imputing income for the calculation of

1 child support.

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

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

14 (i) Domestic violence.

15 (ii) Safety of the parties and child.

16 (iii) Uneven bargaining positions of the parties.

17 **(N) COORDINATE THE PROVISION OF TITLE IV-D SERVICES BY THE**
18 **FRIEND OF THE COURT AND COOPERATE WITH THE OFFICE OF CHILD SUPPORT**
19 **IN PROVIDING THOSE SERVICES.**

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

1 public attending a state advisory committee meeting shall be given
2 a reasonable opportunity to address the committee on any issue
3 under consideration by the committee. If a vote is to be taken by
4 the state advisory committee, the opportunity to address the
5 committee shall be given before the vote is taken.

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

9 Sec. 27. ~~(1) Except as provided in subsections (2) and (3),~~
10 ~~the~~**THE** compensation and expenses of the friend of the court for
11 each judicial circuit and of the employees of the office and all
12 operating expenses incurred by the office shall be fixed by the
13 chief judge as provided in section 591 of the revised judicature
14 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being section~~
15 ~~600.591 of the Michigan Compiled Laws 1961 PA 236, MCL 600.591.~~ The
16 compensation and expenses shall be paid by the county treasurer
17 from the general fund ~~7~~ and the friend of the court fund created
18 under section 2530 of the revised judicature act of 1961, ~~Act No.~~
19 ~~236 of the Public Acts of 1961, being section 600.2530 of the~~
20 ~~Michigan Compiled Laws 1961 PA 236, MCL 600.2530,~~ of the county or
21 counties served.

22 ~~—— (2) In the third judicial circuit the compensation of the~~
23 ~~friend of the court and the employees of the state judicial council~~
24 ~~serving in the third judicial circuit and supervised by the friend~~
25 ~~of the court shall be paid by the state and shall be fixed as~~
26 ~~provided in sections 592 and 9104 of the revised judicature act of~~
27 ~~1961, Act No. 236 of the Public Acts of 1961, being sections~~

1 ~~600.592 and 600.9104 of the Michigan Compiled Laws. Pursuant to~~
2 ~~section 595(1) of Act No. 236 of the Public Acts of 1961, being~~
3 ~~section 600.595 of the Michigan Compiled Laws, the state shall~~
4 ~~maintain and operate the office of the friend of the court as the~~
5 ~~successor to the friend of the court appointed under former Act No.~~
6 ~~412 of the Public Acts of 1919.~~

7 ~~—— (3) In any other judicial circuit in which employees serving~~
8 ~~in the circuit court are employees of the state judicial council,~~
9 ~~the compensation of the friend of the court and the employees of~~
10 ~~the state judicial council serving in that judicial circuit and~~
11 ~~supervised by the friend of the court shall be paid by the state~~
12 ~~and shall be fixed as provided in section 9104 of the revised~~
13 ~~judicature act of 1961, Act No. 236 of the Public Acts of 1961.~~

14 Sec. 28. Each office of the friend of the court shall compile
15 data **AS REQUIRED BY THE STATE COURT ADMINISTRATIVE OFFICE, UNDER**
16 **THE SUPERVISION AND DIRECTION OF THE SUPREME COURT.** ~~on the number~~
17 ~~and type of complaints regarding support and parenting time. The~~
18 ~~data shall include, but need not be limited to, the number of cases~~
19 ~~in which a party fails to appear at a show cause hearing and the~~
20 ~~number of cases in which a bench warrant is issued for failure to~~
21 ~~appear. The data compiled under this section shall be transmitted~~
22 ~~at least annually in a report to the office of the state court~~
23 ~~administrator. The following specific information shall also be~~
24 ~~compiled:~~

25 ~~—— (a) The number of state or federal income tax intercepts~~
26 ~~subsequently found to be based on inaccurate information or~~
27 ~~employee error.~~

1 ~~—— (b) The number of support orders modified due to inaccurate~~
2 ~~information or employee error.~~

3 ~~—— (c) The number of grievances filed in a calendar year, the~~
4 ~~nature of each grievance, the judicial response to each grievance,~~
5 ~~and any sanction imposed as a result of each grievance.~~

6 ~~—— (d) The number of custody recommendations recommending~~
7 ~~physical custody to the mother, the father, or a third party.~~

8 ~~—— (e) The number of makeup parenting time petitions filed, the~~
9 ~~number of hearings held on makeup parenting time petitions, the~~
10 ~~number of instances makeup parenting time is ordered, and the~~
11 ~~amount of makeup parenting time that is ordered.~~

12 ~~—— (f) The number of reviews completed in a calendar year.~~

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 95th Legislature are
15 enacted into law:

16 (a) Senate Bill No. 101.

17

18 (b) Senate Bill No. 104.

19