

HOUSE BILL No. 6011

May 7, 2002, Introduced by Reps. Toy, Tabor, Hummel, Howell, Newell, Vander Veen, Voorhees, Caul, Vear, Patterson, Palmer, Raczkowski, George, Julian, Bisbee and Jansen and referred to the Committee on Family and Children Services.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending the title and sections 1, 2, 2a, 3, 4, 4a, 4b, 5, 7,
9, 9a, 11, 12, 13, 15, 17, 17b, 17c, 17d, 17e, 18, 19, 20, 22,
23, 24, 25, 26, 27, and 28 (MCL 552.501, 552.502, 552.502a,
552.503, 552.504, 552.504a, 552.504b, 552.505, 552.507, 552.509,
552.509a, 552.511, 552.512, 552.513, 552.515, 552.517, 552.517b,
552.517c, 552.517d, 552.517e, 552.518, 552.519, 552.520, 552.522,
552.523, 552.524, 552.525, 552.526, 552.527, and 552.528), the
title and sections 23, 24, 25, and 26 as amended and sections 4,
4a, and 20 as added by 1996 PA 366, sections 1, 7, 13, and 17d as
amended by 1996 PA 144, sections 2 and 18 as amended and section
17e as added by 1998 PA 63, sections 2a and 9 as amended and
section 9a as added by 1999 PA 150, sections 3 and 5 as amended
and section 28 as added by 1996 PA 365, section 4b as added by

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1998 PA 551, section 11 as amended by 1996 PA 266, section 12 as amended by 1996 PA 276, section 17 as amended and sections 17b and 17c as added by 1994 PA 37, and section 19 as amended by 2001 PA 193, and by adding section 5a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to revise and consolidate the laws relating to ~~the~~
 3 ~~friend of the~~ court FAMILY SERVICES; to provide for the appoint-
 4 ment or removal of the ~~friend of the~~ court FAMILY SERVICES
 5 ADMINISTRATOR; to create the ~~office of the friend of the~~ court
 6 FAMILY SERVICES OFFICE; to establish the rights, powers, and
 7 duties of the ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR
 8 and the ~~office of the friend of the~~ court FAMILY SERVICES
 9 OFFICE; to establish a state ~~friend of the~~ court FAMILY SERV-
 10 ICES OFFICE bureau and to provide the powers and duties of the
 11 bureau; to prescribe powers and duties of the circuit court and
 12 of certain state and local agencies and officers; to establish
 13 ~~friend of the court~~ citizen COURT FAMILY SERVICES OFFICE
 14 advisory committees; to prescribe certain duties of certain
 15 employers and former employers; and to repeal acts and parts of
 16 acts.

17 Sec. 1. (1) This act shall be known and may be cited as the
 18 ~~"friend of the~~ "court FAMILY SERVICES OFFICE act".

19 (2) The purposes of this act are to enumerate and describe
 20 the powers and duties of the ~~friend of the~~ court FAMILY
 21 SERVICES ADMINISTRATOR and the ~~office of the friend of the~~

1 court FAMILY SERVICES OFFICE; to ensure that procedures adopted
2 by the ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR will
3 protect the best interests of children in domestic relations mat-
4 ters; to encourage and assist parties voluntarily to resolve con-
5 tested domestic relations matters by agreement; to compel the
6 enforcement of parenting time and custody orders; and to compel
7 the enforcement of support orders, ensuring that persons legally
8 responsible for the care and support of children assume their
9 legal obligations and reducing the financial cost to this state
10 of providing public assistance ~~funds~~ MONEY for the care of
11 children. This act shall be construed to promote the enumerated
12 purposes and to facilitate the resolution of domestic relations
13 matters.

14 Sec. 2. As used in this act:

15 (a) "Bureau" means the state ~~friend of the~~ court FAMILY
16 SERVICES OFFICE bureau created in section 19.

17 (b) "Chief judge" means the following:

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

20 (ii) Except in the county of Wayne, the chief judge of the
21 circuit court in a judicial circuit having 2 or more circuit
22 judges.

23 (iii) In the county of Wayne, the executive chief judge of
24 the circuit court in the third judicial circuit.

25 (c) "Citizen advisory committee" means a citizen ~~friend of~~
26 ~~the~~ court FAMILY SERVICES OFFICE advisory committee established
27 as provided in section 4.

1 (d) "Consumer reporting agency" means a person that, for
2 monetary fees or dues, or on a cooperative nonprofit basis, regu-
3 larly engages in whole or in part in the practice of assembling
4 or evaluating consumer credit information or other information on
5 consumers for the purpose of furnishing consumer reports to third
6 parties, and that uses any means or facility of interstate com-
7 merce for the purpose of preparing or furnishing consumer
8 reports. As used in this subdivision, "consumer report" means
9 that term as defined in section 603 of the fair credit reporting
10 act, title VI of the consumer credit protection act, Public Law
11 90-321, 15 U.S.C. 1681a.

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

17 (f) "Court" means the circuit court.

18 (G) "COURT FAMILY SERVICES ADMINISTRATOR" MEANS THE INDIVID-
19 UAL APPOINTED UNDER SECTION 23 AS THE HEAD OF THE COURT FAMILY
20 SERVICES OFFICE.

21 (H) "COURT FAMILY SERVICES CASE" MEANS A DOMESTIC RELATIONS
22 MATTER THAT A COURT FAMILY SERVICES OFFICE ESTABLISHES AS A COURT
23 FAMILY SERVICES CASE AS REQUIRED UNDER SECTION 5A.

24 (I) "COURT FAMILY SERVICES OFFICE" OR "OFFICE" MEANS AN
25 AGENCY CREATED IN SECTION 3.

(J) ~~(g)~~ "Current employment" means employment within 1 year before a ~~friend of the~~ court FAMILY SERVICES OFFICE request for information.

(K) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

(L) ~~(h)~~ "Domestic relations matter" means a circuit court proceeding as to child custody or parenting time, or child 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~~ CHILD custody act of 1970, 1970 PA 91, MCL 722.21 to ~~722.30~~ 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) Revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) ~~The uniform~~ UNIFORM interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.

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

~~(j) "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.~~

1 (N) ~~(K)~~ "Income" means that term as defined in section 2
 2 of the support and parenting time enforcement act, 1982 PA 295,
 3 MCL 552.602.

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

5 (a) "Medical assistance" means medical assistance as estab-
 6 lished under title XIX of the social security act, chapter 531,
 7 49 Stat. 620, 42 U.S.C. 1396 to ~~1396f, 1396g-1 to~~ 1396r-6 ,
 8 and 1396r-8 to 1396v.

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

11 (B) ~~(c)~~ "Payer" means a person ordered by the circuit
 12 court to pay support.

13 (C) ~~(d)~~ "Public assistance" means cash assistance provided
 14 under the social welfare act, 1939 PA 280, 400.1 to 400.119b.

15 (D) ~~(e)~~ "Recipient of support" means the following:

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

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

21 (iii) The family independence agency, if support has been
 22 assigned to that department.

23 (E) ~~(f)~~ "State advisory committee" means the committee
 24 established by the bureau under section 19.

25 (F) ~~(g)~~ "State disbursement unit" or "SDU" means the
 26 entity established in section 6 of the office of child support
 27 act, 1971 PA 174, MCL 400.236.

(G) ~~(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 incurred by or for the mother in connection with her confinement, for other expenses in connection with the pregnancy of the mother, or for the repayment of genetic testing expenses.

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

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

(I) ~~(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.

(J) "TITLE IV-D" MEANS PART D OF TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42 U.S.C. 651 TO 655, 656 TO 660, AND 663 TO 669.

Sec. 3. (1) ~~There~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A COURT FAMILY SERVICES OFFICE is created in each judicial circuit of this state. ~~an office of the friend of the court, except as provided in subsection (2).~~

1 (2) If each county in a multicounty judicial circuit has a
 2 separate office of the friend of the court on ~~the day before the~~
 3 ~~effective date of this act~~ JUNE 30, 1983, each county in that
 4 circuit shall have a separate office of the friend of the court
 5 on ~~the effective date of this act~~ JULY 1, 1983. If a vacancy
 6 occurs in the position of the ~~friend of the~~ court FAMILY SERV-
 7 ICES ADMINISTRATOR in such a county, the chief judge may merge
 8 the COURT FAMILY SERVICES office ~~of the friend of the court~~ in
 9 that county with the COURT FAMILY SERVICES office ~~of the friend~~
 10 ~~of the court~~ in another county of the judicial circuit.

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

13 ~~(4) Except as provided in this subsection, the friend of the~~
 14 ~~court~~ UNLESS A FRIEND OF THE COURT SERVING UNDER THE AUTHORITY
 15 OF FORMER SECTION 21 CONTINUES TO SERVE AS THE COURT FAMILY SERV-
 16 ICES ADMINISTRATOR, A COURT FAMILY SERVICES ADMINISTRATOR
 17 APPOINTED UNDER SECTION 23 IS THE HEAD OF THE COURT FAMILY SERV-
 18 ICES OFFICE. THE COURT FAMILY SERVICES ADMINISTRATOR is an
 19 employee of the circuit court in the judicial circuit served by
 20 ~~the friend of~~ the court FAMILY SERVICES OFFICE. ~~The friend of~~
 21 ~~the court for the third judicial circuit, and for any other judi-~~
 22 ~~cial circuit in which the employees serving in the court are paid~~
 23 ~~by the state, is an employee of the state judicial council.~~

24 (4) ~~(5)~~ The duties of the office shall be performed under
 25 the direction and supervision of the chief judge.

26 (5) ~~(6)~~ Each ~~friend of the~~ court FAMILY SERVICES
 27 ADMINISTRATOR shall take all necessary steps to adopt office

1 procedures to implement this act, supreme court rules, and the
 2 recommendations of the bureau. ~~Office of the friend of the~~
 3 ~~court~~ COURT FAMILY SERVICES OFFICE duties shall be performed in
 4 accordance with the Elliott-Larsen civil rights act, ~~Act No. 453~~
 5 ~~of the Public Acts of 1976, being sections 37.2101 to 37.2804 of~~
 6 ~~the Michigan Compiled Laws~~ 1976 PA 453, MCL 37.2101 TO 37.2804.

7 (6) ~~(7) An office of the friend of the~~ A court FAMILY
 8 SERVICES OFFICE must be open to the public making available all
 9 of the office's services not less than 20 hours each month during
 10 nontraditional office hours. This subsection shall not be con-
 11 strued to require ~~an office of the friend of the~~ A court FAMILY
 12 SERVICES OFFICE to be open for a greater number of hours than
 13 before ~~the effective date of the requirement under this~~
 14 ~~subsection~~ JANUARY 1, 1997.

15 Sec. 4. (1) A citizen ~~friend of the~~ court FAMILY SERVICES
 16 OFFICE advisory committee is established in each county and is
 17 composed of the following members, each of whom is a resident of
 18 the county:

19 (a) An advocate for children.

20 (b) A representative of noncustodial parents.

21 (c) A representative of custodial parents.

22 (d) An attorney who engages primarily in family law
 23 practice.

24 (e) The county sheriff or the sheriff's designee.

25 (f) The prosecuting attorney or the prosecuting attorney's
 26 designee.

1 (g) The director of the ~~family independence agency~~
2 DEPARTMENT or the director's designee.

3 (h) A mental health professional who provides family
4 counseling.

5 (i) A member of the general public who is not an individual
6 who could serve on the committee in a category listed in subdivi-
7 sions (a) to (h).

8 (2) Except for a member serving under subsection (1)(e),
9 (f), or (g), and except as otherwise provided in this subsection,
10 the county board shall appoint the citizen advisory committee
11 members. In a county organized under ~~Act No. 293 of the Public~~
12 ~~Acts of 1966, being sections 45.501 to 45.521 of the Michigan~~
13 ~~Compiled Laws~~ 1966 PA 293, MCL 45.501 TO 45.521, the county
14 executive shall appoint the citizen advisory committee members
15 with the advice and consent of the county board, and shall exer-
16 cise the other powers and duties prescribed for the county board
17 by this section in regard to the citizen advisory committee.

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

24 (4) Except for the initial members, a citizen advisory com-
25 mittee member shall serve a renewable 3-year term. Of the ini-
26 tial members, 3 shall serve 3-year terms, 2 shall serve 2-year

1 terms, and 2 shall serve 1-year terms. The county board may
2 remove a citizen advisory committee member for cause.

3 (5) A citizen advisory committee shall elect 1 of its mem-
4 bers as chairperson and 1 as vice-chairperson. Each shall serve
5 a 1-year term.

6 (6) The state court administrative office shall perform
7 staff and support functions that are necessary for a citizen
8 advisory committee to perform its duties and functions.

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

15 Sec. 4a. (1) A citizen advisory committee is advisory only
16 and shall do all of the following:

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

20 (b) Review and investigate grievances concerning ~~the friend~~
21 ~~of~~ the court FAMILY SERVICES OFFICE as provided in section 26.

22 (c) Advise the court and the county board on the ~~office of~~
23 ~~the friend of the court's and the friend of the court's~~ COURT
24 FAMILY SERVICES OFFICE'S AND THE COURT FAMILY SERVICES
25 ADMINISTRATOR'S duties and performance, and on the community's
26 needs relating to the office's services.

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

6 (2) A citizen advisory committee chairperson may appoint
7 subcommittees comprised of 3 committee members to review, inves-
8 tigate, and hold hearings on grievances submitted to the citizen
9 advisory committee as provided in section 26. The chairperson
10 may serve on such a subcommittee and shall attempt to appoint
11 members so that each member has an equal opportunity for subcom-
12 mittee participation.

13 (3) Except as otherwise provided in this subsection, a citi-
14 zen advisory committee meeting shall be open to the public. A
15 member of the public attending a meeting shall be given a reason-
16 able opportunity to address the committee on an issue under con-
17 sideration by the committee. If a vote is to be taken by the
18 citizen advisory committee, the opportunity to address the com-
19 mittee shall be given before the vote is taken. A citizen
20 advisory committee meeting, including a meeting of a subcommittee
21 appointed under subsection (2), is not open to the public while
22 the committee or subcommittee is reviewing, investigating, or
23 holding a hearing on a grievance as provided in section 26.

24 Sec. 4b. (1) Except as provided in subsections (2), (3),
25 and (4), and under the chief judge's supervision, the office
26 shall provide the citizen advisory committee with a grievance
27 filed as provided in section 26 and access to records and

1 information necessary for the committee to perform its functions
2 as prescribed by this act, including the following:

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

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

9 (c) Information regarding the administration of ~~the office~~
10 ~~of the friend of~~ the court FAMILY SERVICES office, including
11 budget and personnel information.

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

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

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

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

26 (4) A citizen advisory committee has access to records of a
27 mediation session only if the court determines, after notice to

1 the parties and an opportunity for a response, that access would
2 not impair the rights of a party to the case or the well-being of
3 a child involved in the case.

4 (5) Upon request of a citizen advisory committee and under
5 the chief judge's supervision, the office shall annually provide
6 the committee with information pertaining to a random sampling of
7 grievances. If requested by the committee and at the supreme
8 court's direction, the state court administrative office shall
9 assist the office in devising a statistically significant random
10 sampling.

11 Sec. 5. (1) Before adjudication of a domestic relations
12 matter, ~~the office of the friend of~~ the court SHALL DETERMINE
13 IF A COURT FAMILY SERVICES CASE IS OR MUST BE OPENED FOR THE
14 DOMESTIC RELATIONS MATTER. IN MAKING THE DETERMINATION UNDER
15 THIS SUBSECTION, THE COURT SHALL FOLLOW THE PRESCRIPTIONS IN SEC-
16 TION 5A.

17 (2) THE COURT FAMILY SERVICES OFFICE has the following
18 duties:

19 (A) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
20 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
21 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY CHOOSE NOT TO HAVE THE
22 COURT FAMILY SERVICES OFFICE ADMINISTER AND ENFORCE OBLIGATIONS
23 THAT MAY BE IMPOSED IN THE DOMESTIC RELATIONS MATTER.

24 (B) TO INFORM EACH PARTY TO THE DOMESTIC RELATIONS MATTER
25 THAT, UNLESS 1 OF THE PARTIES IS REQUIRED TO PARTICIPATE IN THE
26 TITLE IV-D CHILD SUPPORT PROGRAM, THEY MAY DIRECT THE COURT

1 FAMILY SERVICES OFFICE TO CLOSE THE COURT FAMILY SERVICES CASE
2 THAT WAS OPENED IN THEIR DOMESTIC RELATIONS MATTER.

3 (C) ~~-(a)-~~ To provide an informational pamphlet, in accord-
4 ance with the model pamphlet developed by the bureau, to each
5 party to a domestic relations matter. The informational pamphlet
6 shall explain the procedures of the court and the office; the
7 duties of the office; the rights and responsibilities of the par-
8 ties, including notification that each party to the dispute has
9 the right to meet with the individual investigating the dispute
10 before that individual makes a recommendation regarding the dis-
11 pute; the availability of and procedures used in domestic rela-
12 tions mediation; the availability of human services in the commu-
13 nity; the availability of joint custody as described in section
14 6a of the child custody act of 1970, ~~Act No. 91 of the Public~~
15 ~~Acts of 1970, being section 722.26a of the Michigan Compiled~~
16 ~~Laws~~ 1970 PA 91, MCL 722.26A; and how to file a grievance
17 regarding the office. The informational pamphlet shall be pro-
18 vided as soon as possible after the filing of a complaint or
19 other initiating pleading. Upon request, a party shall receive
20 an oral explanation of the informational pamphlet from the
21 office.

22 (D) TO MAKE AVAILABLE TO AN INDIVIDUAL FORM MOTIONS,
23 RESPONSES, AND ORDERS FOR REQUESTING THE COURT TO MODIFY THE
24 INDIVIDUAL'S CHILD SUPPORT, CUSTODY, OR PARENTING TIME ORDER, OR
25 FOR RESPONDING TO A MOTION FOR SUCH A MODIFICATION, WITHOUT
26 ASSISTANCE OF LEGAL COUNSEL. THE OFFICE SHALL MAKE AVAILABLE
27 INSTRUCTIONS ON PREPARING AND FILING EACH OF THOSE FORMS AND

1 INSTRUCTIONS ON SERVICE OF PROCESS AND ON SCHEDULING A
2 MODIFICATION HEARING.

3 (E) ~~-(b)-~~ To inform the parties of the availability of
4 domestic relations mediation if there is a dispute as to child
5 custody or parenting time.

6 (F) ~~-(c)-~~ To inform the parents of the availability of joint
7 custody as described in section 6a of ~~Act No. 91 of the Public~~
8 ~~Acts of 1970~~ THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL
9 722.26A, if there is a dispute between the parents as to child
10 custody.

11 (G) ~~-(d)-~~ To investigate all relevant facts, and to make a
12 written report and recommendation to the parties and to the court
13 regarding child custody or parenting time, or both, if there is a
14 dispute as to child custody or parenting time, or both, and
15 domestic relations mediation is refused by either party or is
16 unsuccessful, or if ordered to do so by the court. The investi-
17 gation may include reports and evaluations by outside persons or
18 agencies if requested by the parties or the court, and shall
19 include documentation of alleged facts, if practicable. If
20 requested by a party, an investigation shall include a meeting
21 with the party. A written report and recommendation regarding
22 child custody or parenting time, or both, shall be based upon the
23 factors enumerated in ~~Act No. 91 of the Public Acts of 1970,~~
24 ~~being sections 722.21 to 722.29 of the Michigan Compiled Laws~~
25 THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31.

26 (H) ~~-(e)-~~ To investigate all relevant facts and to make a
27 written report and recommendation to the parties and their

1 attorneys and to the court regarding child support, if ordered to
2 do so by the court. The written report and recommendation shall
3 be placed in the court file. The investigation may include
4 reports and evaluations by outside persons or agencies if
5 requested by the parties or the court, and shall include documen-
6 tation of alleged facts, if practicable. If requested by a
7 party, an investigation shall include a meeting with the party.
8 The child support formula developed by the bureau under section
9 19 shall be used as a guideline in recommending child support.
10 The written report shall include the support amount determined by
11 application of the child support formula and all factual assump-
12 tions upon which that support amount is based. If the ~~office of~~
13 ~~the friend of the~~ court FAMILY SERVICES OFFICE determines from
14 the facts of the case that application of the child support for-
15 mula would be unjust or inappropriate, the written report shall
16 also include all of the following:

17 (i) An alternative support recommendation.

18 (ii) All factual assumptions upon which the alternative sup-
19 port recommendation is based, if applicable.

20 (iii) How the alternative support recommendation deviates
21 from the child support formula.

22 (iv) The reasons for the alternative support
23 recommendation.

24 (3) ~~-(2)-~~ If a party who requests a meeting during an inves-
25 tigation fails to attend the scheduled meeting without good
26 cause, the investigation may be completed without a meeting with
27 that party.

1 SEC. 5A. (1) EXCEPT AS REQUIRED BY THIS SECTION, A COURT
2 FAMILY SERVICES OFFICE IS NOT REQUIRED TO OPEN OR MAINTAIN A
3 COURT FAMILY SERVICES CASE FOR A DOMESTIC RELATIONS MATTER AND
4 PARTIES TO A DOMESTIC RELATIONS MATTER ARE NOT REQUIRED TO HAVE A
5 COURT FAMILY SERVICES CASE OPENED OR MAINTAINED FOR THEIR DOMES-
6 TIC RELATIONS MATTER. THE PARTIES TO A DOMESTIC RELATIONS MATTER
7 FOR WHICH A COURT FAMILY SERVICES CASE IS NOT OPENED HAVE FULL
8 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THE OBLIGA-
9 TIONS IMPOSED IN THE DOMESTIC RELATIONS MATTER.

10 (2) A COURT FAMILY SERVICES OFFICE SHALL OPEN AND MAINTAIN A
11 COURT FAMILY SERVICES CASE FOR A DOMESTIC RELATIONS MATTER UNDER
12 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

13 (A) A PARTY TO THE DOMESTIC RELATIONS MATTER IS ELIGIBLE FOR
14 TITLE IV-D SERVICES BECAUSE OF THE PARTY'S CURRENT OR PAST
15 RECEIPT OF PUBLIC ASSISTANCE.

16 (B) A PARTY TO THE DOMESTIC RELATIONS MATTER APPLIES FOR
17 TITLE IV-D SERVICES.

18 (C) A PARTY TO THE DOMESTIC RELATIONS MATTER REQUESTS THAT
19 THE COURT FAMILY SERVICES OFFICE OPEN AND MAINTAIN A COURT FAMILY
20 SERVICES CASE FOR THE DOMESTIC RELATIONS MATTER, EVEN THOUGH THE
21 PARTY MAY NOT BE ELIGIBLE FOR TITLE IV-D SERVICES BECAUSE THE
22 DOMESTIC RELATIONS MATTER INVOLVES, BY WAY OF EXAMPLE AND NOT
23 LIMITATION, ONLY SPOUSAL SUPPORT, CHILD CUSTODY, PARENTING TIME,
24 OR CHILD CUSTODY AND PARENTING TIME.

25 (D) THERE EXISTS IN THE DOMESTIC RELATIONS MATTER EVIDENCE
26 OF DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND THE COURT
27 DETERMINES THAT A PARTY TO THE DOMESTIC RELATIONS MATTER, AGAINST

1 THE BEST INTEREST OF EITHER THE PARTY OR A CHILD OF THE PARTY,
2 HAS CHOSEN NOT TO APPLY FOR TITLE IV-D SERVICES.

3 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE PARTIES TO A
4 COURT FAMILY SERVICES CASE MAY DIRECT THE COURT FAMILY SERVICES
5 OFFICE TO CLOSE THEIR COURT FAMILY SERVICES CASE. A COURT FAMILY
6 SERVICES OFFICE SHALL NOT CLOSE A COURT FAMILY SERVICES CASE
7 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

8 (A) A PARTY TO THE COURT FAMILY SERVICES CASE OBJECTS.

9 (B) A PARTY TO THE COURT FAMILY SERVICES CASE IS ELIGIBLE
10 FOR TITLE IV-D SERVICES BECAUSE THE PARTY IS RECEIVING PUBLIC
11 ASSISTANCE.

12 (C) A PARTY TO THE COURT FAMILY SERVICES CASE IS ELIGIBLE
13 FOR TITLE IV-D SERVICES BECAUSE THE PARTY RECEIVED PUBLIC ASSIST-
14 ANCE AND AN ARREARAGE IS OWED TO THE GOVERNMENTAL ENTITY THAT
15 PROVIDED THE PUBLIC ASSISTANCE.

16 (D) THE COURT FAMILY SERVICES CASE RECORD SHOWS THAT, WITHIN
17 THE PREVIOUS 12 MONTHS, A CHILD SUPPORT ARREARAGE OR CUSTODY OR
18 PARENTING TIME ORDER VIOLATION HAS OCCURRED IN THE CASE.

19 (E) WITHIN THE PREVIOUS 12 MONTHS, A PARTY TO THE COURT
20 FAMILY SERVICES CASE HAS REOPENED A COURT FAMILY SERVICES CASE.

21 (F) THERE EXISTS IN THE COURT FAMILY SERVICES CASE EVIDENCE
22 OF DOMESTIC VIOLENCE OR UNEVEN BARGAINING POSITIONS AND THE COURT
23 DETERMINES THAT A PARTY TO THE COURT FAMILY SERVICES CASE HAS
24 CHOSEN TO CLOSE THE CASE AGAINST THE BEST INTEREST OF EITHER THE
25 PARTY OR A CHILD OF THE PARTY.

26 (4) THE CLOSURE OF A COURT FAMILY SERVICES CASE DOES NOT
27 RELEASE A PARTY FROM THE PARTY'S OBLIGATIONS IMPOSED IN THE

1 UNDERLYING DOMESTIC RELATIONS MATTER. THE PARTIES TO A CLOSED
2 COURT FAMILY SERVICES CASE ASSUME FULL RESPONSIBILITY FOR ADMIN-
3 ISTRATION AND ENFORCEMENT OF OBLIGATIONS IMPOSED IN THE UNDERLY-
4 ING DOMESTIC RELATIONS MATTER.

5 (5) IF A PARTY TO THE UNDERLYING DOMESTIC RELATIONS MATTER
6 WANTS TO ENSURE THAT CHILD SUPPORT PAYMENTS MADE AFTER A COURT
7 FAMILY SERVICES CASE IS CLOSED WILL BE TAKEN INTO ACCOUNT IN ANY
8 POSSIBLE FUTURE COURT FAMILY SERVICES OFFICE ENFORCEMENT ACTION,
9 THE CHILD SUPPORT PAYMENTS MUST BE MADE THROUGH THE SDU. IF THE
10 PARTIES CHOOSE TO CONTINUE TO HAVE CHILD SUPPORT PAYMENTS MADE
11 THROUGH THE SDU, THE COURT FAMILY SERVICES OFFICE SHALL NOT CLOSE
12 THEIR COURT FAMILY SERVICES CASE UNTIL EACH PARTY PROVIDES THE
13 SDU WITH THE INFORMATION NECESSARY TO PROCESS THE CHILD SUPPORT
14 PAYMENTS REQUIRED IN THE UNDERLYING DOMESTIC RELATIONS MATTER.

15 (6) A COURT FAMILY SERVICES OFFICE SHALL REOPEN A COURT
16 FAMILY SERVICES CASE IF A PARTY TO THE CLOSED COURT FAMILY SERV-
17 ICES CASE APPLIES FOR SERVICES FROM THE COURT FAMILY SERVICES
18 OFFICE OR APPLIES FOR AND RECEIVES PUBLIC ASSISTANCE.

19 Sec. 7. (1) The chief judge may designate as referee the
20 ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR; an employee
21 of the office who is a member of the state bar of Michigan; or,
22 under section 22, a member of the state bar of Michigan.

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

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

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

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

7 (d) Hold hearings as provided in the support and parenting
8 time enforcement act. ~~—, Act No. 295 of the Public Acts of 1982,~~
9 ~~being sections 552.601 to 552.650 of the Michigan Compiled Laws.~~
10 The referee shall make a record of each hearing held.

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

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

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

21 (4) A copy of each report, recommendation, transcript, and
22 any supporting documents or a summary of supporting documents
23 prepared or used by the ~~friend of the~~ court FAMILY SERVICES
24 OFFICE or an employee of the office shall be made available to
25 the attorney for each party and to each of the parties before the
26 court takes any action on a recommendation made under this
27 section or section 5. In a child custody dispute, the parties

1 shall be informed of whether a custody preference expressed by
2 the child was considered, evaluated, and determined by the court,
3 but the parties shall not be informed of the preference expressed
4 by the child under section 3 of the child custody act of 1970,
5 ~~Act No. 91 of the Public Acts of 1970, being section 722.23 of~~
6 ~~the Michigan Compiled Laws~~ 1970 PA 91, MCL 722.23. If a guard-
7 ian is appointed for a child, the guardian shall be informed
8 whether a custody preference expressed by the child was consid-
9 ered, evaluated, and determined by the court, and, if so, the
10 preference expressed. The manner and time within which this
11 material is made available shall be determined by supreme court
12 rule.

13 (5) The court shall hold a de novo hearing on any matter
14 that has been the subject of a referee hearing, upon the written
15 request of either party or upon motion of the court. The request
16 of a party shall be made within 21 days after the recommendation
17 of the referee is made available to that party under subsection
18 (4), except that a request for a de novo hearing concerning an
19 order of income withholding shall be made within 14 days after
20 the recommendation of the referee is made available to the party
21 under subsection (4).

22 Sec. 9. (1) Except as otherwise provided in subsections (2)
23 and (3) or in the order or judgment, after a support order is
24 entered in a ~~domestic relations matter~~ COURT FAMILY SERVICES
25 CASE, the office shall receive each payment and service fee under
26 the support order; shall, not less than once each month, record
27 each support payment due, paid, and past due; and shall disburse

1 each support payment to the recipient of support within 14 days
2 after the office receives each payment or within the federally
3 mandated time frame, whichever is shorter.

4 (2) An office shall receive support order and service fee
5 payments, and shall disburse support, as required by subsection
6 (1) until the state disbursement unit implements support and fee
7 receipt and disbursement for the cases administered by that
8 office. At the family independence agency's direction and in
9 cooperation with the SDU, an office shall continue support and
10 fee receipt and support disbursement to facilitate the transition
11 of that responsibility to the SDU as directed in, and in accord-
12 ance with the transition schedule developed as required by, the
13 office of child support act, 1971 PA 174, MCL 400.231 to
14 400.239.

15 (3) After SDU support and fee receipt and disbursement is
16 implemented in a circuit court circuit, the office for that court
17 may accept a support payment made in cash or by cashier's check
18 or money order. If the office accepts such a payment, the office
19 shall transmit the payment to the SDU and shall inform the payer
20 of the SDU's location and the requirement to make payments
21 through the SDU.

22 (4) Promptly after ~~the effective date of the amendatory act~~
23 ~~that added this subsection~~ NOVEMBER 3, 1999, each office shall
24 establish and maintain the support order and account records nec-
25 essary to enforce support orders and necessary to record obliga-
26 tions, support and fee receipt and disbursement, and related
27 payments. Each office shall provide the SDU with access to those

1 records and shall assist the SDU to resolve support and fee
2 receipt and disbursement problems related to inadequate identify-
3 ing information.

4 (5) The office shall provide annually to each party, without
5 charge, 1 statement of account upon request. Additional state-
6 ments of account shall be provided at a reasonable fee sufficient
7 to pay for the cost of reproduction. Statements provided under
8 this subsection are in addition to statements provided for admin-
9 istrative and judicial hearings.

10 (6) The office shall initiate and carry out proceedings to
11 enforce an order entered in a ~~domestic relations matter~~ COURT
12 FAMILY SERVICES CASE regarding custody, parenting time, health
13 care coverage, or support in accordance with this act, the sup-
14 port and parenting time enforcement act, and supreme court
15 rules.

16 (7) Upon request of a child support agency of another state,
17 the office shall initiate and carry out certain proceedings to
18 enforce support orders entered in the other state without the
19 need to register the order as a ~~domestic relations matter~~ COURT
20 FAMILY SERVICES CASE in this state. The order shall be enforced
21 using automated administrative enforcement actions authorized
22 under the support and parenting time enforcement act.

23 Sec. 9a. The department, the SDU, and each ~~office of the~~
24 ~~friend of the~~ court FAMILY SERVICES OFFICE shall cooperate in
25 the transition to the centralized receipt and disbursement of
26 support and fees. ~~An office of the friend of the~~ A court
27 FAMILY SERVICES OFFICE shall continue to receive and disburse

1 support and fees through the transition, based on the schedule
2 developed as required by section ~~6~~ 7 of the office of child
3 support act, 1971 PA 174, MCL ~~400.236~~ 400.237, and modifica-
4 tions to that schedule as the department considers necessary.

5 Sec. 11. (1) Each office shall initiate 1 OR MORE SUPPORT
6 enforcement MEASURES under the support and parenting time
7 enforcement act when either of the following applies:

8 (a) ~~A fixed amount of arrearage is reached, except as oth-~~
9 ~~erwise provided in section 4 of the support and parenting time~~
10 ~~enforcement act, being section 552.604 of the Michigan Compiled~~
11 ~~Laws. The amount of arrearage so fixed shall be an amount equal~~
12 ~~to the amount of support payable for 1 month under the payer's~~
13 ~~support order. The office shall not initiate enforcement under~~
14 ~~this subdivision if the support order was entered ex parte and~~
15 ~~the office has not received a copy of proof of service of the~~
16 ~~order.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE
17 ARREARAGE UNDER THE SUPPORT ORDER IS EQUAL TO OR GREATER THAN THE
18 MONTHLY AMOUNT OF SUPPORT PAYABLE UNDER THE ORDER. IF THE SUP-
19 PORT ORDER WAS ENTERED EX PARTE, AN OFFICE SHALL NOT INITIATE
20 ENFORCEMENT UNDER THIS SUBDIVISION UNTIL AFTER THE OFFICE
21 RECEIVES A COPY OF PROOF OF SERVICE FOR THE ORDER AND AFTER AT
22 LEAST 1 MONTH HAS ELAPSED SINCE THE DATE OF SERVICE. AN OFFICE
23 IS NOT REQUIRED TO INITIATE ENFORCEMENT UNDER THIS SUBDIVISION IF
24 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

25 (i) DESPITE THE EXISTENCE OF THE ARREARAGE, AN ORDER OF
26 INCOME WITHHOLDING IS EFFECTIVE AND PAYMENT IS BEING MADE UNDER

1 THE ORDER OF INCOME WITHHOLDING IN THE AMOUNT REQUIRED UNDER THE
2 ORDER.

3 (ii) DESPITE THE EXISTENCE OF THE ARREARAGE AND EVEN THOUGH
4 AN ORDER OF INCOME WITHHOLDING IS NOT EFFECTIVE, PAYMENT IS BEING
5 MADE IN THE AMOUNT REQUIRED UNDER THE ORDER.

6 (iii) ONE OR MORE SUPPORT ENFORCEMENT MEASURES HAVE BEEN
7 INITIATED AND AN OBJECTION TO 1 OR MORE OF THOSE MEASURES HAS NOT
8 BEEN RESOLVED.

9 (b) A parent fails to obtain or maintain health care cover-
10 age for the parent's child as ordered by the court. The office
11 shall initiate enforcement under this subdivision at the follow-
12 ing times:

13 (i) Within 60 days after the entry of a support order con-
14 taining health care coverage provisions.

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

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

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

19 (v) Upon receipt of a written complaint from the department
20 ~~of social services~~ if the child for whose benefit health care
21 coverage is ordered is a recipient of public assistance or medi-
22 cal assistance.

23 (2) For a custody or parenting time order, the office may
24 initiate enforcement proceedings under subsection (3) upon its
25 own initiative and shall initiate enforcement proceedings upon
26 receipt of a written complaint stating the specific facts alleged
27 to constitute a violation, if the office determines that there is

1 reason to believe a violation of a custody or parenting time
2 order has occurred. Upon request, the COURT FAMILY SERVICES
3 office ~~of the friend of the court~~ shall assist a person in pre-
4 paring a complaint under this subsection.

5 (3) The office shall send, by ordinary mail, a notice to an
6 alleged violator of a custody or parenting time order, informing
7 the alleged violator of the nature of the alleged violation, the
8 proposed action under this or ~~other~~ ANOTHER applicable act, the
9 availability of domestic relations mediation, and the right to
10 petition for modification of the parenting time order. The
11 notice shall contain the following statement in boldfaced type of
12 not less than 12 points:

13

14 "FAILURE TO RESPOND TO ~~THE FRIEND OF~~ THE COURT FAMILY
15 SERVICES OFFICE WITHIN 14 DAYS AFTER THE DATE OF THIS
16 NOTICE TO WORK OUT A SATISFACTORY ARRANGEMENT MAY RESULT IN
17 CONTEMPT OF COURT PROCEEDINGS BEING BROUGHT AGAINST YOU."

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

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

23 (a) Schedule a joint meeting with the parties to discuss the
24 allegations of failure to comply with a custody or parenting time
25 order, and attempt to resolve the differences between the
26 parties.

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

4 (c) If appropriate, proceed under section 41 of the support
5 and parenting time enforcement act, ~~being section 552.641 of the~~
6 ~~Michigan Compiled Laws, or other~~ MCL 552.641, OR ANOTHER appli-
7 cable act.

8 Sec. 12. (1) Except as otherwise provided in this section,
9 in a format acceptable to the ~~friend of the court, the family~~
10 ~~independence agency~~ COURT FAMILY SERVICES ADMINISTRATOR, THE
11 DEPARTMENT, and the consumer reporting agency, ~~the office of the~~
12 ~~friend of~~ the court FAMILY SERVICES OFFICE shall report to a
13 consumer reporting agency the arrearage amount for each payer
14 with an arrearage of support of 2 or more months. On a monthly
15 basis and in a format acceptable to the ~~friend of the court, the~~
16 ~~family independence agency~~ COURT FAMILY SERVICES ADMINISTRATOR,
17 THE DEPARTMENT, and the consumer reporting agency, the COURT
18 FAMILY SERVICES office ~~of the friend of the court~~ may make sup-
19 port information available to the consumer reporting agency con-
20 cerning any other payer who requests that report. The office
21 shall not make information available under this subsection to a
22 consumer reporting agency if the office determines that the
23 agency does not have sufficient capability to systematically and
24 timely make accurate use of the information and if the agency
25 does not furnish evidence satisfactory to the office that the
26 agency is a consumer reporting agency.

1 (2) Before making the initial support information available
2 under subsection (1), the COURT FAMILY SERVICES office ~~of the~~
3 ~~friend of the court~~ shall provide the payer with notice of all
4 of the following:

5 (a) The proposed action.

6 (b) The amount of the arrearage, if any.

7 (c) The payer's right to a review, the date by which a
8 request for a review must be made, and the grounds on which the
9 payer may object to the proposed action.

10 (d) That the payer may avoid the reporting of the arrearage
11 stated in the notice by paying the entire arrearage within 21
12 days after the date notice was sent.

13 (3) The COURT FAMILY SERVICES office ~~of the friend of the~~
14 ~~court~~ shall provide to a payer a review to enable a payer to
15 object to the reporting of the support information, including an
16 arrearage, on the grounds of a mistake of fact concerning the
17 amount of the arrearage or the identity of the payer. If a payer
18 requests a review within the time specified in the notice given
19 under subsection (2), the office shall not report the support
20 information as required or permitted by this section until after
21 1 of the following occurs:

22 (a) The payer fails to produce evidence that the support
23 information is incorrect and the time scheduled for the review
24 has passed.

25 (b) After conducting the review, the office determines the
26 correct support information.

1 (4) The COURT FAMILY SERVICES office ~~of the friend of the~~
2 ~~court~~ shall not make support information, including an
3 arrearage, available under subsection (1) if 21 days have not
4 expired after the date the notice was sent under subsection (2).
5 The COURT FAMILY SERVICES office ~~of the friend of the court~~
6 shall not report an arrearage amount as required under subsection
7 (1) if the payer pays the entire arrearage within 21 days after
8 the date the notice was sent under subsection (2).

9 (5) Within 14 days after the COURT FAMILY SERVICES office
10 ~~of the friend of the court~~ knows that incorrect information has
11 been made available to a consumer reporting agency, the office
12 shall contact the consumer reporting agency and correct the
13 information.

14 (6) The state court administrative office is responsible for
15 determining what support information should be provided to a con-
16 sumer reporting agency and establishing the policies and proce-
17 dures for making support information available to a consumer
18 reporting agency under this section.

19 (7) Upon request of a consumer reporting agency or the
20 payer, the COURT FAMILY SERVICES office ~~of the friend of the~~
21 ~~court~~ shall make available to the consumer reporting agency cur-
22 rent support information of an individual payer.

23 Sec. 13. (1) The office shall provide, either directly or
24 by contract, domestic relations mediation to assist the parties
25 in settling voluntarily a dispute concerning child custody or
26 parenting time that arises ~~from a domestic relations matter~~ IN
27 A COURT FAMILY SERVICES CASE. Parties shall not be required to

1 meet with a domestic relations mediator. The service may be
2 provided directly by the office only if such a service is in
3 place on July 1, 1983, if the service is not available from a
4 private source, or if the court can demonstrate that providing
5 the service within ~~the friend of~~ the court FAMILY SERVICES
6 office is cost beneficial. Any expansion of existing services
7 provided by the court on July 1, 1983 shall be provided by an
8 individual meeting the domestic relations mediator minimum quali-
9 fications listed under subsection (4).

10 (2) If an agreement is reached by the parties through domes-
11 tic relations mediation, a consent order incorporating the agree-
12 ment shall be prepared by the ~~friend of the~~ court FAMILY SERV-
13 ICES ADMINISTRATOR; an employee of the office who is member of
14 the state bar of Michigan; under section 22, a member of the
15 state bar of Michigan; or by the attorney for 1 of the parties.
16 The consent order shall be provided to, and shall be entered by,
17 the court.

18 (3) Except as provided in subsection (2), a communication
19 between a domestic relations mediator and a party to a domestic
20 relations mediation is confidential. The secrecy of the communi-
21 cation shall be preserved inviolate as a privileged
22 communication. The communication shall not be admitted in evi-
23 dence in any proceedings. The same protection shall be given to
24 communications between the parties in the presence of the
25 mediator.

1 (4) A domestic relations mediator who performs mediation
2 under this act shall have all of the following minimum
3 qualifications:

4 (a) One or more of the following:

5 (i) A license or a limited license to engage in the practice
6 of psychology under parts 161 and 182 of the public health code,
7 ~~Act No. 368 of the Public Acts of 1978, being sections 333.16101~~
8 ~~to 333.16349 and 333.18201 to 333.18237 of the Michigan Compiled~~
9 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.16349 AND 333.18201 TO
10 333.18237, or a master's degree in counseling, social work, or
11 marriage and family counseling; and successful completion of the
12 training program provided by the bureau under section 19(3)(b).

13 (ii) Not less than 5 years of experience in family counsel-
14 ing, preferably in a setting related to the areas of responsibil-
15 ity of ~~the friend of~~ the court FAMILY SERVICES ADMINISTRATOR
16 and preferably to reflect the ethnic population to be served, and
17 successful completion of the training program provided by the
18 bureau under section 19(3)(b).

19 (iii) A graduate degree in a behavioral science and success-
20 ful completion of a domestic relations mediation training program
21 certified by the bureau with not less than 40 hours of classroom
22 instruction and 250 hours of practical experience working under
23 the direction of a person who has successfully completed a pro-
24 gram certified by the bureau.

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

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

3 (c) Knowledge of other resources in the community to which
4 the parties to a domestic relations matter can be referred for
5 assistance.

6 (d) Knowledge of child development, clinical issues relating
7 to children, the effects of divorce on children, and child cus-
8 tody research.

9 Sec. 15. An employee of the office who performs domestic
10 relations mediation ~~as to any domestic relations matter~~ IN A
11 COURT FAMILY SERVICES CASE involving a particular party shall not
12 perform referee functions, investigation and recommendation func-
13 tions, or enforcement functions as to any domestic relations
14 matter involving that party.

15 Sec. 17. (1) After a final judgment containing a child sup-
16 port order has been entered in a ~~domestic relations matter~~
17 COURT FAMILY SERVICES CASE, the office shall periodically review
18 the order, as follows:

19 (a) If a child is being supported in whole or in part by
20 public assistance, not less than once each 24 months unless both
21 of the following apply:

22 (i) The office receives notice from the department ~~of~~
23 ~~social services~~ that good cause exists not to proceed with sup-
24 port action.

25 (ii) Neither party has requested a review.

26 (b) At the initiative of the office, if there are reasonable
27 grounds to believe that the amount of child support awarded in

1 the judgment should be modified or that dependent health care
2 coverage is available and the support order should be modified to
3 include an order for health care coverage. Reasonable grounds to
4 review an order ~~pursuant to~~ UNDER this subdivision include tem-
5 porary or permanent changes in the physical custody of a child
6 that the court has not ordered, increased or decreased need of
7 the child, probable access by an employed parent to dependent
8 health care coverage, or changed financial conditions of a recip-
9 ient or a payer of child support including, but not limited to,
10 application for or receipt of public assistance, unemployment
11 compensation, or worker's compensation.

12 (c) Upon receipt of a written request from either party.
13 Within 15 days after receipt of the review request, the office
14 shall determine whether the order is due for review. The office
15 is not required to investigate more than 1 request received from
16 a party each 24 months.

17 (d) If a child is receiving medical assistance, not less
18 than once each 24 months unless either of the following applies:

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

21 (ii) The office receives notice from the department ~~of~~
22 ~~social services~~ that good cause exists not to proceed with sup-
23 port action and neither party has requested a review.

24 (e) If requested by the initiating state for a recipient of
25 services in that state under Part D of title IV of the social
26 security act, 42 U.S.C. 651 to ~~669~~ 655, 656 TO 660, AND 663 TO
27 669b, not less than once each 24 months. Within 15 days after

1 receipt of a review request, the office shall determine whether
2 an order is due for review.

3 (2) Within 180 days after determining that a review is
4 required under subsection (1), the office shall send notices as
5 provided in section 17b(2) and (3), conduct a review, and obtain
6 a modification of the order if appropriate.

7 (3) The office shall use the child support formula developed
8 by the bureau under section 19 in calculating the child support
9 award. If the office determines from the facts of the case that
10 application of the child support formula would be unjust or inap-
11 propriate, or that income should not be based on actual income
12 earned by the parties, the office shall prepare a written report
13 that includes all of the following:

14 (a) The support amount, based on actual income earned by the
15 parties, determined by application of the child support formula
16 and all factual assumptions upon which that support amount is
17 based.

18 (b) An alternative support recommendation and all factual
19 assumptions upon which the alternative support recommendation is
20 based.

21 (c) How the alternative support recommendation deviates from
22 the child support formula.

23 (d) The reasons for the alternative support recommendation.

24 (e) All evidence known to ~~the friend of~~ the court FAMILY
25 SERVICES ADMINISTRATOR that the individual is or is not able to
26 earn the income imputed to him or her.

1 (4) The office shall petition the court if modification is
2 determined to be necessary under subsection (3) unless either of
3 the following applies:

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

7 (b) The court previously determined that application of the
8 formula was unjust or inappropriate and the office determines
9 under subsection (3) that the facts of the case and the reasons
10 and amount of the prior deviation remain unchanged.

11 (5) A petition for modification may be made at the same time
12 the parties are provided with notice under section 17b(3). A
13 hearing held on a proposed modification shall be scheduled no
14 earlier than 30 days after the date of the notice provided for in
15 section 17b(3).

16 (6) If the office determines there should be no change in
17 the order and a party objects to the determination in writing to
18 the office within 30 days after the date of the notice provided
19 for in section 17b(3), the office shall schedule a hearing before
20 the court.

21 (7) If a support order lacks provisions for health care cov-
22 erage, the office shall petition the court for a modification to
23 require that 1 or both parents obtain or maintain health care
24 coverage for the benefit of each child who is subject to the sup-
25 port order if either of the following is true:

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

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

7 (8) The office shall determine the costs to each parent for
8 dependent health care coverage and child care costs and shall
9 disclose those costs in the report under section 17b(4).

10 Sec. 17b. (1) Each party subject to a child support order
11 shall be notified of the right to request a review of the order
12 as provided in section 17, and the place and manner in which to
13 make the request. For a ~~domestic relations matter initiated on~~
14 ~~or after 90 days after the effective date of this section~~ COURT
15 FAMILY SERVICES CASE, the notice shall be provided by the office
16 or, pursuant to court rule, by the plaintiff, using the informa-
17 tional pamphlet required under section 5. ~~Unless notice is pro-~~
18 ~~vided to the party in the informational pamphlet, no later than~~
19 ~~180 days after the effective date of this section, the office in~~
20 ~~each judicial circuit shall send a notice to each party subject~~
21 ~~to a child support order informing the party of the right to~~
22 ~~request a review of the order.~~ The notice shall be sent to the
23 party's last known address.

24 (2) The office shall notify each party of a review of a
25 child support order under section 17 at least 30 days before the
26 review is conducted. The notice shall request income, expense,
27 or other information as needed from the party to conduct the

1 review and shall specify the date by which that information is
2 due. The notice shall be sent to each party to his or her last
3 known address.

4 (3) After a review of a child support order has been con-
5 ducted, the office shall notify each party of a proposed increase
6 or decrease in the amount of child support, a proposed modifica-
7 tion to order health care coverage, or a determination that there
8 should be no change in the order. Notice of an increase or
9 decrease in child support or a modification to order health care
10 coverage can be provided by or with a copy of the petition for
11 modification. The notice shall also inform the parties of both
12 of the following:

13 (a) That the party may object to the proposed modification
14 or determination that there should be no change in the order at a
15 hearing before a referee or the court.

16 (b) The time, place, and manner in which to raise
17 objections.

18 (4) The office shall make available to each party and his or
19 her attorney a copy of the written report, transcript, recommen-
20 dation, and supporting documents or a summary of supporting docu-
21 ments prepared or used by the office under section 17 before the
22 court modifies a support order.

23 Sec. 17c. (1) If Michigan is the initiating state in an
24 interstate ~~domestic relations matter~~ COURT FAMILY SERVICES CASE
25 involving child support, the office shall determine whether a
26 review of a support order in another state is appropriate in

1 accordance with section 17 and is appropriate based upon the
2 residence and jurisdiction of the parties.

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

8 (3) The office shall initiate a request for a review within
9 20 calendar days after receipt of the information requested under
10 subsection (2).

11 (4) The office shall forward to a party who resides in
12 Michigan a copy of each notice issued by the responding state in
13 conjunction with the review and modification of a support order,
14 which notice is sent to the office for distribution.

15 Sec. 17d. (1) After a final judgment containing a parenting
16 time order has been entered in a domestic relations matter FOR
17 WHICH THERE IS AN OPEN COURT FAMILY SERVICES CASE, if there is a
18 dispute as to parenting time that is not resolved voluntarily by
19 the parties through a meeting with the COURT FAMILY SERVICES
20 office ~~of the friend of the court~~ under section 11 or through
21 domestic relations mediation under section 13, the office may
22 petition the court for a modification of the parenting time
23 order. A written report and recommendation shall accompany the
24 petition.

25 (2) Before a court hearing on a proposed modification of a
26 parenting time order, the office shall notify both parties of the

1 proposed modification and afford the parties an opportunity for
2 review and comment.

3 Sec. 17e. The office shall utilize guidelines provided in
4 the child support formula developed by the state ~~friend of the~~
5 court FAMILY SERVICES OFFICE bureau under section 19 to adminis-
6 tratively adjust arrearage payment schedules. In making an
7 administrative adjustment as authorized by this subsection, the
8 office shall follow procedures to afford the payer due process
9 including at least notice, an opportunity for an administrative
10 hearing, and an opportunity for an appeal on the record to an
11 independent administrative or judicial tribunal.

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

19 (a) Full name and address.

20 (b) Social security number. The requirement of this subdi-
21 vision to provide a social security number with the information
22 does not apply if the parent is exempt under federal law from
23 obtaining a social security number or is exempt under federal or
24 state law from disclosure of his or her social security number
25 under these circumstances. The ~~friend of the~~ court FAMILY
26 SERVICES ADMINISTRATOR shall inform the parent of this possible
27 exemption.

1 (c) Date of birth.

2 (d) Amount of wages earned by or other income due the custo-
3 dial parent or absent parent. Both net and gross income shall be
4 reported, regardless of method of payment.

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

10 (f) Dependent health care coverage available to the custo-
11 dial parent or absent parent as a benefit of employment.

12 (2) The ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR
13 or his or her designee may issue an administrative subpoena to
14 require ~~any~~ A public or private entity doing business in the
15 state that employs or has employed a parent to furnish ~~any~~ cur-
16 rent employment information in the possession of the entity that
17 pertains to the parent and that is needed to establish, modify,
18 or enforce a support order. The entity's officers or employees
19 shall furnish the information within 15 days after the subpoena
20 is received by the entity. This subsection does not abrogate a
21 confidentiality privilege established by law.

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

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

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

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

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

23 (8) An employer, former employer, or other entity is not
24 liable under federal or state law to a person or governmental
25 entity for a disclosure of information to the office under this
26 section or for any other action taken by the employer, former

1 employer, or other entity in good faith to comply with the
2 requirements of this section.

3 Sec. 19. (1) The state ~~friend of the~~ court FAMILY SERV-
4 ICES OFFICE bureau is created within the state court administra-
5 tive office, under the supervision and direction of the supreme
6 court.

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

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

9 (a) Develop and recommend guidelines for conduct, opera-
10 tions, and procedures of the office and its employees, including,
11 but not limited to, the following:

12 (i) Case load and staffing standards for employees who per-
13 form domestic relations mediation functions, investigation and
14 recommendation functions, referee functions, enforcement func-
15 tions, and clerical functions.

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

17 (iii) Public educational programs regarding domestic rela-
18 tions law and community resources, including financial and other
19 counseling, and employment opportunities.

20 (iv) Procedural changes in response to the type of griev-
21 ances received by an office.

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

24 (vi) A formula to be used in establishing and modifying a
25 child support amount and health care obligation. The formula
26 shall be based upon the needs of the child and the actual
27 resources of each parent. The formula shall establish a minimum

1 threshold for modification of a child support amount. The
2 formula shall consider the child care and dependent health care
3 coverage costs of each parent. The formula shall include guide-
4 lines for setting and administratively adjusting the amount of
5 periodic payments for overdue support, including guidelines for
6 adjustment of arrearage payment schedules when the current sup-
7 port obligation for a child terminates and the payer owes overdue
8 support.

9 (b) Provide training programs for the ~~friend of the~~ court
10 FAMILY SERVICES ADMINISTRATOR, domestic relations mediators, and
11 employees of the office to better enable them to carry out the
12 duties described in this act and supreme court rules. The train-
13 ing programs shall include training in the dynamics of domestic
14 violence and in handling domestic relations matters that have a
15 history of domestic violence.

16 (c) Gather and monitor relevant statistics.

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

24 (i) An evaluative summary, supplemented by applicable quan-
25 titative data, of the activities and functioning of each citizen
26 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 the 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 domestic relations mediation training programs as provided in section 13.

(h) Establish a ~~9-person~~ 9-MEMBER state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, each of whom is a member of a citizen advisory committee:

(i) Three public members who have had contact with ~~an office of the friend of the~~ A court FAMILY SERVICES OFFICE.

(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.

1 (i) Cooperate with the office of child support in developing
2 and implementing a statewide information system as provided in
3 the office of child support act, 1971 PA 174, MCL 400.231 to
4 400.239.

5 (j) Develop and make available guidelines to assist the
6 ~~office of the friend of the~~ court FAMILY SERVICES OFFICE in
7 determining the appropriateness in individual cases of the
8 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~~
14 court FAMILY SERVICES OFFICE with all of the following:

15 (i) Form motions, responses, and orders for use by an indi-
16 vidual in requesting the court to modify his or her child sup-
17 port, custody, or parenting time order, or in responding to a
18 motion for modification without the assistance of legal counsel.

19 (ii) Instructions on preparing and filing the forms,
20 instructions on service of process, and instructions on schedul-
21 ing a support, custody, or parenting time modification hearing.

22 (l) Develop guidelines for, and encourage the use of, plain
23 language within the ~~office of the friend of the~~ court FAMILY
24 SERVICES OFFICE including, but not limited to, the use of plain
25 language in forms and instructions within the office and in
26 statements of account provided as required in section 9.

1 (4) The state advisory committee established under
2 subsection (3)(h) shall advise the bureau in the performance of
3 its duties under this section. The bureau shall make a state
4 advisory committee report or recommendation available to the
5 public. State advisory committee members shall be reimbursed for
6 their expenses for mileage, meals, and, if necessary, lodging,
7 under the schedule for reimbursement established annually by the
8 legislature. A state advisory committee meeting is open to the
9 public. A member of the public attending a state advisory com-
10 mittee meeting shall be given a reasonable opportunity to address
11 the committee on any issue under consideration by the committee.
12 If a vote is to be taken by the state advisory committee, the
13 opportunity to address the committee shall be given before the
14 vote is taken.

15 (5) The bureau may call upon each ~~office of the friend of~~
16 ~~the~~ court FAMILY SERVICES OFFICE for assistance in performing
17 the duties imposed in this section.

18 Sec. 20. If the ~~family independence agency~~ DEPARTMENT
19 requests information from ~~an office of the friend of the~~ A
20 court FAMILY SERVICES OFFICE, that office may provide the infor-
21 mation requested on a quarterly basis. Not less often than quar-
22 terly, the ~~family independence agency~~ DEPARTMENT shall publish
23 the information received under this section.

24 Sec. 22. If the ~~friend of the~~ court FAMILY SERVICES
25 ADMINISTRATOR serving a judicial circuit is not an attorney who
26 is a member of the state bar of Michigan and that office does not
27 employ such an attorney, the chief judge may appoint an attorney

1 who is a member of the state bar of Michigan to assist the
2 ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR when legal
3 assistance is necessary to carry out the duties imposed in this
4 act. An attorney appointed under this section to assist an
5 office shall be compensated in a reasonable amount, based upon
6 time and expenses, to be determined by the county board or boards
7 of commissioners of the judicial circuit served by that office.
8 ~~If the judicial circuit is one in which the employees serving in~~
9 ~~the circuit court are employees of the state judicial council,~~
10 ~~the compensation of an attorney appointed under this section~~
11 ~~shall be paid by the state and fixed by the state judicial coun-~~
12 ~~cil as provided in section 9104 of the revised judicature act of~~
13 ~~1961, Act No. 236 of the Public Acts of 1961, being section~~
14 ~~600.9104 of the Michigan Compiled Laws.~~

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

24 (2) If necessary, the chief judge may appoint an interim
25 ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR to serve for
26 not longer than 6 months until a ~~friend of the~~ court FAMILY

1 SERVICES ADMINISTRATOR is appointed and approved under subsection
2 (1).

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

7 (a) A human service or behavioral science field.

8 (b) Family law.

9 (c) Administration.

10 Sec. 24. (1) The chief judge annually shall review the per-
11 formance record of each ~~friend of the~~ court FAMILY SERVICES
12 ADMINISTRATOR serving that circuit to determine whether the
13 ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR is guilty of
14 misconduct, neglect of statutory duty, or failure to carry out
15 written orders of the court relative to a statutory duty; whether
16 the purposes of this act are being met; and whether the duties of
17 the ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR are being
18 carried out in a manner that reflects the needs of the community
19 being served. Public notice of the annual review shall be
20 given.

21 (2) Members of the public may submit written comments to the
22 chief judge or county board relating to the criteria in subsec-
23 tion (1). The citizen advisory committee may advise the court
24 and the county board regarding the criteria in subsection (1).
25 The court shall prepare a written evaluation, which shall include
26 a summary of any public comments received and of any citizen
27 advisory committee report or recommendation. The court and

1 county board may also, in a written response, address the
2 recommendation of the citizen's advisory committee concerning the
3 general operations of the citizen's advisory committee. The
4 ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR and the
5 bureau shall each receive a copy of the evaluation. The ~~friend~~
6 ~~of the~~ court FAMILY SERVICES ADMINISTRATOR shall have an oppor-
7 tunity to make a written response to the evaluation. A copy of
8 the response shall be included with the evaluation.

9 Sec. 25. The chief judge may remove the ~~friend of the~~
10 court FAMILY SERVICES ADMINISTRATOR. A removal under this sec-
11 tion is not effective until approved by a majority of the cir-
12 cuit, probate, and district court judges serving in all districts
13 that have an area in common with the geographic area served by
14 that ~~friend of the~~ court FAMILY SERVICES ADMINISTRATOR.

15 Sec. 26. (1) A party to a ~~domestic relations matter~~ COURT
16 FAMILY SERVICES CASE who has a grievance concerning office opera-
17 tions or employees shall utilize the following grievance
18 procedure:

19 (a) File the grievance, in writing, with the appropriate
20 ~~friend of the~~ court FAMILY SERVICES office. The office shall
21 cause the grievance to be investigated and decided as soon as
22 practicable. Within 30 days after a grievance is filed, the
23 office shall respond to the grievance or issue a statement to the
24 party filing the grievance stating the reason a response is not
25 possible within that time.

26 (b) A party who is not satisfied with the decision of the
27 office under subdivision (a) may file a further grievance, in

1 writing, with the chief judge. The chief judge shall cause the
2 grievance to be investigated and decided as soon as practicable.
3 Within 30 days after a grievance is filed, the court shall
4 respond to the grievance or issue a statement to the party filing
5 the grievance stating the reason a response is not possible
6 within that time.

7 (2) Each office shall maintain a record of grievances
8 received and a record of whether the grievance is decided or
9 outstanding. The record shall be transmitted not less than bian-
10 nually to the bureau. Each office shall provide public access to
11 the report of grievances prepared by the bureau under section
12 19.

13 (3) In addition to the grievance procedure provided in sub-
14 section (1), a party to a ~~domestic relations matter~~ COURT
15 FAMILY SERVICES CASE who has a grievance concerning office opera-
16 tions may file, at any time during the proceedings, the grievance
17 in writing with the appropriate citizen advisory committee. In
18 its discretion, the citizen advisory committee shall conduct a
19 review or investigation of, or hold a formal or informal hearing
20 on, a grievance submitted to the committee. The citizen advisory
21 committee may delegate its responsibility under this subsection
22 to subcommittees appointed as provided in section 4a.

23 (4) In addition to action taken under subsection (3), the
24 citizen advisory committee shall establish a procedure for ran-
25 domly selecting grievances submitted directly to the ~~office of~~
26 ~~the friend of the~~ court FAMILY SERVICES OFFICE. The citizen
27 advisory committee shall review the response of the office to

1 these grievances and report its findings to the court and the
2 county board, either immediately or in the committee's annual
3 report.

4 (5) The citizen advisory committee shall examine the griev-
5 ances filed with the ~~friend of the~~ court FAMILY SERVICES
6 ADMINISTRATOR under this section and shall review or investigate
7 each grievance that alleges that a decision was made based on
8 gender rather than the CHILD'S best interests. ~~of the child.~~

9 (6) If a citizen advisory committee reviews or investigates
10 a grievance, the committee shall respond to the grievance as soon
11 as practicable.

12 (7) A grievance filed under subsection (3) is limited to
13 office operations, and the citizen advisory committee shall
14 inform an individual who files with the committee a grievance
15 that concerns an office employee or a court or office decision or
16 recommendation regarding a specific case that such a matter is
17 not a proper subject for a grievance.

18 Sec. 27. ~~(1) Except as provided in subsections (2) and~~
19 ~~(3), the~~ THE compensation and expenses of the ~~friend of the~~
20 court FAMILY SERVICES ADMINISTRATOR for each judicial circuit and
21 of the employees of the office and all operating expenses
22 incurred by the office shall be fixed by the chief judge as pro-
23 vided in section 591 of the revised judicature act of 1961, ~~Act~~
24 ~~No. 236 of the Public Acts of 1961, being section 600.591 of the~~
25 ~~Michigan Compiled Laws~~ 1961 PA 236, MCL 600.591. The compensa-
26 tion and expenses shall be paid by the county treasurer from the
27 general fund, and the ~~friend of the~~ court FAMILY SERVICES

1 OFFICE fund created under section 2530 of the revised judicature
2 act of 1961, ~~Act No. 236 of the Public Acts of 1961, being sec-~~
3 ~~tion 600.2530 of the Michigan Compiled Laws~~ 1961 PA 236, MCL
4 600.2530, of the county or counties served.

5 ~~(2) In the third judicial circuit the compensation of the~~
6 ~~friend of the court and the employees of the state judicial coun-~~
7 ~~cil serving in the third judicial circuit and supervised by the~~
8 ~~friend of the court shall be paid by the state and shall be fixed~~
9 ~~as provided in sections 592 and 9104 of the revised judicature~~
10 ~~act of 1961, Act No. 236 of the Public Acts of 1961, being sec-~~
11 ~~tions 600.592 and 600.9104 of the Michigan Compiled Laws.~~

12 ~~Pursuant to section 595(1) of Act No. 236 of the Public Acts of~~
13 ~~1961, being section 600.595 of the Michigan Compiled Laws, the~~
14 ~~state shall maintain and operate the office of the friend of the~~
15 ~~court as the successor to the friend of the court appointed under~~
16 ~~former Act No. 412 of the Public Acts of 1919.~~

17 ~~(3) In any other judicial circuit in which employees serving~~
18 ~~in the circuit court are employees of the state judicial council,~~
19 ~~the compensation of the friend of the court and the employees of~~
20 ~~the state judicial council serving in that judicial circuit and~~
21 ~~supervised by the friend of the court shall be paid by the state~~
22 ~~and shall be fixed as provided in section 9104 of the revised~~
23 ~~judicature act of 1961, Act No. 236 of the Public Acts of 1961.~~

24 Sec. 28. Each ~~office of the friend of the~~ court FAMILY
25 SERVICES OFFICE shall compile data on the number and type of com-
26 plaints regarding support and parenting time. The data shall
27 include, but need not be limited to, the number of cases in which

1 a party fails to appear at a show cause hearing and the number of
2 cases in which a bench warrant is issued for failure to appear.
3 The data compiled under this section shall be transmitted at
4 least annually in a report to the office of the state court
5 administrator. The following specific information shall also be
6 compiled:

7 (a) The number of state or federal income tax intercepts
8 subsequently found to be based on inaccurate information or
9 employee error.

10 (b) The number of support orders modified due to inaccurate
11 information or employee error.

12 (c) The number of grievances filed in a calendar year, the
13 nature of each grievance, the judicial response to each griev-
14 ance, and any sanction imposed as a result of each grievance.

15 (d) The number of custody recommendations recommending phys-
16 ical custody to the mother, the father, or a third party.

17 (e) The number of makeup parenting time petitions filed, the
18 number of hearings held on makeup parenting time petitions, the
19 number of instances makeup parenting time is ordered, and the
20 amount of makeup parenting time that is ordered.

21 (f) The number of reviews completed in a calendar year.

22 Enacting section 1. Sections 17a and 21 of the friend of
23 the court act, 1982 PA 294, MCL 552.517a and 552.521, are
24 repealed.