

HOUSE BILL No. 6317

September 17, 2002, Introduced by Rep. Wojno 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, 9a, 11, 12, 13, 17, 17d, 17e, 18, 19, 20, 21, 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, 552.509a, 552.511, 552.512, 552.513, 552.517, 552.517d, 552.517e, 552.518, 552.519, 552.520, 552.521, 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, section 2a 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 1998 PA 551, section 11 as amended by 1996 PA 266,

section 12 as amended by 1996 PA 276, section 17 as amended by 1994 PA 37, and section 19 as amended by 2001 PA 193.

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~~ CHILD; to provide for the appointment or
4 removal of the friend of the ~~court~~ CHILD; to create the office
5 of the friend of the ~~court~~ CHILD; to establish the rights,
6 powers, and duties of the friend of the ~~court~~ CHILD and the
7 office of the friend of the ~~court~~ CHILD; to establish a state
8 friend of the ~~court~~ CHILD bureau and to provide the powers and
9 duties of the bureau; to prescribe powers and duties of the cir-
10 cuit court and of certain state and local agencies and officers;
11 to establish friend of the ~~court~~ CHILD citizen advisory commit-
12 tees; to prescribe certain duties of certain employers and former
13 employers; and to repeal acts and parts of acts.

14 Sec. 1. (1) This act shall be known and may be cited as the
15 "friend of the ~~court~~ CHILD act".

16 (2) The purposes of this act are to enumerate and describe
17 the powers and duties of the friend of the ~~court~~ CHILD and the
18 office of the friend of the ~~court~~ CHILD; to ensure that proce-
19 dures adopted by the friend of the ~~court~~ CHILD will protect the
20 best interests of children in domestic relations matters; to
21 encourage and assist parties voluntarily to resolve contested
22 domestic relations matters by agreement; to compel the enforce-
23 ment of parenting time and custody orders; and to compel the
24 enforcement of support orders, ensuring that persons legally

1 responsible for the care and support of children assume their
2 legal obligations and reducing the financial cost to this state
3 of providing public assistance ~~funds~~ MONEY for the care of
4 children. This act shall be construed to promote the enumerated
5 purposes and to facilitate the resolution of domestic relations
6 matters.

7 Sec. 2. As used in this act:

8 (a) "Bureau" means the state friend of the ~~court~~ CHILD
9 bureau created in section 19.

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

11 (i) The circuit judge in a judicial circuit having only 1
12 circuit judge.

13 (ii) Except in the county of Wayne, the chief judge of the
14 circuit court in a judicial circuit having 2 or more circuit
15 judges.

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

18 (c) "Citizen advisory committee" means a citizen friend of
19 the ~~court~~ CHILD advisory committee established as provided in
20 section 4.

21 (d) "Consumer reporting agency" means a person that, for
22 monetary fees or dues, or on a cooperative nonprofit basis, regu-
23 larly engages in whole or in part in the practice of assembling
24 or evaluating consumer credit information or other information on
25 consumers for the purpose of furnishing consumer reports to third
26 parties, and that uses any means or facility of interstate
27 commerce for the purpose of preparing or furnishing consumer

1 reports. As used in this subdivision, "consumer report" means
2 that term as defined in section 603 of the fair credit reporting
3 act, title VI of the consumer credit protection act, Public Law
4 90-321, 15 U.S.C. 1681a.

5 (e) "County board" means the county board of commissioners
6 in the county served by the office. If a judicial circuit
7 includes more than 1 county, action required to be taken by the
8 county board means action by the county boards of commissioners
9 for all counties composing that circuit.

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

11 (g) "Current employment" means employment within 1 year
12 before a friend of the ~~court~~ CHILD request for information.

13 (H) "DEPARTMENT" MEANS THE FAMILY INDEPENDENCE AGENCY.

14 (I) ~~(h)~~ "Domestic relations matter" means a circuit court
15 proceeding as to child custody or parenting time, or child or
16 spousal support, that arises out of litigation under a statute of
17 this state, including but not limited to the following:

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

19 (ii) The family support act, 1966 PA 138, MCL 552.451 to
20 552.459.

21 (iii) ~~The child~~ CHILD custody act of 1970, 1970 PA 91, MCL
22 722.21 to ~~722.30~~ 722.31.

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

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

25 (vi) Revised uniform reciprocal enforcement of support act,
26 1952 PA 8, MCL 780.151 to 780.183.

1 (vii) ~~The uniform~~ UNIFORM interstate family support act,
2 1996 PA 310, MCL 552.1101 to 552.1901.

3 (J) ~~(i)~~ "Domestic relations mediation" means a process by
4 which the parties are assisted by a domestic relations mediator
5 in voluntarily formulating an agreement to resolve a dispute con-
6 cerning child custody or parenting time that arises from a domes-
7 tic relations matter.

8 (K) ~~(j)~~ "Friend of the ~~court~~ CHILD" means the person
9 serving under section 21(1) or appointed under section 23 as the
10 head of the office of the friend of the ~~court~~ CHILD.

11 (l) ~~(k)~~ "Income" means that term as defined in section 2
12 of the support and parenting time enforcement act, 1982 PA 295,
13 MCL 552.602.

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

15 (a) "Medical assistance" means medical assistance as estab-
16 lished under title XIX of the social security act, chapter 531,
17 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and
18 1396r-8 to 1396v.

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

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

23 (d) "Public assistance" means cash assistance provided under
24 the social welfare act, 1939 PA 280, 400.1 to 400.119b.

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

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

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

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

6 (f) "State advisory committee" means the committee estab-
7 lished by the bureau under section 19.

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

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

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

17 (ii) The payment of money ordered by the circuit court under
18 the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the
19 necessary expenses incurred by or for the mother in connection
20 with her confinement, for other expenses in connection with the
21 pregnancy of the mother, or for the repayment of genetic testing
22 expenses.

23 (iii) A surcharge accumulated under section 3a of the sup-
24 port and parenting time enforcement act, MCL 552.603a.

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

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

4 Sec. 3. (1) There is created in each judicial circuit of
5 this state an office of the friend of the ~~court~~ CHILD, except
6 as provided in subsection (2).

7 (2) If each county in a multicounty judicial circuit has a
8 separate office of the friend of the ~~court on the day before the~~
9 ~~effective date of this act~~ CHILD ON JUNE 30, 1983, each county
10 in that circuit shall have a separate office of the friend of the
11 ~~court on the effective date of this act~~ CHILD ON JULY 1, 1983.
12 If a vacancy occurs in the position of the friend of the ~~court~~
13 CHILD in such a county, the chief judge may merge the office of
14 the friend of the ~~court~~ CHILD in that county with the office of
15 the friend of the ~~court~~ CHILD in another county of the judicial
16 circuit.

17 (3) The head of each office is the friend of the ~~court~~
18 CHILD serving under section 21(1) or appointed pursuant to sec-
19 tion 23.

20 (4) ~~Except as provided in this subsection, the~~ THE friend
21 of the ~~court~~ CHILD is an employee of the circuit court in the
22 judicial circuit served by the friend of the ~~court~~ CHILD. ~~The~~
23 ~~friend of the court for the third judicial circuit, and for any~~
24 ~~other judicial circuit in which the employees serving in the~~
25 ~~court are paid by the state, is an employee of the state judicial~~
26 ~~council.~~

1 (5) The duties of the office shall be performed under the
2 direction and supervision of the chief judge.

3 (6) Each friend of the ~~court~~ CHILD shall take all neces-
4 sary steps to adopt office procedures to implement this act,
5 supreme court rules, and the recommendations of the bureau.
6 Office of the friend of the ~~court~~ CHILD duties shall be per-
7 formed in accordance with the Elliott-Larsen civil rights act,
8 ~~Act No. 453 of the Public Acts of 1976, being sections 37.2101~~
9 ~~to 37.2804 of the Michigan Compiled Laws~~ 1976 PA 453, MCL
10 37.2101 TO 37.2804.

11 (7) An office of the friend of the ~~court~~ CHILD must be
12 open to the public making available all of the office's services
13 not less than 20 hours each month during nontraditional office
14 hours. This subsection shall not be construed to require an
15 office of the friend of the ~~court~~ CHILD to be open for a
16 greater number of hours than before ~~the effective date of the~~
17 ~~requirement under this subsection~~ JANUARY 1, 1997.

18 Sec. 4. (1) A citizen friend of the ~~court~~ CHILD advisory
19 committee is established in each county and is composed of the
20 following members, each of whom is a resident of the county:

21 (a) An advocate for children.

22 (b) A representative of noncustodial parents.

23 (c) A representative of custodial parents.

24 (d) An attorney who engages primarily in family law
25 practice.

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

1 (f) The prosecuting attorney or the prosecuting attorney's
2 designee.

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

5 (h) A mental health professional who provides family
6 counseling.

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

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

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

26 (4) Except for the initial members, a citizen advisory
27 committee member shall serve a renewable 3-year term. Of the

1 initial members, 3 shall serve 3-year terms, 2 shall serve 2-year
2 terms, and 2 shall serve 1-year terms. The county board may
3 remove a citizen advisory committee member for cause.

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

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

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

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

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

21 (b) Review and investigate grievances concerning the friend
22 of the ~~court~~ CHILD as provided in section 26.

23 (c) Advise the court and the county board on the office of
24 the friend of the ~~court's~~ CHILD'S and the friend of the
25 ~~court's~~ CHILD'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~~ CHILD office, including budget and
11 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~~ CHILD has the
13 following duties:

14 (a) To provide an informational pamphlet, in accordance with
15 the model pamphlet developed by the bureau, to each party to a
16 domestic relations matter. The informational pamphlet shall
17 explain the procedures of the court and the office; the duties of
18 the office; the rights and responsibilities of the parties,
19 including notification that each party to the dispute has the
20 right to meet with the individual investigating the dispute
21 before that individual makes a recommendation regarding the dis-
22 pute; the availability of and procedures used in domestic rela-
23 tions mediation; the availability of human services in the commu-
24 nity; the availability of joint custody as described in section
25 6a of the child custody act of 1970, ~~Act No. 91 of the Public~~
26 ~~Acts of 1970, being section 722.26a of the Michigan Compiled~~
27 ~~Laws~~ 1970 PA 91, MCL 722.26A; and how to file a grievance

1 regarding the office. The informational pamphlet shall be
2 provided as soon as possible after the filing of a complaint or
3 other initiating pleading. Upon request, a party shall receive
4 an oral explanation of the informational pamphlet from the
5 office.

6 (b) To inform the parties of the availability of domestic
7 relations mediation if there is a dispute as to child custody or
8 parenting time.

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

13 (d) To investigate all relevant facts, and to make a written
14 report and recommendation to the parties and to the court regard-
15 ing child custody or parenting time, or both, if there is a dis-
16 pute as to child custody or parenting time, or both, and domestic
17 relations mediation is refused by either party or is unsuccess-
18 ful, or if ordered to do so by the court. The investigation may
19 include reports and evaluations by outside persons or agencies if
20 requested by the parties or the court, and shall include documen-
21 tation of alleged facts, if practicable. If requested by a
22 party, an investigation shall include a meeting with the party.
23 A written report and recommendation regarding child custody or
24 parenting time, or both, shall be based upon the factors enumer-
25 ated in ~~Act No. 91 of the Public Acts of 1970, being sections~~
26 ~~722.21 to 722.29 of the Michigan Compiled Laws~~ THE CHILD CUSTODY
27 ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31.

1 (e) To investigate all relevant facts and to make a written
2 report and recommendation to the parties and their attorneys and
3 to the court regarding child support, if ordered to do so by the
4 court. The written report and recommendation shall be placed in
5 the court file. The investigation may include reports and evalu-
6 ations by outside persons or agencies if requested by the parties
7 or the court, and shall include documentation of alleged facts,
8 if practicable. If requested by a party, an investigation shall
9 include a meeting with the party. The child support formula
10 developed by the bureau under section 19 shall be used as a
11 guideline in recommending child support. The written report
12 shall include the support amount determined by application of the
13 child support formula and all factual assumptions upon which that
14 support amount is based. If the office of the friend of the
15 ~~court~~ CHILD determines from the facts of the case that applica-
16 tion of the child support formula would be unjust or inappropri-
17 ate, the written report shall also include all of the following:

18 (i) An alternative support recommendation.
19 (ii) All factual assumptions upon which the alternative sup-
20 port recommendation is based, if applicable.
21 (iii) How the alternative support recommendation deviates
22 from the child support formula.
23 (iv) The reasons for the alternative support
24 recommendation.

25 (2) If a party who requests a meeting during an investiga-
26 tion fails to attend the scheduled meeting without good cause,

1 the investigation may be completed without a meeting with that
2 party.

3 Sec. 7. (1) The chief judge may designate as referee the
4 friend of the ~~court~~ CHILD; an employee of the office who is a
5 member of the state bar of Michigan; or, under section 22, a
6 member of the state bar of Michigan.

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

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

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

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

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

21 (e) Accept a voluntary acknowledgment of support liability,
22 and review and make a recommendation to the court concerning a
23 stipulated agreement to pay support.

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

26 (3) If ordered by the court, or if stipulated by the
27 parties, a referee shall make a transcript, verified by oath, of

1 each hearing held. The cost of preparing a transcript shall be
2 apportioned equally between the parties, unless otherwise ordered
3 by the court.

4 (4) A copy of each report, recommendation, transcript, and
5 any supporting documents or a summary of supporting documents
6 prepared or used by the friend of the ~~court~~ CHILD or an
7 employee of the office shall be made available to the attorney
8 for each party and to each of the parties before the court takes
9 any action on a recommendation made under this section or section
10 5. In a child custody dispute, the parties shall be informed of
11 whether a custody preference expressed by the child was consid-
12 ered, evaluated, and determined by the court, but the parties
13 shall not be informed of the preference expressed by the child
14 under section 3 of the child custody act of 1970, ~~Act No. 91 of~~
15 ~~the Public Acts of 1970, being section 722.23 of the Michigan~~
16 ~~Compiled Laws~~ 1970 PA 91, MCL 722.23. If a guardian is
17 appointed for a child, the guardian shall be informed whether a
18 custody preference expressed by the child was considered, evalu-
19 ated, and determined by the court, and, if so, the preference
20 expressed. The manner and time within which this material is
21 made available shall be determined by supreme court rule.

22 (5) The court shall hold a de novo hearing on any matter
23 that has been the subject of a referee hearing, upon the written
24 request of either party or upon motion of the court. The request
25 of a party shall be made within 21 days after the recommendation
26 of the referee is made available to that party under subsection
27 (4), except that a request for a de novo hearing concerning an

1 order of income withholding shall be made within 14 days after
2 the recommendation of the referee is made available to the party
3 under subsection (4).

4 Sec. 9a. The department, the SDU, and each office of the
5 friend of the ~~court~~ CHILD shall cooperate in the transition to
6 the centralized receipt and disbursement of support and fees. An
7 office of the friend of the ~~court~~ CHILD shall continue to
8 receive and disburse support and fees through the transition,
9 based on the schedule developed as required by section ~~6~~ 7 of
10 the office of child support act, 1971 PA 174, MCL ~~400.236~~
11 400.237, and modifications to that schedule as the department
12 considers necessary.

13 Sec. 11. (1) Each office shall initiate enforcement under
14 the support and parenting time enforcement act when either of the
15 following applies:

16 (a) A fixed amount of arrearage is reached, except as other-
17 wise provided in section 4 of the support and parenting time
18 enforcement act, ~~being section 552.604 of the Michigan Compiled~~
19 ~~Laws~~ MCL 552.604. The amount of arrearage so fixed shall be an
20 amount equal to the amount of support payable for 1 month under
21 the payer's support order. The office shall not initiate
22 enforcement under this subdivision if the support order was
23 entered ex parte and the office has not received a copy of proof
24 of service of the order.

25 (b) A parent fails to obtain or maintain health care cover-
26 age for the parent's child as ordered by the court. The office

1 shall initiate enforcement under this subdivision at the
2 following times:

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

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

6 (iii) Concurrent with enforcement initiated by the office
7 under subdivision (a).

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

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

13 (2) For a custody or parenting time order, the office may
14 initiate enforcement proceedings under subsection (3) upon its
15 own initiative and shall initiate enforcement proceedings upon
16 receipt of a written complaint stating the specific facts alleged
17 to constitute a violation, if the office determines that there is
18 reason to believe a violation of a custody or parenting time
19 order has occurred. Upon request, the office of the friend of
20 the ~~court~~ CHILD shall assist a person in preparing a complaint
21 under this subsection.

22 (3) The office shall send, by ordinary mail, a notice to an
23 alleged violator of a custody or parenting time order, informing
24 the alleged violator of the nature of the alleged violation, the
25 proposed action under this or other applicable act, the avail-
26 ability of domestic relations mediation, and the right to
27 petition for modification of the parenting time order. The

1 notice shall contain the following statement in boldfaced type of
2 not less than 12 points:

3

4 "FAILURE TO RESPOND TO THE FRIEND OF THE ~~COURT~~ CHILD
5 OFFICE WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK
6 OUT A SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF
7 COURT PROCEEDINGS BEING BROUGHT AGAINST YOU.".

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

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

13 (a) Schedule a joint meeting with the parties to discuss the
14 allegations of failure to comply with a custody or parenting time
15 order, and attempt to resolve the differences between the
16 parties.

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

20 (c) If appropriate, proceed under section 41 of the support
21 and parenting time enforcement act, ~~being section 552.641 of the~~
22 ~~Michigan Compiled Laws~~ MCL 552.641, or other applicable act.

23 Sec. 12. (1) Except as otherwise provided in this section,
24 in a format acceptable to the friend of the ~~court, the family~~
25 ~~independence agency~~ CHILD, THE DEPARTMENT, and the consumer
26 reporting agency, the office of the friend of the ~~court~~ CHILD
27 shall report to a consumer reporting agency the arrearage amount

1 for each payer with an arrearage of support of 2 or more months.
2 On a monthly basis and in a format acceptable to the friend of
3 the ~~court, the family independence agency~~ CHILD, THE
4 DEPARTMENT, and the consumer reporting agency, the office of the
5 friend of the ~~court~~ CHILD may make support information avail-
6 able to the consumer reporting agency concerning any other payer
7 who requests that report. The office shall not make information
8 available under this subsection to a consumer reporting agency if
9 the office determines that the agency does not have sufficient
10 capability to systematically and timely make accurate use of the
11 information and if the agency does not furnish evidence satisfac-
12 tory to the office that the agency is a consumer reporting
13 agency.

14 (2) Before making the initial support information available
15 under subsection (1), the office of the friend of the ~~court~~
16 CHILD shall provide the payer with notice of all of the
17 following:

18 (a) The proposed action.

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

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

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

26 (3) The office of the friend of the ~~court~~ CHILD shall
27 provide to a payer a review to enable a payer to object to the

1 reporting of the support information, including an arrearage, on
2 the grounds of a mistake of fact concerning the amount of the
3 arrearage or the identity of the payer. If a payer requests a
4 review within the time specified in the notice given under sub-
5 section (2), the office shall not report the support information
6 as required or permitted by this section until after 1 of the
7 following occurs:

8 (a) The payer fails to produce evidence that the support
9 information is incorrect and the time scheduled for the review
10 has passed.

11 (b) After conducting the review, the office determines the
12 correct support information.

13 (4) The office of the friend of the ~~court~~ CHILD shall not
14 make support information, including an arrearage, available under
15 subsection (1) if 21 days have not expired after the date the
16 notice was sent under subsection (2). The office of the friend
17 of the ~~court~~ CHILD shall not report an arrearage amount as
18 required under subsection (1) if the payer pays the entire
19 arrearage within 21 days after the date the notice was sent under
20 subsection (2).

21 (5) Within 14 days after the office of the friend of the
22 ~~court~~ CHILD knows that incorrect information has been made
23 available to a consumer reporting agency, the office shall con-
24 tact the consumer reporting agency and correct the information.

25 (6) The state court administrative office is responsible for
26 determining what support information should be provided to a
27 consumer reporting agency and establishing the policies and

1 procedures for making support information available to a consumer
2 reporting agency under this section.

3 (7) Upon request of a consumer reporting agency or the
4 payer, the office of the friend of the ~~court~~ CHILD shall make
5 available to the consumer reporting agency current support infor-
6 mation of an individual payer.

7 Sec. 13. (1) The office shall provide, either directly or
8 by contract, domestic relations mediation to assist the parties
9 in settling voluntarily a dispute concerning child custody or
10 parenting time that arises from a domestic relations matter.
11 Parties shall not be required to meet with a domestic relations
12 mediator. The service may be provided directly by the office
13 only if such a service is in place on July 1, 1983, if the serv-
14 ice is not available from a private source, or if the court can
15 demonstrate that providing the service within the friend of the
16 ~~court~~ CHILD office is cost beneficial. Any expansion of exist-
17 ing services provided by the court on July 1, 1983 shall be pro-
18 vided by an individual meeting the domestic relations mediator
19 minimum qualifications listed under subsection (4).

20 (2) If an agreement is reached by the parties through domes-
21 tic relations mediation, a consent order incorporating the agree-
22 ment shall be prepared by the friend of the ~~court~~ CHILD; an
23 employee of the office who is a member of the state bar of
24 Michigan; under section 22, a member of the state bar of
25 Michigan; or by the attorney for 1 of the parties. The consent
26 order 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 and a party to a domestic
3 relations mediation is confidential. The secrecy of the communi-
4 cation shall be preserved inviolate as a privileged
5 communication. The communication shall not be admitted in evi-
6 dence in any proceedings. The same protection shall be given to
7 communications between the parties in the presence of the
8 mediator.

9 (4) A domestic relations mediator who performs mediation
10 under this act shall have all of the following minimum
11 qualifications:

12 (a) One or more of the following:

13 (i) A license or a limited license to engage in the practice
14 of psychology under parts 161 and 182 of the public health code,
15 ~~Act No. 368 of the Public Acts of 1978, being sections 333.16101~~
16 ~~to 333.16349 and 333.18201 to 333.18237 of the Michigan Compiled~~
17 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.16349 AND 333.18201 TO
18 333.18237, or a master's degree in counseling, social work, or
19 marriage and family counseling; and successful completion of the
20 training program provided by the bureau under section 19(3)(b).

21 (ii) Not less than 5 years of experience in family counsel-
22 ing, preferably in a setting related to the areas of responsibil-
23 ity of the friend of the ~~court~~ CHILD and preferably to reflect
24 the ethnic population to be served, and successful completion of
25 the training program provided by the bureau under section
26 19(3)(b).

1 (iii) A graduate degree in a behavioral science and
2 successful completion of a domestic relations mediation training
3 program certified by the bureau with not less than 40 hours of
4 classroom instruction and 250 hours of practical experience work-
5 ing under the direction of a person who has successfully com-
6 pleted a program certified by the bureau.

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

10 (b) Knowledge of the court system of this state and the pro-
11 cedures used in domestic relations matters.

12 (c) Knowledge of other resources in the community to which
13 the parties to a domestic relations matter can be referred for
14 assistance.

15 (d) Knowledge of child development, clinical issues relating
16 to children, the effects of divorce on children, and child cus-
17 tody research.

18 Sec. 17. (1) After a final judgment containing a child sup-
19 port order has been entered in a domestic relations matter, the
20 office shall periodically review the order, as follows:

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

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

1 (ii) Neither party has requested a review.

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

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

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

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

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

1 (e) If requested by the initiating state for a recipient of
2 services in that state under Part D of title IV of the social
3 security act, ~~42 U.S.C. 651 to 669~~ CHAPTER 531, 49 STAT. 620,
4 42 U.S.C. 651 TO 655, 656 TO 657, 658a TO 660, AND 663 TO 669b,
5 not less than once each 24 months. Within 15 days after receipt
6 of a review request, the office shall determine whether an order
7 is due for review.

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

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

19 (a) The support amount, based on actual income earned by the
20 parties, determined by application of the child support formula
21 and all factual assumptions upon which that support amount is
22 based.

23 (b) An alternative support recommendation and all factual
24 assumptions upon which the alternative support recommendation is
25 based.

26 (c) How the alternative support recommendation deviates from
27 the child support formula.

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

2 (e) All evidence known to the friend of the ~~court~~ CHILD
3 that the individual is or is not able to earn the income imputed
4 to him or her.

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

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

11 (b) The court previously determined that application of the
12 formula was unjust or inappropriate and the office determines
13 under subsection (3) that the facts of the case and the reasons
14 and amount of the prior deviation remain unchanged.

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

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

25 (7) If a support order lacks provisions for health care cov-
26 erage, the office shall petition the court for a modification to
27 require that 1 or both parents obtain or maintain health care

1 coverage for the benefit of each child who is subject to the
2 support order if either of the following is true:

3 (a) Either parent has health care coverage available, as a
4 benefit of employment, for the benefit of the child at a reason-
5 able cost.

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

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

12 Sec. 17d. (1) After a final judgment containing a parenting
13 time order has been entered in a domestic relations matter, if
14 there is a dispute as to parenting time that is not resolved vol-
15 untarily by the parties through a meeting with the office of the
16 friend of the ~~court~~ CHILD under section 11 or through domestic
17 relations mediation under section 13, the office may petition the
18 court for a modification of the parenting time order. A written
19 report and recommendation shall accompany the petition.

20 (2) Before a court hearing on a proposed modification of a
21 parenting time order, the office shall notify both parties of the
22 proposed modification and afford the parties an opportunity for
23 review and comment.

24 Sec. 17e. The office shall utilize guidelines provided in
25 the child support formula developed by the state friend of the
26 ~~court~~ CHILD bureau under section 19 to administratively adjust
27 arrearage payment schedules. In making an administrative

1 adjustment as authorized by this subsection, the office shall
2 follow procedures to afford the payer due process including at
3 least notice, an opportunity for an administrative hearing, and
4 an opportunity for an appeal on the record to an independent
5 administrative or judicial tribunal.

6 Sec. 18. (1) Subject to subsections (3) and (4), upon the
7 request of the office of the friend of the ~~court, any~~ CHILD, AN
8 employer or former employer of a parent ~~as defined in section 1~~
9 ~~of the office of child support act, 1971 PA 174, MCL 400.231,~~
10 who is or was employed by the employer as an employee or indepen-
11 dent contractor shall provide all of the following information
12 relative to the parent:

13 (a) Full name and address.

14 (b) Social security number. The requirement of this subdi-
15 vision to provide a social security number with the information
16 does not apply if the parent is exempt under federal law from
17 obtaining a social security number or is exempt under federal or
18 state law from disclosure of his or her social security number
19 under these circumstances. The friend of the ~~court~~ CHILD shall
20 inform the parent of this possible exemption.

21 (c) Date of birth.

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

25 (e) The following information concerning the person's cur-
26 rent and former employment status: whether or not the custodial
27 parent or absent parent is currently employed, laid off, on sick,

1 disability, or other leave of absence, or retired, and amount of
2 income due from an employment related benefit plan, if any.

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

5 (2) The friend of the ~~court~~ CHILD or his or her designee
6 may issue an administrative subpoena to require ~~any~~ A public or
7 private entity doing business in the state that employs or has
8 employed a parent to furnish ~~any~~ current employment information
9 in the possession of the entity that pertains to the parent and
10 that is needed to establish, modify, or enforce a support order.
11 The entity's officers or employees shall furnish the information
12 within 15 days after the subpoena is received by the entity.
13 This subsection does not abrogate a confidentiality privilege
14 established by law.

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

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

24 (5) This section does not require the creation or mainte-
25 nance of records not otherwise required to be created or main-
26 tained, or require an employer or former employer to discover

1 information not contained in records of, or otherwise known to,
2 the employer or former employer.

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

6 (7) In the case of disobedience of a request or subpoena for
7 information under this section, the friend of the ~~court~~ CHILD
8 or his or her designee may petition the circuit court in the
9 county in which the inquiry is being made to require the produc-
10 tion of books, papers, and documents. In the case of refusal to
11 obey a subpoena or request for information under this section, a
12 circuit court may issue an order requiring the person or other
13 entity to appear and to produce books, records, and papers if so
14 ordered. Failure to obey the order of the court may be punished
15 by the court as a contempt.

16 (8) An employer, former employer, or other entity is not
17 liable under federal or state law to a person or governmental
18 entity for a disclosure of information to the office under this
19 section or for any other action taken by the employer, former
20 employer, or other entity in good faith to comply with the
21 requirements of this section.

22 Sec. 19. (1) The state friend of the ~~court~~ CHILD bureau
23 is created within the state court administrative office, under
24 the supervision and direction of the supreme court.

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

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

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

4 (i) Case load and staffing standards for employees who per-
5 form domestic relations mediation functions, investigation and
6 recommendation functions, referee functions, enforcement func-
7 tions, and clerical functions.

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

9 (iii) Public educational programs regarding domestic rela-
10 tions law and community resources, including financial and other
11 counseling, and employment opportunities.

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

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

16 (vi) A formula to be used in establishing and modifying a
17 child support amount and health care obligation. The formula
18 shall be based upon the needs of the child and the actual
19 resources of each parent. The formula shall establish a minimum
20 threshold for modification of a child support amount. The for-
21 mula shall consider the child care and dependent health care cov-
22 erage costs of each parent. The formula shall include guidelines
23 for setting and administratively adjusting the amount of periodic
24 payments for overdue support, including guidelines for adjustment
25 of arrearage payment schedules when the current support obliga-
26 tion for a child terminates and the payer owes overdue support.

1 (b) Provide training programs for the friend of the ~~court~~
2 CHILD, domestic relations mediators, and employees of the office
3 to better enable them to carry out the duties described in this
4 act and supreme court rules. The training programs shall include
5 training in the dynamics of domestic violence and in handling
6 domestic relations matters that have a history of domestic
7 violence.

8 (c) Gather and monitor relevant statistics.

9 (d) Annually issue a report containing a detailed summary of
10 the types of grievances received by each office, and whether the
11 grievances are resolved or outstanding. The report shall be
12 transmitted to the legislature and to each office and shall be
13 made available to the public. The annual report required by this
14 subdivision shall include, but is not limited to, all of the
15 following:

16 (i) An evaluative summary, supplemented by applicable quan-
17 titative data, of the activities and functioning of each citizen
18 advisory committee during the preceding year.

19 (ii) An evaluative summary, supplemented by applicable quan-
20 titative data, of the activities and functioning of the aggregate
21 of all citizen advisory committees in the state during the pre-
22 ceding year.

23 (iii) An identification of problems that impede the effi-
24 ciency of the activities and functioning of the citizen advisory
25 committees and the satisfaction of the users of the committees'
26 services.

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

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

7 (g) Certify domestic relations mediation training programs
8 as provided in section 13.

9 (h) Establish a 9-person state advisory committee, serving
10 without compensation except as provided in subsection (4), com-
11 posed of the following members, each of whom is a member of a
12 citizen advisory committee:

13 (i) Three public members who have had contact with an office
14 of the friend of the ~~court~~ CHILD.

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

18 (iii) Three human service professionals who provide family
19 counseling.

20 (i) Cooperate with the office of child support in developing
21 and implementing a statewide information system as provided in
22 the office of child support act, 1971 PA 174, MCL 400.231 to
23 400.239.

24 (j) Develop and make available guidelines to assist the
25 office of the friend of the ~~court~~ CHILD in determining the
26 appropriateness in individual cases of the following:

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

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

5 (k) Develop and provide the office of the friend of the
6 ~~court~~ CHILD with all of the following:

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

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

14 (l) Develop guidelines for, and encourage the use of, plain
15 language within the office of the friend of the ~~court~~ CHILD
16 including, but not limited to, the use of plain language in forms
17 and instructions within the office and in statements of account
18 provided as required in section 9.

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

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

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

9 Sec. 20. If the ~~family independence agency~~ DEPARTMENT
10 requests information from an office of the friend of the ~~court~~
11 CHILD, that office may provide the information requested on a
12 quarterly basis. Not less often than quarterly, the ~~family~~
13 ~~independence agency~~ DEPARTMENT shall publish the information
14 received under this section.

15 Sec. 21. (1) Each person appointed as friend of the
16 ~~court~~ CHILD under former ~~Act No. 412 of the Public Acts of~~
17 ~~1919~~ 1919 PA 412 who is serving in that position on ~~the day~~
18 ~~before the effective date of this act~~ JUNE 30, 1983 shall con-
19 tinue to serve in that position, as reconstituted by this act.

20 (2) All files, records, funds, and pending cases of an
21 office of the friend of the ~~court~~ CHILD under former ~~Act No.~~
22 ~~412 of the Public Acts of 1919~~ 1919 PA 412 are transferred to
23 the corresponding office as reconstituted by this act.

24 (3) ~~Except in the county of Wayne, the~~ THE employees of a
25 friend of the ~~court~~ CHILD appointed under former ~~Act No. 412~~
26 ~~of the Public Acts of 1919 shall~~ 1919 PA 412 become employees of
27 the corresponding office of the friend of the ~~court~~ CHILD as

1 reconstituted by this act, in similar positions, and with salary
2 ranges and benefits not inferior to their status under former
3 ~~Act No. 412 of the Public Acts of 1919~~ 1919 PA 412. ~~In the~~
4 ~~county of Wayne the employees of the state judicial council serv-~~
5 ~~ing in the court in the third judicial circuit and supervised by~~
6 ~~the friend of the court on the day before the effective date of~~
7 ~~this act shall continue in their present positions.~~

8 Sec. 22. If the friend of the ~~court~~ CHILD serving a judi-
9 cial circuit is not an attorney who is a member of the state bar
10 of Michigan and that office does not employ such an attorney, the
11 chief judge may appoint an attorney who is a member of the state
12 bar of Michigan to assist the friend of the ~~court~~ CHILD when
13 legal assistance is necessary to carry out the duties imposed in
14 this act. An attorney appointed under this section to assist an
15 office shall be compensated in a reasonable amount, based upon
16 time and expenses, to be determined by the county board or boards
17 of commissioners of the judicial circuit served by that office.
18 ~~If the judicial circuit is one in which the employees serving in~~
19 ~~the circuit court are employees of the state judicial council,~~
20 ~~the compensation of an attorney appointed under this section~~
21 ~~shall be paid by the state and fixed by the state judicial coun-~~
22 ~~cil as provided in section 9104 of the revised judicature act of~~
23 ~~1961, Act No. 236 of the Public Acts of 1961, being section~~
24 ~~600.9104 of the Michigan Compiled Laws.~~

25 Sec. 23. (1) If the position of friend of the ~~court~~ CHILD
26 becomes vacant for any reason, the chief judge shall appoint a
27 person to the position of friend of the ~~court~~ CHILD not later

1 than 6 months after the vacancy occurs. An appointment under
2 this subsection is not effective until approved by a majority of
3 the circuit, probate, and district court judges serving in all
4 districts that have any area in common with the geographic area
5 served by that friend of the ~~court~~ CHILD.

6 (2) If necessary, the chief judge may appoint an interim
7 friend of the ~~court~~ CHILD to serve for not longer than 6 months
8 until a friend of the ~~court~~ CHILD is appointed and approved
9 under subsection (1).

10 (3) A friend of the ~~court~~ CHILD appointed under this sec-
11 tion is an at-will employee and shall demonstrate experience or
12 education in 1 or more of the following areas:

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

14 (b) Family law.

15 (c) Administration.

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

25 (2) Members of the public may submit written comments to the
26 chief judge or county board relating to the criteria in
27 subsection (1). The citizen advisory committee may advise the

1 court and the county board regarding the criteria in subsection
2 (1). The court shall prepare a written evaluation, which shall
3 include a summary of any public comments received and of any cit-
4 izen advisory committee report or recommendation. The court and
5 county board may also, in a written response, address the recom-
6 mendation of the citizen's advisory committee concerning the gen-
7 eral operations of the citizen's advisory committee. The friend
8 of the ~~court~~ CHILD and the bureau shall each receive a copy of
9 the evaluation. The friend of the ~~court~~ CHILD shall have an
10 opportunity to make a written response to the evaluation. A copy
11 of the response shall be included with the evaluation.

12 Sec. 25. The chief judge may remove the friend of the
13 ~~court~~ CHILD. A removal under this section is not effective
14 until approved by a majority of the circuit, probate, and dis-
15 trict court judges serving in all districts that have an area in
16 common with the geographic area served by that friend of the
17 ~~court~~ CHILD.

18 Sec. 26. (1) A party to a domestic relations matter who has
19 a grievance concerning office operations or employees shall uti-
20 lize the following grievance procedure:

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

1 (b) A party who is not satisfied with the decision of the
2 office under subdivision (a) may file a further grievance, in
3 writing, with the chief judge. The chief judge shall cause the
4 grievance to be investigated and decided as soon as practicable.
5 Within 30 days after a grievance is filed, the court shall
6 respond to the grievance or issue a statement to the party filing
7 the grievance stating the reason a response is not possible
8 within that time.

9 (2) Each office shall maintain a record of grievances
10 received and a record of whether the grievance is decided or
11 outstanding. The record shall be transmitted not less than bian-
12 nually to the bureau. Each office shall provide public access to
13 the report of grievances prepared by the bureau under section
14 19.

15 (3) In addition to the grievance procedure provided in sub-
16 section (1), a party to a domestic relations matter who has a
17 grievance concerning office operations may file, at any time
18 during the proceedings, the grievance in writing with the appro-
19 priate citizen advisory committee. In its discretion, the citi-
20 zen advisory committee shall conduct a review or investigation
21 of, or hold a formal or informal hearing on, a grievance submit-
22 ted to the committee. The citizen advisory committee may dele-
23 gate its responsibility under this subsection to subcommittees
24 appointed as provided in section 4a.

25 (4) In addition to action taken under subsection (3), the
26 citizen advisory committee shall establish a procedure for
27 randomly selecting grievances submitted directly to the office of

1 the friend of the ~~court~~ CHILD. The citizen advisory committee
2 shall review the response of the office to these grievances and
3 report its findings to the court and the county board, either
4 immediately or in the committee's annual report.

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

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

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

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

1 the friend of the ~~court~~ CHILD fund created under section 2530
2 of the revised judicature act of 1961, ~~Act No. 236 of the~~
3 ~~Public Acts of 1961, being section 600.2530 of the Michigan~~
4 ~~Compiled Laws~~ 1961 PA 236, MCL 600.2530, of the county or coun-
5 ties served.

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

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

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

25 Sec. 28. Each office of the friend of the ~~court~~ CHILD
26 shall compile data on the number and type of complaints regarding
27 support and parenting time. The data shall include, but need not

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