

HOUSE BILL No. 5371

December 11, 2003, Introduced by Reps. Amos, Ward, LaJoy, Pastor, Casperson, Emmons, Acciavatti, Hummel, Drolet, Palmer, Nitz, Caswell, Garfield, Milosch, Tabor, Taub, DeRossett, Stakoe, Shackleton, Robertson, Vander Veen, Farhat, Mortimer, Huizenga, Pumford, Shaffer, Hart, Meyer, Steil, Nofs, Stahl, Gaffney, Ruth Johnson, Rocca, Howell, Palsrok, Woronchak, Pappageorge, Vagnozzi and Shulman and referred to the Committee on Judiciary.

A bill to amend 1982 PA 294, entitled
 "Friend of the court act,"
 by amending section 19 (MCL 552.519), as amended by 2002 PA 569.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

9 (i) Case load and staffing standards for employees who
 10 perform domestic relations mediation functions, investigation and
 11 recommendation functions, referee functions, enforcement

1 functions, and clerical functions.

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

3 (iii) Public educational programs regarding domestic
4 relations law and community resources, including financial and
5 other counseling, and employment opportunities.

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

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

10 (vi) A formula to be used in establishing and modifying a
11 child support amount and health care obligation. The formula
12 shall be based upon the needs of the child and the actual
13 resources of each parent. The formula shall establish a minimum
14 threshold for modification of a child support amount. The
15 formula shall consider the child care and dependent health care
16 coverage costs of each parent. **If a parent who is incarcerated**
17 **in prison and without resources to pay support files a petition**
18 **for modification under section 3 of the support and parenting**
19 **time enforcement act, MCL 552.603, the formula shall not reduce**
20 **an established support payment by more than 50% for individuals**
21 **sentenced to serve a maximum term of 5 years in prison, or by**
22 **more than 25% for individuals who are sentenced to serve more**
23 **than a minimum term of 5 years and less than a maximum term of 10**
24 **years in prison.** The formula shall include guidelines for setting
25 and administratively adjusting the amount of periodic payments
26 for overdue support, including guidelines for adjustment of
27 arrearage payment schedules when the current support obligation

1 for a child terminates and the payer owes overdue support.

2 (b) Provide training programs for the friend of the court,
3 domestic relations mediators, and employees of the office to
4 better enable them to carry out the duties described in this act
5 and supreme court rules. After September 30, 2002, the training
6 programs shall include training in the dynamics of domestic
7 violence and in handling domestic relations matters that have a
8 history of domestic violence.

9 (c) Gather and monitor relevant statistics.

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

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

20 (ii) An evaluative summary, supplemented by applicable
21 quantitative data, of the activities and functioning of the
22 aggregate of all citizen advisory committees in the state during
23 the preceding year.

24 (iii) An identification of problems that impede the
25 efficiency of the activities and functioning of the citizen
26 advisory committees and the satisfaction of the users of the
27 committees' 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 part
5 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 as
8 provided in section 13.

9 (h) Establish a 9-person state advisory committee, serving
10 without compensation except as provided in subsection (4),
11 composed 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.

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
23 400.240.

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

27 (i) Imposing a lien or requiring the posting of a bond,

1 security, or other guarantee to secure the payment of support.

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

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

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

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

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

19 (m) In consultation with the domestic violence prevention and
20 treatment board created in section 2 of 1978 PA 389,
21 MCL 400.1502, develop guidelines for the implementation of
22 section 41 of the support and parenting time enforcement act,
23 MCL 552.641, that take into consideration at least all of the
24 following regarding the parties and each child involved in a
25 dispute governed by section 41 of the support and parenting time
26 enforcement act, MCL 552.641:

27 (i) Domestic violence.

1 (ii) Safety of the parties and child.

2 (iii) Uneven bargaining positions of the parties.

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

17 (5) The bureau may call upon each office of the friend of the
18 court for assistance in performing the duties imposed in this
19 section.