

SENATE BILL No. 1411

June 24, 2008, Introduced by Senator VAN WOERKOM and referred to the Committee on Families and Human Services.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 5 (MCL 552.505), as amended by 2002 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) To inform each party to the domestic relations matter
4 that, unless 1 of the parties is required to participate in the
5 title IV-D child support program, they may choose not to have the
6 office of the friend of the court administer and enforce
7 obligations that may be imposed in the domestic relations matter.

8 (b) To inform each party to the domestic relations matter
9 that, unless 1 of the parties is required to participate in the
10 title IV-D child support program, they may direct the office of the

1 friend of the court to close the friend of the court case that was
2 opened in their domestic relations matter.

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

19 (d) To make available to an individual form motions,
20 responses, and orders for requesting the court to modify the
21 individual's child support, custody, or parenting time order, or
22 for responding to a motion for such a modification, without
23 assistance of legal counsel. The office shall make available
24 instructions on preparing and filing each of those forms and
25 instructions on service of process and on scheduling a modification
26 hearing.

27 (e) To inform the parties of the availability of domestic

1 relations mediation if there is a dispute as to child custody or
2 parenting time.

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

7 (g) To investigate all relevant facts~~7~~ and to make a written
8 report and recommendation to the parties and to the court regarding
9 child custody or parenting time, or both, if there is a dispute as
10 to child custody or parenting time, or both, ~~and~~ ~~IF~~ domestic
11 relations mediation is refused by either party or is unsuccessful,
12 ~~or~~ ~~AND~~ if ordered to do so by the court. The investigation may
13 include reports and evaluations by outside persons or agencies if
14 requested by the parties or the court, and shall include
15 documentation of alleged facts, if practicable. If requested by a
16 party, an investigation shall include a meeting with the party. A
17 written report and recommendation regarding child custody or
18 parenting time, or both, shall be based upon the factors enumerated
19 in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

20 (h) To investigate all relevant facts and to make a written
21 report and recommendation to the parties and their attorneys and to
22 the court regarding child support, if ordered to do so by the
23 court. The written report and recommendation shall be placed in the
24 court file. The investigation may include reports and evaluations
25 by outside persons or agencies if requested by the parties or the
26 court, and shall include documentation of alleged facts, if
27 practicable. If requested by a party, an investigation shall

1 include a meeting with the party. The child support formula
2 developed by the bureau under section 19 shall be used as a
3 guideline in recommending child support. The written report shall
4 include the support amount determined by application of the child
5 support formula and all factual assumptions upon which that support
6 amount is based. If the office of the friend of the court
7 determines from the facts of the case that application of the child
8 support formula would be unjust or inappropriate, the written
9 report shall also include all of the following:

10 (i) An alternative support recommendation.

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

13 (iii) How the alternative support recommendation deviates from
14 the child support formula.

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

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