CIRCUIT COURT FAMILY COUNSELING SERVICES ACT

Act 155 of 1964

AN ACT to establish circuit court family counseling services and to provide for their powers and duties; to provide for the employment of directors of family counseling and for the selection and size of their staffs; to provide for the confidentiality of communications between the family counselors and clients; and to provide for payment of fees by persons counseled.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

The People of the State of Michigan enact:

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551.331 Short title.

Sec. 1.

This act shall be known and may be cited as the "circuit court family counseling services act".

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.332 Family counseling services; creation; purpose; establishment in judicial circuits; appropriations; participation in funding; agreement; limitation.

Sec. 2.

(1) For the purpose of preserving and improving family life through competent family counseling, family counseling services which shall include domestic violence and child abuse, are created as provided in this section. In each judicial circuit, the circuit court may establish family counseling services. The county board of commissioners shall appropriate $15.00 of each marriage license fee and all income derived from fees charged for family counseling services. If the circuit has established a family counseling service, each county board of commissioners may participate in the funding of the services and may make additional appropriations for the establishment and maintenance of the family counseling services. In multiple-county circuits, the boards of commissioners may agree as to the participation of each in the funding, and as to the appropriation which each may make. The agreement may provide for varying rather than equal contributions from each county.

(2) The circuit court shall not enter into a contract, employ personnel or expend funds which shall exceed the appropriations of funds from the county board of commissioners.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.333 Family counseling service as arm of circuit court; merger with other court services; contracts; purchase of services; direct service delivery.

Sec. 3.

The circuit court family counseling service is an arm of the circuit court. It may be merged with other court services or maintained separately, as the court determines. The circuit court may enter into contracts with the state or private agencies for all or part of the family

counseling services to be provided in the judicial circuit. The court shall give preference to the purchase of services, but may provide direct service delivery if any of the following applies:

(a) Quality services are not available from a private source or government agency;

(b) The provision of direct service delivery is cost beneficial as determined by an independent audit;

(c) The court has a program of direct services on the effective date of this act.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.334 Director; qualifications; employment, term, and compensation; compensation of staff.

Sec. 4.

The chief executive officer of the circuit court family counseling service is the director. The director shall be qualified by training and experience to render family counseling service and shall be employed by, and serve at the pleasure of, the circuit court. The compensation of the director and the director's staff shall be fixed by the circuit court and paid from the general fund of the county.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

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551.335 Hiring of professional and clerical staff.

Sec. 5.

The director of a circuit court family counseling service may hire professional and clerical staff with the approval of the circuit court.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.336 Rules and standards of eligibility for counseling; priority; residential requirements.

Sec. 6.

The circuit court shall prescribe rules and standards of eligibility for counseling. First priority for service shall be given to domestic relations actions in which a complaint or motion has been filed in the circuit court. A family is eligible for counseling by the family counseling service if at least 1 of the spouses has the residential requirements to file a complaint or a motion in a domestic relations action in the court.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.337 Referrals to agencies outside court; conferences.

Sec. 7.

The director of a circuit court family counseling service shall advise spouses fully of the existence of qualified family counseling services outside the court so that they may freely make an informed choice of the outside service. In order to assure maximum use of community resources, referrals to agencies outside the court shall be made unless otherwise requested. The family counseling service may hold conferences with the spouse, spouses, or

members of the family, or may refer parties to other qualified family counselors, family counseling agencies, or social welfare agencies, religious agencies or advisors, physicians, psychiatrists, private agencies, or other qualified persons. The referrals shall be made, when in the judgment of the director, the interest of the family would thereby be as well or better served.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.338 Family counseling service as impartial, unbiased resource in evaluating problems.

Sec. 8.

Upon specific referral from the court or at the request and agreement of the litigants, the family counseling service may be instructed to serve as an impartial, unbiased resource in evaluating problems involving custody of minor children, parenting time of minor children, and related matters.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980 ;-- Am. 1996, Act 7, Eff. June 1, 1996

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551.339 Confidentiality; privileged communications; exemption.

Sec. 9.

(1) Except as provided in subsection (2), a communication between a counselor in the family counseling service and a person who is counseled is confidential. The secrecy of the communication shall be preserved inviolate as a privileged communication which privilege cannot be waived. The communication shall not be admitted in evidence in any proceedings. The same protection shall be given to communications between spouses and counselors to whom they have been referred by the court or the court's family counseling service.

(2) A family referred by the court with custody or parenting time problems whose adult members sign an agreement indicating the purpose of the referral is exempt from subsection (1). A report of an evaluation of those families shall be submitted to the court with indicated recommendations.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980 ;-- Am. 1996, Act 7, Eff. June 1, 1996

551.340 Fee schedule; disposition of revenues.

Sec. 10.

The family counseling service may charge fees for its counseling in accordance with a fee schedule prescribed by the circuit court with the advice and consent of the county board of commissioners. The county board of commissioners may designate a committee of its members to act in its stead in approving the fee schedule. The schedule may be based on ability to pay and may be waived by the court, the presiding judge, or the judge to whom the case may be assigned, for good cause shown. Revenues from fees shall be paid into the county general fund, and used to defray costs of the family counseling service. In multiple-county circuits revenues shall be returned to counties in accordance with their proportionate contributions to the creation and maintenance of the service. The county board of

commissioners or a designated committee of its members may make provision for payment to agencies outside the court for family counseling services rendered to spouses in indigent cases.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.341 Powers of family counseling service.

Sec. 11.

The family counseling service may engage in research, educational efforts, public information service, or other endeavors related to the purpose and policy of this act as approved by the circuit court.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.342 Statutory provisions not changed or affected; conferences or interviews not considered as condonation.

Sec. 12.

This act shall not change or affect grounds for divorce, separation, or other statutory provisions relating to domestic relations actions. Conferences or interviews with family counselors or a person or agency to whom parties may be referred shall not be considered as condonation by either spouse of the conduct of the other spouse.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

551.343 Multiple-judge circuit; majority of judges.

Sec. 13.

In a multiple-judge circuit any act, decision or recommendation by the circuit court, provided for by this act, shall be deemed accomplished by a vote of a majority of the judges of the circuit.

History: 1964, Act 155, Eff. Aug. 28, 1964

551.344 Submission to family counseling not required.

Sec. 14.

This act shall not be construed to require a person who objects to family counseling to submit to family counseling.

History: 1964, Act 155, Eff. Aug. 28, 1964 ;-- Am. 1980, Act 16, Imd. Eff. Feb. 14, 1980

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