

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.505 Duties of friend of the court; failure of party to attend scheduled meeting; charging parties for investigation, report and recommendations; waiver or suspension of fees; disposition of money collected.

Sec. 5.

(1) Each office of the friend of the court has the following duties:

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

(b) To inform each party to a domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may direct the office of the friend of the court to close the friend of the court case that was opened in their domestic relations matter.

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

(d) To make available form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision. The office shall make available instructions on preparing and filing each of those forms, on service of process, and on scheduling a modification hearing.

(e) To inform the parties of the availability of alternative dispute resolution if there is a dispute as to child custody or parenting time.

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

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court, regarding child custody or parenting time, or both, if ordered to do so by the court. If custody has been established by court order, the court shall order an investigation only if the court first finds that proper cause has been shown or that there has been a change of circumstances. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(h) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

(i) An alternative support recommendation.

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

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

(iv) The reasons for the alternative support recommendation.

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

(3) Pursuant to standards prescribed by the state court administrative office under the supervision and direction of the supreme court, the office may charge the parties an amount that does not exceed the expenses of the office for conducting an investigation and making a report and recommendation under subsection (1)(g). If the court orders a whole or partial waiver or suspension of fees in the case because of indigency or inability to pay, the office

shall not charge the amount or, if applicable, shall reduce the amount. An amount shall not be charged under this subsection if the investigation was not requested by either party. If the court determines that a request by a party that led to the investigation was frivolous, the court may order that the amount be charged only against the party, but the amount shall not be charged against the other party. Money collected under this subsection shall be deposited in the county friend of the court fund created under section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

History: 1982, Act 294, Eff. July 1, 1983 ;-- Am. 1989, Act 273, Imd. Eff. Dec. 26, 1989 ;-- Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996 ;-- Am. 1996, Act 365, Eff. Jan. 1, 1997 ;-- Am. 2002, Act 571, Eff. June 1, 2003 ;-- Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010

Popular Name: Friend of the Court