

Act No. 266
Public Acts of 1996
Approved by the Governor
June 12, 1996
Filed with the Secretary of State
June 12, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Schwarz, Shugars, Gougeon, Honigman, Steil, McManus, Emmons, Koivisto, Byrum, O'Brien, Stallings and Carl

ENROLLED SENATE BILL No. 711

AN ACT to amend section 11 of Act No. 294 of the Public Acts of 1982, entitled as amended "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court; to prescribe certain duties of certain employers and former employers; and to repeal certain acts and parts of acts," as amended by Act No. 144 of the Public Acts of 1996, being section 552.511 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 11 of Act No. 294 of the Public Acts of 1982, as amended by Act No. 144 of the Public Acts of 1996, being section 552.511 of the Michigan Compiled Laws, is amended to read as follows:

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

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

(b) A parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court. The office shall initiate enforcement under this subdivision at the following times:

(i) Within 60 days after the entry of a support order containing health care coverage provisions.

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

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

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

(v) Upon receipt of a written complaint from the department of social services if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.

(2) For a custody or parenting time order, the office may initiate enforcement proceedings under subsection (3) upon its own initiative and shall initiate enforcement proceedings upon receipt of a written complaint stating the specific facts alleged to constitute a violation, if the office determines that there is reason to believe a violation of a custody or

parenting time order has occurred. Upon request, the office of the friend of the court shall assist a person in preparing a complaint under this subsection.

(3) The office shall send, by ordinary mail, a notice to an alleged violator of a custody or parenting time order, informing the alleged violator of the nature of the alleged violation, the proposed action under this or other applicable act, the availability of domestic relations mediation, and the right to petition for modification of the parenting time order. The notice shall contain the following statement in boldfaced type of not less than 12 points:

“FAILURE TO RESPOND TO THE FRIEND OF THE COURT OFFICE WITHIN 14 DAYS AFTER THE DATE OF THIS NOTICE TO WORK OUT A SATISFACTORY ARRANGEMENT MAY RESULT IN CONTEMPT OF COURT PROCEEDINGS BEING BROUGHT AGAINST YOU.”.

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

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

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

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

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

Section 2. This amendatory act shall take effect January 1, 1997.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.