



# HOUSE BILL No. 5430

November 29, 1995, Introduced by Reps. Gire, Freeman, LaForge, Martinez, Cherry, Kaza, Pitoniak and Willard and referred to the Committee on Judiciary and Civil Rights.

A bill to amend the title of Act No. 155 of the Public Acts of 1964, entitled as amended

"Circuit court family counseling services act,"

as amended, being sections 551.331 to 551.344 of the Michigan Compiled Laws; and to add section 15.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 155 of the Public Acts of  
2 1964, as amended, being sections 551.331 to 551.344 of the  
3 Michigan Compiled Laws, is amended and section 15 is added to  
4 read as follows:

### 5 TITLE

6 An act to establish circuit court family counseling services  
7 and to provide for their powers and duties; to provide for the  
8 employment of directors of family counseling and for the  
9 selection and size of their staffs; to provide for the

1 confidentiality of communications between the family counselors  
2 and clients; ~~and~~ to provide for payment of fees by persons  
3 counseled; AND TO PRESCRIBE CERTAIN DUTIES OF THE OFFICE OF THE  
4 STATE COURT ADMINISTRATOR.

5       SEC. 15. (1) UNDER THE SUPERVISION OF THE SUPREME COURT,  
6 THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL CONDUCT A  
7 SURVEY OF THE IMPLEMENTATION OF THIS ACT SINCE 1980 IN EACH JUDI-  
8 CIAL CIRCUIT IN THIS STATE AND PROVIDE A REPORT ON THE RESULTS OF  
9 THE STUDY TO THE LEGISLATURE. THE REPORT SHALL INCLUDE, BUT IS  
10 NOT LIMITED TO, ALL OF THE FOLLOWING INFORMATION:

11       (A) A LIST OF THE JUDICIAL CIRCUITS IN THIS STATE WHERE THE  
12 CIRCUIT COURT HAS ESTABLISHED FAMILY COUNSELING SERVICES UNDER  
13 THIS ACT.

14       (B) A LIST OF THE JUDICIAL CIRCUITS IN THIS STATE WHERE THE  
15 CIRCUIT COURT HAS ESTABLISHED A FAMILY COUNSELING SERVICE SEPA-  
16 RATED INTO THE FOLLOWING CATEGORIES:

17       (i) CIRCUITS IN WHICH THE SERVICE IS PROVIDED DIRECTLY BY  
18 THE CIRCUIT COURT.

19       (ii) CIRCUITS IN WHICH THE SERVICE EXISTED BEFORE 1980 BUT  
20 IS NOW FUNDED OR HAS BEEN EXPANDED THROUGH USE OF FUNDS RECEIVED  
21 FROM MARRIAGE LICENSE FEES.

22       (iii) CIRCUITS IN WHICH THE SERVICE IS PROVIDED BY CONTRACT  
23 WITH A STATE OFFICE OR AGENCY.

24       (iv) CIRCUITS IN WHICH THE SERVICE IS PROVIDED BY CONTRACT  
25 WITH A PRIVATE AGENCY.

26       (v) CIRCUITS IN WHICH THE SERVICE IS PROVIDED BY A  
27 COMBINATION OF DIRECT AND CONTRACT SERVICES.

1 (C) IN EACH JUDICIAL CIRCUIT, THE AMOUNT OF MONEY  
2 APPROPRIATED FROM MARRIAGE LICENSE FEES UNDER SECTION 2 AND THE  
3 AMOUNT OF MONEY COLLECTED FROM COUNSELING FEES CHARGED UNDER SEC-  
4 TION 10.

5 (D) IN EACH JUDICIAL CIRCUIT, FROM AMOUNTS COLLECTED UNDER  
6 SECTIONS 2 AND 10, THE AMOUNT OF MONEY SPENT TO PROVIDE FAMILY  
7 COUNSELING SERVICES AND THE AMOUNT OF MONEY CURRENTLY HELD IN  
8 ESCROW.

9 (E) IN EACH JUDICIAL CIRCUIT, THE KIND OF FAMILY COUNSELING  
10 SERVICES PROVIDED UNDER EACH OF THE FOLLOWING CIRCUMSTANCES:

11 (i) IF A COMPLAINT OR MOTION IS FILED IN A DOMESTIC RELA-  
12 TIONS MATTER IN THE CIRCUIT COURT.

13 (ii) IF AN INCIDENT OF DOMESTIC VIOLENCE IS ALLEGED.

14 (iii) IF AN INCIDENT OF CHILD ABUSE IS ALLEGED.

15 (iv) IF A PROBLEM REGARDING CUSTODY OF A MINOR CHILD, VISI-  
16 TATION OF A MINOR CHILD, OR A RELATED MATTER IS INVOLVED.

17 (F) IN EACH JUDICIAL CIRCUIT, IF READILY AVAILABLE, THE  
18 NUMBER OF REFERRALS MADE BY THE FAMILY COUNSELING SERVICE TO  
19 QUALIFIED FAMILY COUNSELING SERVICES OUTSIDE THE COURT UNDER EACH  
20 OF THE FOLLOWING CIRCUMSTANCES:

21 (i) AT THE EXPENSE OF THE INDIVIDUAL.

22 (ii) AT THE EXPENSE OF THE COURT.

23 (G) IN EACH JUDICIAL CIRCUIT, IF READILY AVAILABLE, THE  
24 NUMBER OF PERSONS OFFERED AN OPPORTUNITY TO PARTICIPATE IN FAMILY  
25 COUNSELING AND THE NUMBER OF PERSONS WHO REFUSE THE OFFER TO PAR-  
26 TICIPATE IN FAMILY COUNSELING.

1 (H) A LIST OF THE JUDICIAL CIRCUITS IN WHICH THE FAMILY  
2 COUNSELING SERVICE ENGAGES IN ANY OF THE ACTIVITIES AUTHORIZED IN  
3 SECTION 11 AND, FOR EACH SUCH JUDICIAL CIRCUIT, A DESCRIPTION OF  
4 THE ACTIVITIES ENGAGED IN.

5 (I) THE RESULTS OF EVALUATIONS WHICH MAY HAVE BEEN CONDUCTED  
6 IN ANY JUDICIAL CIRCUIT ON THE EFFECTIVENESS OF THE FAMILY COUN-  
7 SELING SERVICE IN PRESERVING AND IMPROVING FAMILY LIFE, IN TREAT-  
8 ING DOMESTIC VIOLENCE AND CHILD ABUSE, AND IN MINIMIZING THE  
9 HARMFUL EFFECTS OF DIVORCE ON CHILDREN.

10 (2) THE COURT ADMINISTRATOR SHALL DELIVER THE SURVEY TO THE  
11 LEGISLATURE NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF  
12 THIS SECTION.

13 (3) THE COURT ADMINISTRATOR SHALL MAKE RECOMMENDATIONS TO  
14 THE LEGISLATURE FOR LEGISLATIVE OR ADMINISTRATIVE CHANGES IN THE  
15 PROGRAM OR IN THE FUNDING MECHANISM FOR THE PROGRAM.