

SENATE BILL No. 736

October 17, 2001, Introduced by Senators SCOTT, DE BEAUSSAERT, SMITH, DINGELL, CHERRY, MURPHY, EMERSON, PETERS, KOIVISTO, BYRUM, MILLER, YOUNG, MC COTTER, BULLARD, LELAND, GARCIA, HAMMERSTROM and GOSCHKA and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 19 (MCL 552.519), as amended by 1998 PA 63.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) The state friend of the court bureau is cre-
2 ated within the state court administrative office, under the
3 supervision and direction of the supreme court.

4 (2) The bureau shall have its main office in Lansing.

5 (3) The bureau shall do all of the following:

6 (a) Develop and recommend guidelines for conduct, opera-
7 tions, and procedures of the office and its employees, including,
8 but not limited to, the following:

9 (i) Case load and staffing standards for employees who
10 perform domestic relations mediation functions, investigation and

1 recommendation functions, referee functions, enforcement
2 functions, and clerical functions.

3 (ii) Orientation programs for clients of the office.

4 (iii) Public educational programs regarding domestic rela-
5 tions law and community resources, including financial and other
6 counseling, and employment opportunities.

7 (iv) Procedural changes in response to the type of griev-
8 ances received by an office.

9 (v) Model pamphlets and procedural forms, which shall be
10 distributed to each office.

11 (vi) A formula to be used in establishing and modifying a
12 child support amount and health care obligation. The formula
13 shall be based upon the needs of the child and the actual
14 resources of each parent. The formula shall establish a minimum
15 threshold for modification of a child support amount. The for-
16 mula shall consider the child care and dependent health care cov-
17 erage costs of each parent. The formula shall include guidelines
18 for setting and administratively adjusting the amount of periodic
19 payments for overdue support, including guidelines for adjustment
20 of arrearage payment schedules when the current support obliga-
21 tion for a child terminates and the payer owes overdue support.

22 (b) Provide training programs for the friend of the court,
23 domestic relations mediators, and employees of the office to
24 better enable them to carry out the duties described in this act
25 and supreme court rules. THE TRAINING PROGRAMS SHALL INCLUDE
26 TRAINING IN THE DYNAMICS OF DOMESTIC VIOLENCE AND IN HANDLING

1 DOMESTIC RELATIONS MATTERS THAT HAVE A HISTORY OF DOMESTIC
2 VIOLENCE.

3 (c) Gather and monitor relevant statistics.

4 (d) Annually issue a report containing a detailed summary of
5 the types of grievances received by each office, and whether the
6 grievances are resolved or outstanding. The report shall be
7 transmitted to the legislature and to each office and shall be
8 made available to the public. The annual report required by this
9 subdivision shall include, but is not limited to, all of the
10 following:

11 (i) An evaluative summary, supplemented by applicable quan-
12 titative data, of the activities and functioning of each citizen
13 advisory committee during the preceding year.

14 (ii) An evaluative summary, supplemented by applicable quan-
15 titative data, of the activities and functioning of the aggregate
16 of all citizen advisory committees in the state during the pre-
17 ceding year.

18 (iii) An identification of problems that impede the effi-
19 ciency of the activities and functioning of the citizen advisory
20 committees and the satisfaction of the users of the committees'
21 services.

22 (e) Develop and recommend guidelines to be used by an office
23 in determining whether or not parenting time has been wrongfully
24 denied by the custodial parent.

25 (f) Develop standards and procedures for the transfer of
26 part or all of the responsibilities for a case from one office to
27 another in situations considered appropriate by the bureau.

1 (g) Certify domestic relations mediation training programs
2 as provided in section 13.

3 (h) Establish a 9-person state advisory committee, serving
4 without compensation except as provided in subsection (4), com-
5 posed of the following members, each of whom is a member of a
6 citizen advisory committee:

7 (i) Three public members who have had contact with an office
8 of the friend of the court.

9 (ii) Three attorneys who are members of the state bar of
10 Michigan and whose practices are primarily domestic relations
11 law. Not more than 1 attorney may be a circuit court judge.

12 (iii) Three human service professionals who provide family
13 counseling.

14 (i) Cooperate with the office of child support in developing
15 and implementing a statewide information system as provided in
16 the office of child support act, 1971 PA 174, MCL 400.231 to
17 ~~400.235~~ 400.239.

18 (j) Develop and make available guidelines to assist the
19 office of the friend of the court in determining the appropriate-
20 ness in individual cases of the following:

21 (i) Imposing a lien or requiring the posting of a bond,
22 security, or other guarantee to secure the payment of support.

23 (ii) Implementing the offset of a delinquent payer's state
24 income tax refund.

25 (k) Develop and provide the office of the friend of the
26 court with all of the following:

1 (i) Form motions, responses, and orders for use by an
2 individual in requesting the court to modify his or her child
3 support, custody, or parenting time order, or in responding to a
4 motion for modification without the assistance of legal counsel.

5 (ii) Instructions on preparing and filing the forms,
6 instructions on service of process, and instructions on schedul-
7 ing a support, custody, or parenting time modification hearing.

8 (l) Develop guidelines for, and encourage the use of, plain
9 language within the office of the friend of the court including,
10 but not limited to, the use of plain language in forms and
11 instructions within the office and in statements of account pro-
12 vided as required in section 9.

13 (4) The state advisory committee established under subsec-
14 tion (3)(h) shall advise the bureau in the performance of its
15 duties under this section. The bureau shall make a state
16 advisory committee report or recommendation available to the
17 public. State advisory committee members shall be reimbursed for
18 their expenses for mileage, meals, and, if necessary, lodging,
19 under the schedule for reimbursement established annually by the
20 legislature. A state advisory committee meeting is open to the
21 public. A member of the public attending a state advisory com-
22 mittee meeting shall be given a reasonable opportunity to address
23 the committee on any issue under consideration by the committee.
24 If a vote is to be taken by the state advisory committee, the
25 opportunity to address the committee shall be given before the
26 vote is taken.

1 (5) The bureau may call upon each office of the friend of
2 the court for assistance in performing the duties imposed in this
3 section.