

Fiscal Analysis

DE NOVO HEARINGS FOR FRIEND OF COURT



Bill/Sponsor **HOUSE BILL 4776 SUBSTITUTE H-1, Rep. Jim Howell**

House Committee Judiciary

Analysis

Summary

This bill would amend the Friend of the Court Act, PA 294 of 1982, to add several provisions. First, a definition of “de novo” hearing is added, as well as language concerning the interim order which may precede this hearing. Supporting documents used by the Friend of the Court (FOC) would be required to be made available to attorneys for each party before the court takes any action on FOC’s recommendations. Rules for disclosing a child’s custody preference in a child custody dispute are added. The final change in this bill requires the formula for establishing and modifying child support and health care obligation amounts to include the guidelines for deviating from this formula. De novo hearing is defined in this bill as a judicial consideration of a matter based on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee, but may at the court’s discretion be based in whole or in part on evidence that was not introduced at a previous hearing. The bill also provides that, pending a de novo hearing, the referee’s recommended order may be presented to the court for entry of an interim order as provided by Supreme Court rules. This interim order shall be served within three days.

Fiscal Impact

There is no fiscal impact on the Family Independence Agency. There is no fiscal impact on the Judiciary or the Friend of the Court.

Analyst(s)

Richard Child

FLOOR ANALYSIS - 6/20/03

Mitchell Bean, Director – House Fiscal Agency
124 N. Capitol Avenue, Lansing, MI 48909
Phone: (517)373-8080, Fax: (517)373-5874
<http://www.house.mi.gov/hfa>