

Report on Public Policy Position**Name of section:**

Family Law Section

Contact person:

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[SB 0099](#) (Jansen) Family law; friend of the court; friend of the court act; make miscellaneous revisions. Amends secs. 2, 2a, 5, 5a, 9a, 11a, 13, 15, 17, 17b, 19, 27 & 28 of [1982 PA 294](#) (MCL [552.502](#) et seq.).

Date position was adopted:

March 7, 2009

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

18 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Oppose and Amend

Explanation of the position, including any recommended amendments:

The Friend of the Court Association bills are now SB 99 – SB 107. Last term the original drafts went through extensive revisions to address criticisms from a number of groups, including our section. As revised, there are still four provisions that we find objectionable, two of them within SB 99;

1. SB 99, p.9 modifies MCL 552.505(1)(g) to allow the FOC to charge parties for the cost of conducting a custody or parenting time investigation. It is often the court that requests the investigation, rather than the parties. A party who is required to defend a frivolous custody motion can now also be forced to pay for an investigation they do not want. This could be especially annoying if the filing party does not have to pay a share of the cost because they are indigent.
2. SB 99, p. 10 adds MCL 552.505(3) which exempts future spousal support-only cases from FOC enforcement unless the court orders the FOC to enforce that case. Almost all of the FOC's enforcement machinery for child support is

equally efficient and effective in the enforcement of spousal support. Private enforcement of spousal support will rarely be cost-effective, and many payees will be left without support.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2009-SB-0099>