

HOUSE BILL NO. 5213

November 04, 2025, Introduced by Reps. BeGole, Johnsen, Robinson, Meerman, Edwards, Roth, Prestin, Wozniak, Harris, Alexander, Greene, Cavitt, Markkanen, Bohnak, Paquette, DeBoyer, Thompson, Linting, B. Carter, Beson, Arbit, Andrews, O'Neal, Neeley and Scott and referred to Committee on Judiciary.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 5 (MCL 552.505), as amended by 2009 PA 233.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Each office of the friend of the court has the
2 following duties:

3 (a) To inform each party to a domestic relations matter that,
4 unless 1 of the parties is required to participate in the title IV-
5 D child support program, they may choose not to have the office of

1 the friend of the court administer and enforce obligations that may
2 be imposed in the domestic relations matter.

3 (b) To inform each party to a domestic relations matter that,
4 unless 1 of the parties is required to participate in the title IV-
5 D child support program, they may direct the office of the friend
6 of the court to close the friend of the court case that was opened
7 in their domestic relations matter.

8 (c) To provide an informational pamphlet, in accordance with
9 the model pamphlet developed by the bureau, to each party to a
10 domestic relations matter. The informational pamphlet ~~shall~~**must**
11 explain the procedures of the court and the office; the duties of
12 the office; the rights and responsibilities of the parties,
13 including notification that each party to the dispute has the right
14 to meet with the individual investigating the dispute before that
15 individual makes a recommendation regarding the dispute; the
16 availability of and procedures used in alternative dispute
17 resolution; the availability of human services in the community;
18 the availability of joint custody as described in section 6a of the
19 child custody act of 1970, 1970 PA 91, MCL 722.26a; **the presumption**
20 **of equal or approximately equal parenting time as described under**
21 **section 6a of the child custody act of 1970, 1970 PA 91, MCL**
22 **722.26a;** and how to file a grievance regarding the office. The
23 informational pamphlet ~~shall~~**must** be provided as soon as possible
24 after the filing of a complaint or other initiating pleading. ~~Upon~~
25 **On** request, a party shall receive an oral explanation of the
26 informational pamphlet from the office.

27 (d) To make available form motions, responses, and orders to
28 be used by a party, without the assistance of legal counsel, in
29 making or responding to a motion for a payment plan under section

5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision. The office shall make available instructions on preparing and filing each of those forms, on service of process, and on scheduling a modification hearing.

(e) To inform the parties of the availability of alternative dispute resolution if there is a dispute as to child custody or parenting time.

(f) To inform the parents of the availability of ~~joint custody~~ **both of the following** as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a: ~~7~~

(i) **Joint custody**, if there is a dispute between the parents as to child custody.

(ii) **The presumption of equal or approximately equal parenting time.**

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court, regarding child custody or parenting time, or both, if ordered to do so by the court. If custody has been established by court order, the court shall order an investigation only if the court first finds that proper cause has been shown or that there has been a change of circumstances. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and ~~shall~~**must** include documentation of alleged facts, if practicable. If requested by a party, an investigation ~~shall~~**must** include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, ~~shall~~**must** be based ~~upon~~**on** the factors

1 enumerated ~~in~~**under** the child custody act of 1970, 1970 PA 91, MCL
2 722.21 to 722.31.

3 (h) To investigate all relevant facts and to make a written
4 report and recommendation to the parties and their attorneys and to
5 the court regarding child support, if ordered to do so by the
6 court. The written report and recommendation ~~shall~~**must** be placed
7 in the court file. The investigation may include reports and
8 evaluations by outside persons or agencies if requested by the
9 parties or the court, and ~~shall~~**must** include documentation of
10 alleged facts, if practicable. The child support formula developed
11 by the bureau under section 19 ~~shall~~**must** be used as a guideline in
12 recommending child support. The written report ~~shall~~**must** include
13 the support amount determined by application of the child support
14 formula and all factual assumptions upon which that support amount
15 is based. If the office of the friend of the court determines from
16 the facts of the case that application of the child support formula
17 would be unjust or inappropriate, the written report ~~shall~~**must**
18 also include all of the following:

19 (i) An alternative support recommendation.

20 (ii) All factual assumptions upon which the alternative support
21 recommendation is based, if applicable.

22 (iii) How the alternative support recommendation deviates from
23 the child support formula.

24 (iv) The reasons for the alternative support recommendation.

25 (2) If a party who requests a meeting during an investigation
26 fails to attend the scheduled meeting without good cause, the
27 investigation may be completed without a meeting with that party.

28 (3) ~~Pursuant to~~**In accordance with** standards prescribed by the
29 state court administrative office under the supervision and

direction of the supreme court, the office may charge the parties an amount that does not exceed the expenses of the office for conducting an investigation and making a report and recommendation under subsection (1)(g). If the court orders a whole or partial waiver or suspension of fees in the case because of indigency or inability to pay, the office shall not charge the amount or, if applicable, shall reduce the amount. An amount ~~shall~~**must** not be charged under this subsection if the investigation was not requested by either party. If the court determines that a request by a party that led to the investigation was frivolous, the court may order that the amount be charged only against the party, but the amount ~~shall~~**must** not be charged against the other party. Money collected under this subsection ~~shall~~**must** be deposited in the county friend of the court fund created under section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 103rd Legislature are enacted into law:

(a) Senate Bill No. ____ (request no. S02656'25 *) or House Bill No. 5211 (request no. H02656'25 *).

(b) Senate Bill No. ____ (request no. S02657'25 *) or House Bill No. 5212 (request no. H02657'25 *).