



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4476 (Substitute S-2 as reported)
Sponsor: Representative Harvey Santana
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to prohibit a court from submitting for mediation a contested issue in a domestic relations action if a personal protection order (PPO) had been entered protecting one party and restraining the other, or if one or both parties were involved in a child abuse or neglect proceeding, unless the court first conducted a hearing under court rules to determine whether mediation was appropriate. The court, however, could order mediation if the party protected by a PPO requested mediation.

The bill also would require the mediator in a domestic relations mediation to screen for the history or presence of coercion or violence. If the mediator found that the mediation was unsafe or a resolution of issues was impeded because of a history or the presence of coercion or violence, the mediator would have to report that to the court and mediation could not continue in the action.

As used in the bill, "domestic relations action" would mean any of the following:

- An action for divorce, separate maintenance, annulment of marriage, affirmation of marriage, paternity, family support under the Family Support Act, the custody of minors under the Child Custody Act, or grandparenting time under the Child Custody Act.
- A proceeding that is ancillary or subsequent to an action listed above and that relates to the custody of a minor, parenting time with a minor, or the support of a minor, spouse, or former spouse.

The bill would take effect 90 days after its enactment.

Proposed MCL 600.1035

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-8-16

Fiscal Analyst: Ryan Bergan