

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4476**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1035.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1035. (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, UNLESS A**
2 **COURT FIRST CONDUCTS A HEARING UNDER THE COURT RULES TO DETERMINE**
3 **WHETHER MEDIATION IS APPROPRIATE, THE COURT SHALL NOT SUBMIT A**
4 **CONTESTED ISSUE IN A DOMESTIC RELATIONS ACTION, INCLUDING**
5 **POSTJUDGMENT PROCEEDINGS, IF EITHER OF THE FOLLOWING APPLIES:**

6 **(A) A PERSONAL PROTECTION ORDER HAS BEEN ISSUED UNDER SECTION**
7 **2950 OR 2950A OR ANOTHER ORDER HAS BEEN ENTERED PROTECTING 1 PARTY**
8 **AND RESTRAINING THE OTHER PARTY. HOWEVER, THE COURT MAY ORDER**
9 **MEDIATION IF THE PROTECTED PARTY REQUESTS MEDIATION.**

1 (B) ONE OR BOTH OF THE PARTIES ARE INVOLVED IN A CHILD ABUSE
2 OR NEGLECT PROCEEDING. HOWEVER, THE COURT MAY ORDER MEDIATION IF A
3 PARENT PROTECTED BY AN ORDER IN THE PROCEEDING REQUESTS MEDIATION.

4 (2) IN A DOMESTIC RELATIONS MEDIATION, THE MEDIATOR SHALL MAKE
5 REASONABLE INQUIRY AS TO WHETHER EITHER PARTY HAS A HISTORY OF A
6 COERCIVE OR VIOLENT RELATIONSHIP WITH THE OTHER PARTY. A REASONABLE
7 INQUIRY INCLUDES THE USE OF THE DOMESTIC VIOLENCE SCREENING
8 PROTOCOL FOR MEDIATION PROVIDED BY THE STATE COURT ADMINISTRATIVE
9 OFFICE AS DIRECTED BY THE SUPREME COURT.

10 (3) A MEDIATOR SHALL MAKE REASONABLE EFFORTS THROUGHOUT THE
11 DOMESTIC RELATIONS MEDIATION PROCESS TO SCREEN FOR THE PRESENCE OF
12 COERCION OR VIOLENCE THAT WOULD MAKE MEDIATION PHYSICALLY OR
13 EMOTIONALLY UNSAFE FOR ANY PARTICIPANT, OR THAT WOULD IMPEDE THE
14 ACHIEVEMENT OF A VOLUNTARY AND SAFE RESOLUTION OF ISSUES.

15 (4) IF THE MEDIATOR FINDS THAT THE MEDIATION IS UNSAFE OR A
16 RESOLUTION OF ISSUES IS IMPEDED BECAUSE OF A HISTORY OR THE
17 PRESENCE OF COERCION OR VIOLENCE AS DESCRIBED IN SUBSECTION (2) OR
18 (3), THE MEDIATOR SHALL REPORT THAT TO THE COURT AND MEDIATION MUST
19 NOT CONTINUE IN THE ACTION.

20 (5) AS USED IN THIS SECTION, "DOMESTIC RELATIONS ACTION" MEANS
21 ANY OF THE FOLLOWING:

22 (A) AN ACTION FOR DIVORCE, SEPARATE MAINTENANCE, ANNULMENT OF
23 MARRIAGE, AFFIRMATION OF MARRIAGE, PATERNITY, FAMILY SUPPORT UNDER
24 THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO 552.459, THE
25 CUSTODY OF MINORS UNDER THE CHILD CUSTODY ACT OF 1970, 1970 PA 91,
26 MCL 722.21 TO 722.31, OR GRANDPARENTING TIME UNDER SECTION 7B OF
27 THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.27B.

1 (B) A PROCEEDING THAT IS ANCILLARY OR SUBSEQUENT TO AN ACTION
2 LISTED IN SUBDIVISION (A) AND THAT RELATES TO ANY OF THE FOLLOWING:

3 (i) THE CUSTODY OF A MINOR.

4 (ii) PARENTING TIME WITH A MINOR.

5 (iii) THE SUPPORT OF A MINOR, SPOUSE, OR FORMER SPOUSE.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.