

SUBSTITUTE FOR
HOUSE BILL NO. 4476
(as amended October 14, 2015)

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, A COURT
2 SHALL NOT ORDER MEDIATION OF A CONTESTED ISSUE IN A DOMESTIC
3 RELATIONS ACTION, INCLUDING POSTJUDGMENT PROCEEDINGS, IF EITHER OF
4 THE FOLLOWING APPLIES:

5 (A) A PERSONAL PROTECTION ORDER HAS BEEN ISSUED UNDER SECTION
6 2950 OR 2950A OR ANOTHER ORDER HAS BEEN ENTERED PROTECTING 1 PARTY
7 AND RESTRAINING THE OTHER PARTY [AND THERE IS OBJECTIVE AND VERIFIABLE
EVIDENCE OR OTHER WRITTEN, AUDIO, OR VISUAL EVIDENCE THAT SUPPORTS THE
ALLEGATIONS IN THE REQUEST OR MOTION FOR THE ORDER]. HOWEVER, THE COURT
MAY ORDER
8 MEDIATION IF THE PROTECTED PARTY REQUESTS MEDIATION.

9 (B) ONE OR BOTH OF THE PARTIES ARE INVOLVED IN A CHILD ABUSE

House Bill No. 4476 as amended October 14, 2015

1 OR NEGLECT PROCEEDING. HOWEVER, THE COURT MAY ORDER MEDIATION IF A
2 PARENT PROTECTED BY AN ORDER IN THE PROCEEDING REQUESTS MEDIATION.

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

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

14 (4) AS USED IN THIS SECTION, "DOMESTIC RELATIONS ACTION" MEANS
15 ANY OF THE FOLLOWING:

16 (A) AN ACTION FOR DIVORCE, SEPARATE MAINTENANCE, ANNULMENT OF
17 MARRIAGE, AFFIRMATION OF MARRIAGE, PATERNITY, FAMILY SUPPORT UNDER
18 THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO 552.459, THE
19 CUSTODY OF MINORS UNDER THE CHILD CUSTODY ACT OF 1970, 1970 PA 91,
20 MCL 722.21 TO 722.31, OR GRANDPARENTING TIME UNDER SECTION 7B OF
21 THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.27B.

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

24 (i) THE CUSTODY OF A MINOR.

25 (ii) PARENTING TIME WITH A MINOR.

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

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