

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 50B.

DOMESTIC RELATIONS ARBITRATION

600.5070 Scope of chapter.

Sec. 5070. (1) This chapter provides for and governs arbitration in domestic relations matters. Arbitration proceedings under this chapter are also governed by court rule except to the extent those provisions are modified by the arbitration agreement or this chapter. This chapter controls if there is a conflict between this chapter and chapter 50 or between this chapter and the uniform arbitration act.

(2) This chapter does not apply to arbitration in a domestic relations matter if, before March 28, 2001, the court has entered an order for arbitration and all the parties have executed the arbitration agreement.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001;—Am. 2012, Act 370, Eff. July 1, 2013.

600.5071 Stipulation to binding arbitration; agreement.

Sec. 5071. Parties to an action for divorce, annulment, separate maintenance, or child support, custody, or parenting time, or to a postjudgment proceeding related to such an action, may stipulate to binding arbitration by a signed agreement that specifically provides for an award with respect to 1 or more of the following issues:

- (a) Real and personal property.
- (b) Child custody.
- (c) Child support, subject to the restrictions and requirements in other law and court rule as provided in this act.
- (d) Parenting time.
- (e) Spousal support.
- (f) Costs, expenses, and attorney fees.
- (g) Enforceability of prenuptial and postnuptial agreements.
- (h) Allocation of the parties' responsibility for debt as between the parties.
- (i) Other contested domestic relations matters.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.

600.5072 Court order to participate in arbitration; conditions; domestic violence exclusion; waiver; child abuse or neglect exclusion.

Sec. 5072. (1) The court shall not order a party to participate in arbitration unless each party to the domestic relations matter acknowledges, in writing or on the record, that he or she has been informed in plain language of all of the following:

- (a) Arbitration is voluntary.
- (b) Arbitration is binding and the right of appeal is limited.
- (c) Arbitration is not recommended for cases involving domestic violence.
- (d) Arbitration may not be appropriate in all cases.
- (e) The arbitrator's powers and duties are delineated in a written arbitration agreement that all parties must sign before arbitration commences.
- (f) During arbitration, the arbitrator has the power to decide each issue assigned to arbitration under the arbitration agreement. The court will, however, enforce the arbitrator's decisions on those issues.
- (g) The party may consult with an attorney before entering into the arbitration process or may choose to be represented by an attorney throughout the entire process.
- (h) If the party cannot afford an attorney, the party may wish to seek free legal services, which may or may not be available.
- (i) A party to arbitration will be responsible, either solely or jointly with other parties, to pay for the cost of the arbitration, including fees for the arbitrator's services. In comparison, a party does not pay for the court to hear and decide an issue, except for payment of filing and other court fees prescribed by statute or court rule for which the party is responsible regardless of the use of arbitration.

(2) If either party is subject to a personal protection order involving domestic violence or if, in the pending domestic relations matter, there are allegations of domestic violence or child abuse, the court shall not refer the case to arbitration unless each party to the domestic relations matter waives this exclusion. A party cannot waive this exclusion from arbitration unless the party is represented by an attorney throughout the action, including the arbitration process, and the party is informed on the record concerning all of the following:

- (a) The arbitration process.
- (b) The suspension of the formal rules of evidence.
- (c) The binding nature of arbitration.

(3) If, after receiving the information required under subsection (2), a party decides to waive the domestic violence exclusion from arbitration, the court and the party's attorney shall ensure that the party's waiver is informed and voluntary. If the court finds a party's waiver is informed and voluntary, the court shall place those findings and the waiver on the record.

- (4) A child abuse or neglect matter is specifically excluded from arbitration under this act.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.

600.5073 Arbitrator; appointment; qualifications; immunity; list of qualified arbitrators.

Sec. 5073. (1) Arbitration under this chapter may be heard by a single arbitrator or by a panel of 3 arbitrators. The court shall appoint an arbitrator agreed to by the parties if the arbitrator is qualified under subsection (2) and consents to the appointment. An arbitrator appointed under this chapter is immune from liability in regard to the arbitration proceeding to the same extent as the circuit judge who has jurisdiction of the action that is submitted to arbitration.

(2) The court shall not appoint an arbitrator under this chapter unless the individual meets all of the following qualifications:

- (a) Is an attorney in good standing with the state bar of Michigan.
- (b) Has practiced as an attorney for not less than 5 years before the appointment and has demonstrated an expertise in the area of domestic relations law.
- (c) Has received training in the dynamics of domestic violence and in handling domestic relations matters that have a history of domestic violence.

(3) The office of the friend of the court, an alternative dispute resolution clerk, or another individual designated by the chief judge may make available a list of arbitrators who meet the qualifications of this section. The list shall include a summary of each arbitrator's qualifications and experience.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.

600.5074 Arbitrator; powers and duties; sworn statement listing party's place of employment, sources of income, and assets and liabilities; release.

Sec. 5074. (1) An arbitrator appointed under this chapter shall hear and make an award on each issue submitted for arbitration under the arbitration agreement subject to the provisions of the agreement.

(2) An arbitrator appointed under this chapter has all of the following powers and duties:

- (a) To administer an oath or issue a subpoena as provided by court rule.
- (b) To issue an order regarding discovery proceedings relative to the issues being arbitrated.
- (c) Subject to provisions of the arbitration agreement, to issue an order allocating arbitration fees and expenses between the parties or to 1 party, including imposing a fee or expense on a party or attorney as a sanction.
- (d) To issue an order requiring a party to produce specified information that the arbitrator considers relevant to, and helpful in resolving, an issue subject to the arbitration.

(3) If the arbitrator considers it relevant to an issue being arbitrated, the arbitrator may order the filing of sworn statements that identify each party's place of employment and other sources of income and that list the assets and liabilities of each party. The arbitrator shall not release the sworn statements required under this section until after all parties have filed those sworn statements. The arbitrator shall attempt to release the sworn statements to the opposite parties at approximately the same time.

(4) A sworn statement ordered under subsection (3) shall list at least all of the following assets:

- (a) Real property.
- (b) Checking and savings account balances, regardless of the form in which the money is held.
- (c) Stocks and bonds.
- (d) Income tax refunds due the parties.
- (e) Life insurance, including cash value and amount payable at death.
- (f) Loans held as a creditor or money owed to the parties in whatever form.
- (g) Retirement funds and pension benefits.
- (h) Professional licenses.
- (i) Motor vehicles, boats, mobile homes, or any other type of vehicle including untitled vehicles.
- (j) Extraordinary tools of a trade.
- (k) Cemetery lots.
- (l) Ownership interests in businesses.

- (m) Limited partnerships.
- (n) Other assets in whatever form.
- (5) A sworn statement ordered under subsection (3) shall list at least all of the following liabilities:
 - (a) Secured and unsecured credits.
 - (b) Taxes.
 - (c) Rents and security deposits.
 - (d) All other liabilities in whatever form.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.

600.5075 Disqualification of arbitrator.

Sec. 5075. (1) An arbitrator, attorney, or party in an arbitration proceeding under this chapter shall disclose any circumstance that may affect an arbitrator's impartiality, including, but not limited to, bias, a financial or personal interest in the outcome of the arbitration, or a past or present business or professional relationship with a party or attorney. Upon disclosure of such a circumstance, a party may request disqualification of the arbitrator and shall make that request as soon as practicable after the disclosure. If the arbitrator does not withdraw within 14 days after a request for disqualification, the party may file a motion for disqualification with the circuit court.

(2) The circuit court shall hear a motion under subsection (1) within 21 days after the motion is filed. If the court finds that the arbitrator is disqualified, the court may appoint another arbitrator agreed to by the parties or may void the arbitration agreement and proceed as if arbitration had not been ordered.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.

600.5076 Meeting with arbitrator; order to produce material information.

Sec. 5076. (1) As soon as practicable after the appointment of the arbitrator, the parties and attorneys shall meet with the arbitrator to consider all of the following:

- (a) Scope of the issues submitted.
- (b) Date, time, and place of the hearing.
- (c) Witnesses, including experts, who may testify.
- (d) Schedule for exchange of expert reports or summary of expert testimony.
- (e) Subject to subsection (2), exhibits, documents, or other information each party considers applicable and material to the case and a schedule for production or exchange of the information. If a party knew or reasonably should have known about the existence of information the party is required to produce, that party waives objection to producing that information if the party does not object before the hearing.
- (f) Disclosure required under section 5075.

(2) The arbitrator shall order each party to produce information that is applicable and material to an issue under arbitration, including, but not limited to, any of the following:

- (a) A current, complete, and accurate sworn financial disclosure statement.
- (b) Financial disclosure statements for the past 3 years.
- (c) State and federal income tax returns for the previous 3 years or other time period as ordered by the arbitrator.

(d) If a court has issued an order concerning an issue subject to arbitration, a copy of the order, state and federal income tax returns for the year the order was issued, and a financial statement for the time at which the order was issued, which statement includes at least gross and net income and assets and liabilities.

- (e) Proposed award for each issue subject to arbitration.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5077 Record of arbitration hearing.

Sec. 5077. (1) Except as provided by this section, court rule, or the arbitration agreement, a record shall not be made of an arbitration hearing under this chapter. If a record is not required, an arbitrator may make a record to be used only by the arbitrator to aid in reaching the decision. The parties may provide in the arbitration agreement that a record be made of those portions of a hearing related to 1 or more issues subject to arbitration.

(2) A record shall be made of that portion of a hearing that concerns child support, custody, or parenting time in the same manner required by the Michigan court rules for the record of a witness's testimony in a deposition.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5078 Award; error or omissions.

Sec. 5078. (1) Unless otherwise agreed by the parties and arbitrator in writing or on the record, the arbitrator shall issue the written award on each issue within 60 days after either the end of the hearing or, if requested by the arbitrator, after receipt of proposed findings of fact and conclusions of law.

(2) Subject to the other restrictions in this subsection, if the parties reach an agreement regarding child support, custody, or parenting time, the agreement shall be placed on the record by the parties under oath and shall be included in the arbitrator's written award. An arbitrator shall not include in the award a child support amount that deviates from the child support formula developed by the state friend of the court bureau unless the arbitrator complies with the same requirements for such a deviation prescribed for the court under the law that applies to the domestic relations dispute that is being arbitrated.

(3) An arbitrator under this chapter retains jurisdiction to correct errors or omissions in an award until the court confirms the award. Within 14 days after the award is issued, a party to the arbitration may file a motion to correct errors or omissions. The other party to the arbitration may respond to such a motion within 14 days after the motion is filed. The arbitrator shall issue a decision on the motion within 14 days after receipt of a response to the motion or, if a response is not filed, within 14 days after expiration of the response period.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5079 Enforcement of arbitration award or order; filing judgment, order, or motion to settle judgment with circuit court; sanctions.

Sec. 5079. (1) The circuit court shall enforce an arbitrator's award or other order issued under this chapter in the same manner as an order issued by the circuit court. A party may make a motion to the circuit court to enforce an arbitrator's award or order.

(2) The plaintiff in an action that was submitted to arbitration under this chapter shall file with the circuit court a judgment, order, or motion to settle the judgment within 21 days after the arbitrator's award is issued unless otherwise agreed to by the parties in writing or unless the arbitrator or court grants an extension. If the plaintiff fails to comply with this subsection, another party to the action may file a judgment, order, or motion to settle the judgment and may request sanctions.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5080 Vacation or modification of award concerning child support, custody, or parenting time; standards and procedures regarding review of arbitration awards.

Sec. 5080. (1) Subject to subsection (2), the circuit court shall not vacate or modify an award concerning child support, custody, or parenting time unless the court finds that the award is adverse to the best interests of the child who is the subject of the award or under the provisions of section 5081.

(2) A review or modification of a child support amount, child custody, or parenting time shall be conducted and is subject to the standards and procedures provided in other statutes, in other applicable law, and by court rule that are applicable to child support amounts, child custody, or parenting time.

(3) Other standards and procedures regarding review of arbitration awards described in this section are governed by court rule.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5081 Vacation or modification of arbitration award; application; grounds; rehearing; other standards and procedures relating to review of arbitration awards.

Sec. 5081. (1) If a party applies to the circuit court for vacation or modification of an arbitrator's award issued under this chapter, the court shall review the award as provided in this section or section 5080.

(2) If a party applies under this section, the court shall vacate an award under any of the following circumstances:

(a) The award was procured by corruption, fraud, or other undue means.

(b) There was evident partiality by an arbitrator appointed as a neutral, corruption of an arbitrator, or misconduct prejudicing a party's rights.

(c) The arbitrator exceeded his or her powers.

(d) The arbitrator refused to postpone the hearing on a showing of sufficient cause, refused to hear evidence material to the controversy, or otherwise conducted the hearing to prejudice substantially a party's rights.

(3) The fact that the relief granted in an arbitration award could not be granted by a court of law or equity is not grounds for vacating or refusing to confirm the award.

(4) An application to vacate an award on grounds stated in subsection (2)(a) shall be made within 21 days after the grounds are known or should have been known.

(5) If the court vacates an award, the court may order a rehearing before a new arbitrator chosen as

provided in the agreement or, if there is no such provision, by the court. If the award is vacated on the grounds stated in subsection (2)(a) or (c), the court may order a rehearing before the arbitrator who made the award.

(6) Other standards and procedures relating to review of arbitration awards described in subsection (1) are governed by court rule.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.

600.5082 Appeal.

Sec. 5082. An appeal from an arbitration award under this chapter that the circuit court confirms, vacates, modifies, or corrects shall be taken in the same manner as from an order or judgment in other civil actions.

History: Add. 2000, Act 420, Eff. Mar. 28, 2001.