

Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4552 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Michael Switalski

House Committee: Family and Civil Law

Senate Committee: Families, Mental Health and Human Services

CONTENT

House Bill 4552 (S-1), together with House Bill 4615 (S-2), would add Chapter 50B to the Revised Judicature Act to govern arbitration in domestic relations matters. House Bill 4552 (S-1) would do the following:

- Allow the parties to an action for divorce, annulment, separate maintenance, or child support, custody, or parenting time to stipulate to binding arbitration by a signed agreement that provided for an award with respect to one or more specific issues.
- Provide that a court could not order the parties to participate in arbitration unless each party acknowledged that he or she had been informed, in plain language, that arbitration was voluntary and binding, the right of appeal was limited, arbitration may not be appropriate in all cases, the party could consult with or be represented by an attorney, etc.
- Exclude domestic violence cases from arbitration, unless each party waived this exclusion and was represented by an attorney throughout the action.
- Exclude a child abuse or neglect matter from arbitration.
- Specify that a party to arbitration would be responsible, solely or jointly with other parties, to pay for the cost of the arbitration, including fees for the arbitrator's services.
- Provide that arbitration could be heard by one arbitrator or a panel of three, and prescribe arbitrator qualifications.
- Require the disclosure of any circumstance that could affect an arbitrator's impartiality.
- Authorize an arbitrator to issue a subpoena, order discovery proceedings, order the production of information, and allocate arbitration fees and expenses.
- Permit an arbitrator to order the filing of sworn statements identifying each party's place of employment, income, assets, and liabilities.
- Require an arbitrator to hear and make an award on each issue submitted for arbitration under the parties' agreement.

Chapter 50B would not apply to arbitration in a domestic relations matter if, before the chapter's effective date, the court had entered an order for arbitration and all of the parties had executed the arbitration agreement.

Proposed MCL 600.5070-600.5075

Legislative Analyst: S. Lowe

FISCAL IMPACT

There are no statewide data on the current use of arbitrators in domestic relations matters. Reduced court costs would depend on whether the bills increased the use of arbitration in domestic relations matters.

Date Completed: 12-6-00

Fiscal Analyst: B. Bowerman

[floor/hb4552](#)

Analysis available @ <http://www.michiganlegislature.org>

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