

# HOUSE BILL No. 6038

May 8, 2002, Introduced by Rep. Richardville and referred to the Committee on Family and Children Services.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1021, 1043, 2529, 2530, 2538, 2950, 2950a, 5073, 5078, and 9947 (MCL 600.1021, 600.1043, 600.2529, 600.2530, 600.2538, 600.2950, 600.2950a, 600.5073, 600.5078, 600.9947), section 1021 as amended by 2000 PA 56, section 1043 as added by 1996 PA 388, section 2529 as amended by 2001 PA 202, section 2530 as amended by 1996 PA 302, section 2538 as amended by 1999 PA 151, section 2950 as amended by 2001 PA 200, section 2950a as amended by 2001 PA 201, section 5073 as added by 2000 PA 419, section 5078 as added by 2000 PA 420, and section 9947 as amended by 1996 PA 374; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1021. (1) Except as otherwise provided by law, the  
2 family division of circuit court has sole and exclusive

1 jurisdiction over the following cases commenced on or after  
2 January 1, 1998:

3 (a) Cases of divorce and ancillary matters as set forth in  
4 the following statutes:

5 (i) 1846 RS 84, MCL 552.1 to 552.45.

6 (ii) 1909 PA 259, MCL 552.101 to 552.104.

7 (iii) 1911 PA 52, MCL 552.121 to 552.123.

8 (iv) 1913 PA 379, MCL 552.151 to 552.156.

9 (v) ~~The friend of the court~~ COURT FAMILY SERVICES OFFICE  
10 act, 1982 PA 294, MCL 552.501 to 552.535.

11 (vi) 1905 PA 299, MCL 552.391.

12 (vii) 1949 PA 42, MCL 552.401 to 552.402.

13 (viii) The family support act, 1966 PA 138, MCL 552.451 to  
14 552.459.

15 (ix) ~~The support~~ SUPPORT and parenting time enforcement  
16 act, 1982 PA 295, MCL 552.601 to 552.650.

17 (x) ~~The interstate~~ INTERSTATE income withholding act, 1985  
18 PA 216, MCL 552.671 to 552.685.

19 (b) Cases of adoption as provided in chapter X of the pro-  
20 bate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

21 (c) Cases involving certain children incapable of adoption  
22 under 1925 PA 271, MCL 722.531 to 722.534.

23 (d) Cases involving a change of name as provided in chapter  
24 XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to ~~711.2~~  
25 711.3.

26 (e) Cases involving juveniles as provided in chapter XIIA of  
27 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

1 (f) Cases involving the status of minors and the  
2 emancipation of minors under 1968 PA 293, MCL 722.1 to 722.6.

3 (g) Cases of child custody under the child custody act of  
4 1970, 1970 PA 91, MCL 722.21 to ~~722.30, and child custody juris-~~  
5 ~~diction as provided in sections 651 to 673~~ 722.31.

6 (h) Cases involving paternity and child support under the  
7 paternity act, 1956 PA 205, MCL 722.711 to 722.730.

8 (i) Cases involving parental consent for abortions performed  
9 on unemancipated minors under the parental rights restoration  
10 act, 1990 PA 211, MCL 722.901 to 722.908.

11 (j) Cases involving child support under the revised uniform  
12 reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to  
13 780.183.

14 (k) Cases involving personal protection orders under sec-  
15 tions 2950 ~~and 2950a~~ TO 2950M.

16 (l) UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT,  
17 2001 PA 195, MCL 722.1101 TO 722.1406.

18 (2) The family division of circuit court has ancillary  
19 jurisdiction over the following cases commenced on or after  
20 January 1, 1998:

21 (a) Cases involving guardians and conservators as provided  
22 in article 5 of the estates and protected individuals code, 1998  
23 PA 386, MCL 700.5101 to ~~700.5513~~ 700.5520.

24 (b) Cases involving treatment of, or guardianship of, men-  
25 tally ill or developmentally disabled persons under the mental  
26 health code, 1974 PA 258, MCL 330.1001 to 330.2106.

1           Sec. 1043. All of the following shall provide assistance to  
2 the family division of circuit court in accordance with the  
3 court's jurisdiction:

4           (a) ~~The office and facilities of the friend of the court~~  
5 COURT FAMILY SERVICES OFFICE.

6           (b) The family counseling services created under the circuit  
7 court family counseling services act, ~~Act No. 155 of the Public~~  
8 ~~Acts of 1964, being sections 551.331 to 551.344 of the Michigan~~  
9 ~~Compiled Laws~~ 1964 PA 155, MCL 551.331 TO 551.344.

10           (c) The county juvenile officers and assistant county juve-  
11 nile officers appointed under ~~Act No. 22 of the Public Acts of~~  
12 ~~the Extra Session of 1919, being sections 400.251 to 400.254 of~~  
13 ~~the Michigan Compiled Laws~~ 1919 (EX SESS) PA 22, MCL 400.251 TO  
14 400.254.

15           (d) All other state and public agencies that provide assist-  
16 ance to families or juveniles.

17           Sec. 2529. (1) In the circuit court, the following fees  
18 shall be paid to the clerk of the court:

19           (a) Before a civil action other than an action brought  
20 exclusively under section 2950, 2950a, or 2950h to 2950/ is com-  
21 menced, or before the filing of an application for superintending  
22 control or for an extraordinary writ, except the writ of habeas  
23 corpus, the party bringing the action or filing the application  
24 shall pay the sum of \$62.00. The clerk at the end of each month  
25 shall transmit for each fee collected under this subdivision  
26 within the month, \$18.75 to the executive secretary of the  
27 Michigan judges retirement system created by the judges

1 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670;  
2 \$5.00 to the secretary of the Michigan legislative retirement  
3 system for deposit with the state treasurer in the retirement  
4 fund created by the Michigan legislative retirement system act,  
5 1957 PA 261, MCL 38.1001 to 38.1080; \$5.25 to the state treasurer  
6 for deposit in the general fund; \$2.00 to the state treasurer to  
7 be credited to the community dispute resolution fund created by  
8 the community dispute resolution act, 1988 PA 260, MCL 691.1551  
9 to 691.1564; \$11.00 to the county treasurer; and the balance of  
10 the filing fee to the state treasurer for deposit in the state  
11 court fund created by section 151a. ~~Beginning October 1, 1994~~  
12 ~~and until October 1, 1995, the fee required under this subdivi-~~  
13 ~~sion is \$72.00. Beginning October 1, 1995 and until October 1,~~  
14 ~~1996, the fee required under this subdivision is \$80.00.~~  
15 ~~Beginning October 1, 1996 and until October 1, 1997, the fee~~  
16 ~~required under this subdivision is \$90.00. Beginning October 1,~~  
17 ~~1997, the fee required under this subdivision is \$100.00.~~

18 (b) Before the filing of a claim of appeal or motion for  
19 leave to appeal from the district court, probate court, a municipi-  
20 pal court, or an administrative tribunal or agency, the sum of  
21 \$60.00. For each fee collected under this subdivision, the clerk  
22 shall transmit \$15.00 to the state treasurer for deposit in the  
23 state court fund created by section 151a. ~~Beginning October 1,~~  
24 ~~1994 and until October 1, 1995, the fee required under this sub-~~  
25 ~~division is \$70.00. Beginning October 1, 1995 and until~~  
26 ~~October 1, 1996, the fee required under this subdivision is~~  
27 ~~\$80.00. Beginning October 1, 1996 and until October 1, 1997, the~~

1 ~~fee required under this subdivision is \$90.00.~~ Beginning  
2 October 1, 1997, the fee required under this subdivision is  
3 \$100.00.

4 (c) If a trial by jury is demanded, the party making the  
5 demand at the time shall pay the sum of \$60.00. Failure to pay  
6 the fee within the time provided in the court rules constitutes a  
7 waiver of the right to a jury trial. The sum shall be taxed in  
8 favor of the party paying the fee, in case the party recovers a  
9 judgment for costs.

10 (d) Before entry of a final judgment in an action for  
11 divorce or separate maintenance in which minor children are  
12 involved, or the entry of a final judgment in a child custody  
13 dispute submitted to the circuit court as an original action, 1  
14 of the following sums, which shall be deposited by the county  
15 treasurer as provided in section 2530:

16 (i) If the matter was contested or uncontested and was not  
17 submitted to domestic relations mediation or investigation by the  
18 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE, \$30.00.

19 (ii) If the matter was contested or uncontested and was sub-  
20 mitted to domestic relations mediation, \$50.00.

21 (iii) If the matter was contested or uncontested and the  
22 ~~office of the friend of the court~~ COURT FAMILY SERVICES OFFICE  
23 conducted an investigation and made a recommendation to the  
24 court, \$70.00.

25 (e) Except as otherwise provided in this section, upon the  
26 filing of a motion the sum of \$20.00. In conjunction with an  
27 action brought under section 2950 or 2950a, a motion fee shall

1 not be collected for a motion to dismiss the petition, a motion  
2 to modify, rescind, or terminate a personal protection order, or  
3 a motion to show cause for a violation of a personal protection  
4 order. A motion fee shall not be collected for a motion to dis-  
5 miss a proceeding to enforce a foreign protection order or a  
6 motion to show cause for a violation of a foreign protection  
7 order under sections 2950h to 2950/. For each fee collected  
8 under this subdivision, the clerk shall transmit \$10.00 to the  
9 state treasurer for deposit in the state court fund created by  
10 section 151a.

11 (f) For services under the direction of the court that are  
12 not specifically provided for in this section relative to the  
13 receipt, safekeeping, or expending of money, or the purchasing,  
14 taking, or transferring of a security, or the collecting of  
15 interest on a security, the clerk shall receive the allowance and  
16 compensation from the parties as the court may consider just and  
17 shall direct by court order, after notice to the parties to be  
18 charged.

19 (g) Upon appeal to the court of appeals or the supreme  
20 court, the sum of \$25.00.

21 (h) The sum of \$15.00 as a service fee for each writ of gar-  
22 nishment, attachment, execution, or judgment debtor discovery  
23 subpoena issued.

24 (2) The sums paid as provided in this section shall be held  
25 to be in full for all clerk, entry, and judgment fees in an  
26 action from the commencement of the action to and including the

1 issuance and return of the execution or other final process, and  
2 are taxable as costs.

3 (3) Except as otherwise provided in this section, the fees  
4 shall be paid over to the county treasurer as required by law.

5 (4) The court shall order any of the fees prescribed in this  
6 section waived or suspended, in whole or in part, upon a showing  
7 by affidavit of indigency or inability to pay.

8 (5) The clerk of the circuit court shall prepare and submit  
9 a court filing fee report to the executive secretary of the  
10 Michigan judges retirement system created by the judges retire-  
11 ment act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at the  
12 same time the clerk of the circuit court transmits the portion of  
13 the fees collected under this section to the executive  
14 secretary.

15 Sec. 2530. (1) ~~Except in any judicial circuit in which~~  
16 ~~employees serving in the circuit court are employees of the state~~  
17 ~~judicial council, the~~ THE county treasurer shall deposit all  
18 fees collected under section 2529(1)(d) and 1/2 of the costs col-  
19 lected under sections 31, 32, and 44 of the support and parenting  
20 time enforcement act, ~~Act No. 295 of the Public Acts of 1982,~~  
21 ~~being sections 552.631, 552.632, and 552.644 of the Michigan~~  
22 ~~Compiled Laws~~ MCL 552.631, 552.632, AND 552.644, in a fund cre-  
23 ated for that purpose to be known as the ~~friend of the court~~  
24 COURT FAMILY SERVICES OFFICE fund. The county treasurer shall  
25 create the ~~friend of the court~~ COURT FAMILY SERVICES OFFICE  
26 fund as an interest bearing account, and interest earned shall be  
27 credited to the account to be used as provided in this section.

1           (2) The county board of commissioners shall appropriate all  
2 sums in this fund and additionally shall annually appropriate  
3 from the county general fund an amount not less than the total  
4 amount appropriated for the office of the friend of the court in  
5 the county's last fiscal year ending before July 1, 1983, for the  
6 purpose of fulfilling the statutory obligations of the ~~friend of~~  
7 ~~the court~~ COURT FAMILY SERVICES OFFICE as provided in the  
8 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE act ~~, Act~~  
9 ~~No. 294 of the Public Acts of 1982, being sections 552.501 to~~  
10 ~~552.535 of the Michigan Compiled Laws, and Act No. 295 of the~~  
11 ~~Public Acts of 1982, being sections 552.601 to 552.650 of the~~  
12 ~~Michigan Compiled Laws~~ AND THE SUPPORT AND PARENTING TIME  
13 ENFORCEMENT ACT. Money transmitted to the county treasurer under  
14 section 31 of ~~Act No. 295 of the Public Acts of 1982~~ THE SUP-  
15 PORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.631, shall sup-  
16 plement and not supplant other money appropriated by the county  
17 for ~~friend of the court~~ COURT FAMILY SERVICES OFFICE functions  
18 as measured by amounts appropriated by the county for those func-  
19 tions in previous and current fiscal years.

20           ~~(3) In a judicial circuit in which employees serving in the~~  
21 ~~circuit court are employees of the state judicial council, the~~  
22 ~~county treasurer shall remit all sums collected under section~~  
23 ~~2529(1)(d) and 1/2 of the costs collected under sections 31, 32,~~  
24 ~~and 44 of Act No. 295 of the Public Acts of 1982 to the state as~~  
25 ~~provided in section 595(4). As provided in section 595(1), the~~  
26 ~~legislature annually shall appropriate the amount received under~~  
27 ~~this subsection for the purpose of fulfilling the statutory~~

1 ~~obligations of the friend of the court in the third judicial~~  
2 ~~circuit as provided in Act No. 294 of the Public Acts of 1982 and~~  
3 ~~Act No. 295 of the Public Acts of 1982.~~

4 (3) ~~(4)~~ The county treasurer shall remit 1/2 of the costs  
5 actually paid by a payer as ordered by the court under section  
6 31, 32, or 44 of ~~Act No. 295 of the Public Acts of 1982~~ THE  
7 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.631, 552.632,  
8 AND 552.644, to the law enforcement agency that executes the  
9 bench warrant issued for the arrest of that payer.

10 (4) AS USED IN THIS SECTION:

11 (A) "COURT FAMILY SERVICES OFFICE ACT" MEANS THE COURT  
12 FAMILY SERVICES OFFICE ACT, 1982 PA 294, MCL 552.501 TO 552.535.

13 (B) "SUPPORT AND PARENTING TIME ENFORCEMENT ACT" MEANS THE  
14 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL  
15 552.601 TO 552.650.

16 Sec. 2538. (1) For services provided that are not reimbur-  
17 sable under the provisions of part D of title IV of the social  
18 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 655,  
19 656 to 660, and 663 to 669b, every person required to make pay-  
20 ments of support or maintenance to be collected by the ~~friend of~~  
21 ~~the court~~ COURT FAMILY SERVICES OFFICE or the state disbursement  
22 unit shall pay a fee of \$1.25 per month for every month or por-  
23 tion of a month that support or maintenance is required to be  
24 paid. The fee shall be paid monthly, quarterly, or semiannually  
25 as required by the ~~friend of the court~~ COURT FAMILY SERVICES  
26 ADMINISTRATOR. The ~~friend of the court~~ COURT FAMILY SERVICES  
27 OFFICE shall provide notice of the fee required by this section

1 to the person ordered to pay the support and that the fee shall  
2 be paid monthly or as otherwise determined by the ~~friend of the~~  
3 ~~court~~ COURT FAMILY SERVICES ADMINISTRATOR. The ~~friend of the~~  
4 ~~court~~ COURT FAMILY SERVICES OFFICE or SDU shall transmit 25  
5 cents of each fee collected under this section to the appropriate  
6 county treasurer for deposit into the general fund of the county  
7 and shall transmit the balance to the state treasurer for deposit  
8 in the state court fund created in section 151a.

9 (2) The department, the SDU, and each ~~office of the friend~~  
10 ~~of the court~~ COURT FAMILY SERVICES OFFICE shall cooperate in the  
11 transition to the centralized receipt and disbursement of support  
12 and fees. ~~An office of the friend of the court~~ A COURT FAMILY  
13 SERVICES OFFICE shall continue to receive and disburse support  
14 and fees through the transition, based on the schedule developed  
15 as required by section ~~6~~ 7 of the office of child support act,  
16 1971 PA 174, MCL ~~400.236~~ 400.237, and modifications to that  
17 schedule as the department considers necessary.

18 (3) As used in this section, "state disbursement unit" or  
19 "SDU" means the entity established in section 6 of the office of  
20 child support act, 1971 PA 174, MCL 400.236.

21 Sec. 2950. (1) Except as provided in subsections (27) and  
22 (28), by commencing an independent action to obtain relief under  
23 this section, by joining a claim to an action, or by filing a  
24 motion in an action in which the petitioner and the individual to  
25 be restrained or enjoined are parties, an individual may petition  
26 the family division of circuit court to enter a personal  
27 protection order to restrain or enjoin a spouse, a former spouse,

1 an individual with whom he or she has had a child in common, an  
2 individual with whom he or she has or has had a dating relation-  
3 ship, or an individual residing or having resided in the same  
4 household as the petitioner from doing 1 or more of the  
5 following:

6 (a) Entering onto premises.

7 (b) Assaulting, attacking, beating, molesting, or wounding a  
8 named individual.

9 (c) Threatening to kill or physically injure a named  
10 individual.

11 (d) Removing A minor ~~children~~ CHILD from the individual  
12 having legal custody of the ~~children~~ CHILD, except as otherwise  
13 authorized by a custody or parenting time order issued by a court  
14 of competent jurisdiction.

15 (e) Purchasing or possessing a firearm.

16 (f) Interfering with petitioner's efforts to remove  
17 petitioner's ~~children~~ CHILD or personal property from premises  
18 that are solely owned or leased by the individual to be  
19 restrained or enjoined.

20 (g) Interfering with petitioner at petitioner's place of  
21 employment or education or engaging in conduct that impairs  
22 petitioner's employment or educational relationship or  
23 environment.

24 (h) Having access to information in records concerning a  
25 minor child of both petitioner and respondent that will inform  
26 respondent about the address or telephone number of petitioner

1 and petitioner's minor child or about petitioner's employment  
2 address.

3 (i) Engaging in conduct that is prohibited under section  
4 411h or 411i of the Michigan penal code, 1931 PA 328,  
5 MCL 750.411h and 750.411i.

6 (j) Any other specific act or conduct that imposes upon or  
7 interferes with personal liberty or that causes a reasonable  
8 apprehension of violence.

9 (2) If the respondent is a person who is issued a license to  
10 carry a concealed weapon and is required to carry a weapon as a  
11 condition of his or her employment, a police officer certified by  
12 the commission on law enforcement standards act, 1965 PA 203,  
13 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of  
14 the Michigan department of state police, a local corrections  
15 officer, department of corrections employee, or a federal law  
16 enforcement officer who carries a firearm during the normal  
17 course of his or her employment, the petitioner shall notify the  
18 court of the respondent's occupation prior to the issuance of the  
19 personal protection order. This subsection does not apply to a  
20 petitioner who does not know the respondent's occupation.

21 (3) A petitioner may omit his or her address of residence  
22 from documents filed with the court under this section. If a  
23 petitioner omits his or her address of residence, the petitioner  
24 shall provide the court with a mailing address.

25 (4) The court shall issue a personal protection order under  
26 this section if the court determines that there is reasonable  
27 cause to believe that the individual to be restrained or enjoined

1 may commit 1 or more of the acts listed in subsection (1). In  
2 determining whether reasonable cause exists, the court shall con-  
3 sider all of the following:

4 (a) Testimony, documents, or other evidence offered in sup-  
5 port of the request for a personal protection order.

6 (b) Whether the individual to be restrained or enjoined has  
7 previously committed or threatened to commit 1 or more of the  
8 acts listed in subsection (1).

9 (5) A court shall not issue a personal protection order that  
10 restrains or enjoins conduct described in subsection (1)(a) if  
11 all of the following apply:

12 (a) The individual to be restrained or enjoined is not the  
13 spouse of the moving party.

14 (b) The individual to be restrained or enjoined or the  
15 parent, guardian, or custodian of the minor to be restrained or  
16 enjoined has a property interest in the premises.

17 (c) The moving party or the parent, guardian, or custodian  
18 of a minor petitioner has no property interest in the premises.

19 (6) A court shall not refuse to issue a personal protection  
20 order solely due to the absence of any of the following:

21 (a) A police report.

22 (b) A medical report.

23 (c) A report or finding of an administrative agency.

24 (d) Physical signs of abuse or violence.

25 (7) If ~~the~~ A court refuses to grant a personal protection  
26 order, ~~it~~ THE COURT shall state immediately in writing the  
27 specific reasons ~~it refused~~ FOR REFUSING to issue a personal

1 protection order. If a hearing is held, the court shall also  
2 immediately state on the record the specific reasons ~~it refuses~~  
3 FOR REFUSING to issue a personal protection order.

4 (8) A personal protection order shall not be made mutual.  
5 Correlative separate personal protection orders are prohibited  
6 unless both parties have properly petitioned the court ~~pursuant~~  
7 ACCORDING to subsection (1).

8 (9) A personal protection order is effective and immediately  
9 enforceable anywhere in this state when signed by a judge. Upon  
10 service, a personal protection order may also be enforced by  
11 another state, an Indian tribe, or a territory of the United  
12 States.

13 (10) The court shall designate the law enforcement agency  
14 that is responsible for entering the personal protection order  
15 into the law enforcement information network as provided by the  
16 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to  
17 28.216.

18 (11) A personal protection order shall include all of the  
19 following, ~~and~~ WHICH, to the extent practicable, ~~the~~  
20 following shall be contained in a single form:

21 (a) A statement that the personal protection order has been  
22 entered to restrain or enjoin conduct listed in the order and  
23 that violation of the personal protection order will subject the  
24 individual restrained or enjoined to 1 or more of the following:

25 (i) If the respondent is 17 years of age or more, immediate  
26 arrest and the civil and criminal contempt powers of the court,  
27 and that if he or she is found guilty of criminal contempt, he or

1 she shall be imprisoned for not more than 93 days and may be  
2 fined not more than \$500.00.

3 (ii) If the respondent is less than 17 years of age, immedi-  
4 ate apprehension or being taken into custody, and subject to the  
5 dispositional alternatives listed in section 18 of chapter XIIA  
6 of the probate code of 1939, 1939 PA 288, MCL 712A.18.

7 (iii) If the respondent violates the personal protection  
8 order in a jurisdiction other than this state, the respondent is  
9 subject to the enforcement procedures and penalties of the state,  
10 Indian tribe, or United States territory under whose jurisdiction  
11 the violation occurred.

12 (b) A statement that the personal protection order is effec-  
13 tive and immediately enforceable anywhere in this state when  
14 signed by a judge, and that, upon service, a personal protection  
15 order also may be enforced by another state, an Indian tribe, or  
16 a territory of the United States.

17 (c) A statement listing ~~the~~ EACH type ~~or types~~ of con-  
18 duct enjoined.

19 (d) An expiration date stated clearly on the face of the  
20 order.

21 (e) A statement that the personal protection order is  
22 enforceable anywhere in Michigan by any law enforcement agency.

23 (f) The law enforcement agency designated by the court to  
24 enter the personal protection order into the law enforcement  
25 information network.

26 (g) For AN ex parte ~~orders~~ ORDER, a statement that the  
27 individual restrained or enjoined may file a motion to modify or

1 rescind the personal protection order and request a hearing  
2 within 14 days after the individual restrained or enjoined has  
3 been served or has received actual notice of the order and that  
4 motion forms and filing instructions are available from the clerk  
5 of the court.

6 (12) An ex parte personal protection order shall be issued  
7 and IS effective without written or oral notice to the individual  
8 restrained or enjoined or his or her attorney if it clearly  
9 appears from specific facts shown by verified complaint, written  
10 motion, or affidavit that immediate and irreparable injury, loss,  
11 or damage will result from the delay required to effectuate  
12 notice or that the notice will ~~itself~~ precipitate adverse  
13 action before a personal protection order can be issued.

14 (13) A personal protection order issued under subsection  
15 (12) is valid for not less than 182 days. The individual  
16 restrained or enjoined may file a motion to modify or rescind the  
17 personal protection order and request a hearing under the  
18 Michigan court rules. The motion to modify or rescind the per-  
19 sonal protection order shall be filed within 14 days after the  
20 order is served or after the individual restrained or enjoined  
21 has received actual notice of the personal protection order  
22 unless good cause is shown for filing the motion after ~~the~~ 14  
23 days have elapsed.

24 (14) Except as otherwise provided in this subsection, the  
25 court shall schedule a hearing on the motion to modify or rescind  
26 the ex parte personal protection order within 14 days after the  
27 filing of the motion to modify or rescind. If the respondent is

1 a person described in subsection (2) and the personal protection  
2 order prohibits him or her from purchasing or possessing a fire-  
3 arm, the court shall schedule a hearing on the motion to modify  
4 or rescind the ex parte personal protection order within 5 days  
5 after the filing of the motion to modify or rescind.

6 (15) The clerk of the court that issues a personal protec-  
7 tion order shall do all of the following immediately upon  
8 issuance, ~~and~~ without requiring ~~a~~ proof of service on the  
9 individual restrained or enjoined:

10 (a) File a true copy of the personal protection order with  
11 the law enforcement agency designated by the court in the per-  
12 sonal protection order.

13 (b) Provide the petitioner with not less than 2 true copies  
14 of the personal protection order.

15 (c) If respondent is identified in the pleadings as a law  
16 enforcement officer, notify the officer's employing law enforce-  
17 ment agency, if known, about the existence of the personal pro-  
18 tection order.

19 (d) If the personal protection order prohibits respondent  
20 from purchasing or possessing a firearm, notify the concealed  
21 weapon licensing board in respondent's county of residence about  
22 the existence and ~~contents~~ CONTENT of the personal protection  
23 order.

24 (e) If the respondent is identified in the pleadings as a  
25 department of corrections employee, notify the state department  
26 of corrections about the existence of the personal protection  
27 order.

1 (f) If the respondent is identified in the pleadings as  
2 being a person who may have access to information concerning the  
3 petitioner or a child of the petitioner or respondent and that  
4 information is contained in ~~friend of the court~~ COURT FAMILY  
5 SERVICES OFFICE records, notify the ~~friend of the court~~ COURT  
6 FAMILY SERVICES ADMINISTRATOR for the county in which the infor-  
7 mation is located about the existence of the personal protection  
8 order.

9 (16) The clerk of the court shall inform the petitioner that  
10 he or she may take a true copy of the personal protection order  
11 to the law enforcement agency designated by the court in subsec-  
12 tion (10) to be immediately entered into the law enforcement  
13 information network.

14 (17) The law enforcement agency that receives a true copy of  
15 the personal protection order under subsection (15) or (16) shall  
16 immediately, ~~and~~ without requiring proof of service enter the  
17 personal protection order into the law enforcement information  
18 network as provided by the L.E.I.N. policy council act of 1974,  
19 1974 PA 163, MCL 28.211 to 28.216.

20 (18) A personal protection order issued under this section  
21 shall be served personally or by registered or certified mail,  
22 return receipt requested, delivery restricted to the addressee at  
23 the last known address or addresses of the individual restrained  
24 or enjoined or by any other manner provided in the Michigan court  
25 rules. If the individual restrained or enjoined has not been  
26 served, a law enforcement officer or clerk of the court who knows  
27 that a personal protection order exists may, at any time, serve

1 the individual restrained or enjoined with a true copy of the  
2 order or advise the individual restrained or enjoined about the  
3 existence of the personal protection order, the specific conduct  
4 enjoined, the penalties for violating the order, and where the  
5 individual restrained or enjoined may obtain a copy of the  
6 order. If the respondent is less than 18 years of age, the  
7 parent, guardian, or custodian of that individual shall also be  
8 served personally or by registered or certified mail, return  
9 receipt requested, delivery restricted to the addressee at the  
10 last known address or addresses of the parent, guardian, or cus-  
11 todian of the individual restrained or enjoined. A proof of  
12 service or proof of oral notice shall be filed with the clerk of  
13 the court issuing the personal protection order. This subsection  
14 does not prohibit the immediate effectiveness of a personal pro-  
15 tection order or ~~its~~ immediate enforcement under subsections  
16 (21) and (22).

17 (19) The clerk of the court shall immediately notify the law  
18 enforcement agency that received the personal protection order  
19 under subsection (15) or (16) if either of the following occurs:

20 (a) The clerk of the court has received proof that the indi-  
21 vidual restrained or enjoined has been served.

22 (b) The personal protection order is rescinded, modified, or  
23 extended by court order.

24 (20) The law enforcement agency that receives information  
25 under subsection (19) shall enter the information or cause the  
26 information to be entered into the law enforcement information

1 network as provided by the L.E.I.N. policy council act of 1974,  
2 1974 PA 163, MCL 28.211 to 28.216.

3 (21) Subject to subsection (22), a personal protection order  
4 is immediately enforceable anywhere in this state by any law  
5 enforcement agency that has received a true copy of the order, is  
6 shown a copy of it, or has verified its existence on the law  
7 enforcement information network as provided by the  
8 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to  
9 28.216.

10 (22) If the individual restrained or enjoined has not been  
11 served, the law enforcement agency or officer responding to a  
12 call alleging a violation of a personal protection order shall  
13 serve the individual restrained or enjoined with a true copy of  
14 the order or advise the individual restrained or enjoined about  
15 the existence of the personal protection order, the specific con-  
16 duct enjoined, the penalties for violating the order, and where  
17 the individual restrained or enjoined may obtain a copy of the  
18 order. The law enforcement officer shall enforce the personal  
19 protection order and immediately enter or cause to be entered  
20 into the law enforcement information network that the individual  
21 restrained or enjoined has actual notice of the personal protec-  
22 tion order. The law enforcement officer also shall file a proof  
23 of service or proof of oral notice with the clerk of the court  
24 issuing the personal protection order. If the individual  
25 restrained or enjoined has not received notice of the personal  
26 protection order, the individual restrained or enjoined shall be  
27 given an opportunity to comply with the personal protection order

1 before the law enforcement officer makes a custodial arrest for  
2 violation of the personal protection order. ~~The failure~~  
3 FAILURE to immediately comply with the personal protection order  
4 shall be grounds for an immediate custodial arrest. This subsec-  
5 tion does not preclude an arrest under section 15 or 15a of  
6 chapter IV of the code of criminal procedure, 1927 PA 175,  
7 MCL 764.15 and 764.15a, or a proceeding under section 14 of chap-  
8 ter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

9 (23) An individual ~~who is~~ 17 years of age or ~~more and~~  
10 OLDER who refuses or fails to comply with a personal protection  
11 order under this section is subject to the criminal contempt  
12 powers of the court and, if found guilty, shall be imprisoned for  
13 not more than 93 days and may be fined not more than \$500.00. An  
14 individual ~~who is~~ less than 17 years of age ~~and~~ who refuses  
15 or fails to comply with a personal protection order issued under  
16 this section is subject to the dispositional alternatives listed  
17 in section 18 of chapter XIIA of the probate code of 1939, 1939  
18 PA 288, MCL 712A.18. The criminal penalty provided for under  
19 this section may be imposed in addition to a penalty that may be  
20 imposed for another criminal offense arising from the same  
21 conduct.

22 (24) An individual who knowingly and intentionally makes a  
23 false statement to the court in support of his or her petition  
24 for a personal protection order is subject to the contempt powers  
25 of the court.

26 (25) A personal protection order issued under this section  
27 is also enforceable under chapter XIIA of the probate code of

1 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of  
2 chapter IV of the code of criminal procedure, 1927 PA 175,  
3 MCL 764.15b.

4 (26) A personal protection order issued under this section  
5 is also enforceable under chapter 17.

6 (27) A court shall not issue a personal protection order  
7 that restrains or enjoins conduct described in subsection (1) if  
8 any of the following apply:

9 (a) The respondent is the unemancipated minor child of the  
10 petitioner.

11 (b) The petitioner is the unemancipated minor child of the  
12 respondent.

13 (c) The respondent is a minor child less than 10 years of  
14 age.

15 (28) If the respondent is less than 18 years of age, issu-  
16 ance of a personal protection order under this section is subject  
17 to chapter XIIIA of the probate code of 1939, 1939 PA 288,  
18 MCL 712A.1 to 712A.32.

19 (29) A personal protection order that is issued ~~prior to~~  
20 ~~the effective date of the amendatory act that added this~~  
21 ~~subsection~~ BEFORE MARCH 1, 1999 is not invalid on the ground  
22 that it does not comply with 1 or more of the requirements added  
23 by ~~this amendatory act~~ 1998 PA 477.

24 (30) As used in this section:

25 (a) "Dating relationship" means frequent, intimate associa-  
26 tions primarily characterized by the expectation of affectional  
27 involvement. ~~This term~~ DATING RELATIONSHIP does not include a

1 casual relationship or an ordinary fraternization between 2  
2 individuals in a business or social context.

3 (b) "Federal law enforcement officer" means an officer or  
4 agent employed by a law enforcement agency of the United States  
5 government whose primary responsibility is the enforcement of  
6 laws of the United States.

7 (c) "Personal protection order" means an injunctive order  
8 issued by the circuit court or the family division of circuit  
9 court restraining or enjoining activity and individuals listed in  
10 subsection (1).

11 Sec. 2950a. (1) Except as provided in subsections (25) and  
12 (26), by commencing an independent action to obtain relief under  
13 this section, by joining a claim to an action, or by filing a  
14 motion in an action in which the petitioner and the individual to  
15 be restrained or enjoined are parties, an individual may petition  
16 the family division of circuit court to enter a personal protec-  
17 tion order to restrain or enjoin an individual from engaging in  
18 conduct that is prohibited under section 411h or 411i of the  
19 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.  
20 Relief shall not be granted unless the petition alleges facts  
21 that constitute stalking as defined in section 411h or 411i of  
22 the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.  
23 Relief may be sought and granted under this section whether or  
24 not the individual to be restrained or enjoined has been charged  
25 or convicted under section 411h or 411i of the Michigan penal  
26 code, 1931 PA 328, MCL 750.411h and 750.411i, for the alleged  
27 violation.

1           (2) If the respondent is a person who is issued a license to  
2 carry a concealed weapon and is required to carry a weapon as a  
3 condition of his or her employment, a police officer certified by  
4 the commission on law enforcement standards act, 1965 PA 203,  
5 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of  
6 the Michigan department of state police, a local corrections  
7 officer, a department of corrections employee, or a federal law  
8 enforcement officer who carries a firearm during the normal  
9 course of his or her employment, the petitioner shall notify the  
10 court of the respondent's occupation prior to the issuance of the  
11 personal protection order. This subsection does not apply to a  
12 petitioner who does not know the respondent's occupation.

13           (3) A petitioner may omit his or her address of residence  
14 from documents filed with the court under this section. If a  
15 petitioner omits his or her address of residence, the petitioner  
16 shall provide the court a mailing address.

17           (4) If a court refuses to grant a personal protection order,  
18 the court shall immediately state in writing the specific reasons  
19 for issuing or refusing to issue a personal protection order. If  
20 a hearing is held, the court shall also immediately state on the  
21 record the specific reasons for issuing or refusing to issue a  
22 personal protection order.

23           (5) A personal protection order shall not be made mutual.  
24 Correlative separate personal protection orders are prohibited  
25 unless both parties have properly petitioned the court according  
26 to subsection (1).

1 (6) A personal protection order is effective and immediately  
2 enforceable anywhere in this state when signed by a judge. Upon  
3 service, a personal protection order also may be enforced by  
4 another state, an Indian tribe, or a territory of the United  
5 States.

6 (7) The court shall designate the law enforcement agency  
7 that is responsible for entering the personal protection order  
8 into the L.E.I.N.

9 (8) A personal protection order issued under this section  
10 shall include all of the following, ~~and~~ WHICH, to the extent  
11 practicable, SHALL BE contained in a single form:

12 (a) A statement that the personal protection order has been  
13 entered to enjoin or restrain conduct listed in the order and  
14 that violation of the personal protection order will subject the  
15 individual restrained or enjoined to 1 or more of the following:

16 (i) If the respondent is 17 years of age or more, immediate  
17 arrest and the civil and criminal contempt powers of the court,  
18 and that if he or she is found guilty of criminal contempt, he or  
19 she shall be imprisoned for not more than 93 days and may be  
20 fined not more than \$500.00.

21 (ii) If the respondent is less than 17 years of age, to  
22 immediate apprehension or being taken into custody, and subject  
23 to the dispositional alternatives listed in section 18 of chapter  
24 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

25 (iii) If the respondent violates the personal protection  
26 order in a jurisdiction other than this state, the respondent is  
27 subject to the enforcement procedures and penalties of the state,

1 Indian tribe, or United States territory under whose jurisdiction  
2 the violation occurred.

3 (b) A statement that the personal protection order is effec-  
4 tive and immediately enforceable anywhere in this state when  
5 signed by a judge, and that upon service, a personal protection  
6 order also may be enforced by another state, an Indian tribe, or  
7 a territory of the United States.

8 (c) A statement listing each type of conduct enjoined.

9 (d) An expiration date stated clearly on the face of the  
10 order.

11 (e) A statement that the personal protection order is  
12 enforceable anywhere in Michigan by any law enforcement agency.

13 (f) The law enforcement agency designated by the court to  
14 enter the personal protection order into the L.E.I.N.

15 (g) For an ex parte order, a statement that the individual  
16 restrained or enjoined may file a motion to modify or rescind the  
17 personal protection order and request a hearing within 14 days  
18 after the individual restrained or enjoined has been served or  
19 has received actual notice of the personal protection order and  
20 that motion forms and filing instructions are available from the  
21 clerk of the court.

22 (9) An ex parte personal protection order shall not be  
23 issued and effective without written or oral notice to the indi-  
24 vidual enjoined or his or her attorney unless it clearly appears  
25 from specific facts shown by verified complaint, written motion,  
26 or affidavit that immediate and irreparable injury, loss, or  
27 damage will result from the delay required to effectuate notice

1 or that the notice will precipitate adverse action before a  
2 personal protection order can be issued.

3 (10) A personal protection order issued under subsection (9)  
4 is valid for not less than 182 days. The individual restrained  
5 or enjoined may file a motion to modify or rescind the personal  
6 protection order and request a hearing under the Michigan court  
7 rules. The motion to modify or rescind the personal protection  
8 order shall be filed within 14 days after the order is served or  
9 after the individual restrained or enjoined has received actual  
10 notice of the personal protection order unless good cause is  
11 shown for filing the motion after 14 days have elapsed.

12 (11) Except as otherwise provided in this subsection, the  
13 court shall schedule a hearing on the motion to modify or rescind  
14 the ex parte personal protection order within 14 days after the  
15 filing of the motion to modify or rescind. If the respondent is  
16 a person described in subsection (2) and the personal protection  
17 order prohibits him or her from purchasing or possessing a fire-  
18 arm, the court shall schedule a hearing on the motion to modify  
19 or rescind the ex parte personal protection order within 5 days  
20 after the filing of the motion to modify or rescind.

21 (12) The clerk of the court that issues a personal protec-  
22 tion order shall do all of the following immediately upon issu-  
23 ance without requiring proof of service on the individual  
24 restrained or enjoined:

25 (a) File a true copy of the personal protection order with  
26 the law enforcement agency designated by the court in the  
27 personal protection order.

1 (b) Provide petitioner with not less than 2 true copies of  
2 the personal protection order.

3 (c) If respondent is identified in the pleadings as a law  
4 enforcement officer, notify the officer's employing law enforce-  
5 ment agency about the existence of the personal protection  
6 order.

7 (d) If the personal protection order prohibits the respon-  
8 dent from purchasing or possessing a firearm, notify the con-  
9 cealed weapon licensing board in respondent's county of residence  
10 about the existence and content of the personal protection  
11 order.

12 (e) If the respondent is identified in the pleadings as a  
13 department of corrections employee, notify the state department  
14 of corrections about the existence of the personal protection  
15 order.

16 (f) If the respondent is identified in the pleadings as  
17 being a person who may have access to information concerning the  
18 petitioner or a child of the petitioner or respondent and that  
19 information is contained in ~~friend of the court~~ COURT FAMILY  
20 SERVICES OFFICE records, notify the ~~friend of the court~~ COURT  
21 FAMILY SERVICES ADMINISTRATOR for the county in which the infor-  
22 mation is located about the existence of the personal protection  
23 order.

24 (13) The clerk of the court shall inform the petitioner that  
25 he or she may take a true copy of the personal protection order  
26 to the law enforcement agency designated by the court in  
27 subsection (7) to be immediately entered into the L.E.I.N.

1           (14) The law enforcement agency that receives a true copy of  
2 the personal protection order under subsection (12) or (13) shall  
3 immediately, without requiring proof of service, enter the per-  
4 sonal protection order into the L.E.I.N.

5           (15) A personal protection order issued under this section  
6 shall be served personally or by registered or certified mail,  
7 return receipt requested, delivery restricted to the addressee at  
8 the last known address or addresses of the individual restrained  
9 or enjoined or by any other manner provided in the Michigan court  
10 rules. If the individual restrained or enjoined has not been  
11 served, a law enforcement officer or clerk of the court who knows  
12 that a personal protection order exists may, at any time, serve  
13 the individual restrained or enjoined with a true copy of the  
14 order or advise the individual restrained or enjoined about the  
15 existence of the personal protection order, the specific conduct  
16 enjoined, the penalties for violating the order, and where the  
17 individual restrained or enjoined may obtain a copy of the  
18 order. If the respondent is less than 18 years of age, the  
19 parent, guardian, or custodian of that individual shall also be  
20 served personally or by registered or certified mail, return  
21 receipt requested, delivery restricted to the addressee at the  
22 last known address or addresses of the parent, guardian, or cus-  
23 todian of the individual restrained or enjoined. A proof of  
24 service or proof of oral notice shall be filed with the clerk of  
25 the court issuing the personal protection order. This subsection  
26 does not prohibit the immediate effectiveness of a personal

1 protection order or immediate enforcement under subsection (18)  
2 or (19).

3 (16) The clerk of the court shall immediately notify the law  
4 enforcement agency that received the personal protection order  
5 under subsection (12) or (13) if either of the following occurs:

6 (a) The clerk of the court has received proof that the indi-  
7 vidual restrained or enjoined has been served.

8 (b) The personal protection order is rescinded, modified, or  
9 extended by court order.

10 (17) The law enforcement agency that receives information  
11 under subsection (16) shall enter the information or cause the  
12 information to be entered into the L.E.I.N.

13 (18) Subject to subsection (19), a personal protection order  
14 is immediately enforceable anywhere in this state by any law  
15 enforcement agency that has received a true copy of the order, is  
16 shown a copy of it, or has verified its existence on the  
17 L.E.I.N.

18 (19) If the individual restrained or enjoined has not been  
19 served, the law enforcement agency or officer responding to a  
20 call alleging a violation of a personal protection order shall  
21 serve the individual restrained or enjoined with a true copy of  
22 the order or advise the individual restrained or enjoined about  
23 the existence of the personal protection order, the specific con-  
24 duct enjoined, the penalties for violating the order, and where  
25 the individual restrained or enjoined may obtain a copy of the  
26 order. The law enforcement officer shall enforce the personal  
27 protection order and immediately enter or cause to be entered

1 into the L.E.I.N. that the individual restrained or enjoined has  
2 actual notice of the personal protection order. The law enforce-  
3 ment officer also shall file a proof of service or proof of oral  
4 notice with the clerk of the court issuing the personal protec-  
5 tion order. If the individual restrained or enjoined has not  
6 received notice of the personal protection order, the individual  
7 restrained or enjoined shall be given an opportunity to comply  
8 with the personal protection order before the law enforcement  
9 officer makes a custodial arrest for violation of the personal  
10 protection order. Failure to immediately comply with the per-  
11 sonal protection order is grounds for an immediate custodial  
12 arrest. This subsection does not preclude an arrest under  
13 section 15 or 15a of chapter IV of the code of criminal proce-  
14 dure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under  
15 section 14 of chapter XIIIA of the probate code of 1939, 1939  
16 PA 288, MCL 712A.14.

17 (20) An individual 17 years of age or ~~more~~ OLDER who  
18 refuses or fails to comply with a personal protection order  
19 issued under this section is subject to the criminal contempt  
20 powers of the court and, if found guilty of criminal contempt,  
21 shall be imprisoned for not more than 93 days and may be fined  
22 not more than \$500.00. An individual less than 17 years of age  
23 who refuses or fails to comply with a personal protection order  
24 issued under this section is subject to the dispositional alter-  
25 natives listed in section 18 of chapter XIIIA of the probate code  
26 of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty provided  
27 for under this section may be imposed in addition to any penalty

1 that may be imposed for any other criminal offense arising from  
2 the same conduct.

3 (21) An individual who knowingly and intentionally makes a  
4 false statement to the court in support of his or her petition  
5 for a personal protection order is subject to the contempt powers  
6 of the court.

7 (22) A personal protection order issued under this section  
8 is also enforceable under chapter XIIA of the probate code of  
9 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of  
10 chapter IV of the code of criminal procedure, 1927 PA 175,  
11 MCL 764.15b.

12 (23) A personal protection order issued under this section  
13 may enjoin or restrain an individual from purchasing or possess-  
14 ing a firearm.

15 (24) A personal protection order issued under this section  
16 is also enforceable under chapter 17.

17 (25) A court shall not issue a personal protection order  
18 that restrains or enjoins conduct described in subsection (1) if  
19 any of the following apply:

20 (a) The respondent is the unemancipated minor child of the  
21 petitioner.

22 (b) The petitioner is the unemancipated minor child of the  
23 respondent.

24 (c) The respondent is a minor child less than 10 years of  
25 age.

26 (26) If the respondent is less than 18 years of age,  
27 issuance of a personal protection order under this section is

1 subject to chapter XIIIA of the probate code of 1939, 1939 PA 288,  
2 MCL 712A.1 to 712A.32.

3 (27) A personal protection order that is issued before March  
4 1, 1999 is not invalid on the ground that it does not comply with  
5 1 or more of the requirements added by 1998 PA 476.

6 (28) A court shall not issue a personal protection order  
7 under this section if the petitioner is a prisoner. If a per-  
8 sonal protection order is issued in violation of this subsection,  
9 a court shall rescind the personal protection order upon notifi-  
10 cation and verification that the petitioner is a prisoner.

11 (29) As used in this section:

12 (a) "Federal law enforcement officer" means an officer or  
13 agent employed by a law enforcement agency of the United States  
14 government whose primary responsibility is the enforcement of  
15 laws of the United States.

16 (b) "L.E.I.N." means the law enforcement information net-  
17 work administered under the L.E.I.N. policy council act of 1974,  
18 1974 PA 163, MCL 28.211 to 28.216.

19 (c) "Personal protection order" means an injunctive order  
20 issued by circuit court or the family division of circuit court  
21 restraining or enjoining conduct prohibited under section 411h or  
22 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
23 750.411i.

24 (d) "Prisoner" means a person subject to incarceration,  
25 detention, or admission to a prison who is accused of, convicted  
26 of, sentenced for, or adjudicated delinquent for violations of

1 federal, state, or local law or the terms and conditions of  
2 parole, probation, pretrial release, or a diversionary program.

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

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

14       (a) Is an attorney in good standing with the state bar of  
15 Michigan.

16       (b) Has practiced as an attorney for not less than 5 years  
17 before the appointment and has demonstrated an expertise in the  
18 area of domestic relations law.

19       (c) Has received training in the dynamics of domestic vio-  
20 lence and in handling domestic relations matters that have a his-  
21 tory of domestic violence.

22       (3) The ~~office of the friend of the court~~ COURT FAMILY  
23 SERVICES OFFICE, an alternative dispute resolution clerk, or  
24 another individual designated by the chief judge may make avail-  
25 able a list of arbitrators who meet the qualifications of this  
26 section. The list shall include a summary of each arbitrator's  
27 qualifications and experience.

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

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

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

1           Sec. 9947. (1) Except as otherwise provided in this act,  
 2 the legislature shall appropriate sufficient ~~funds~~ MONEY in  
 3 order to fund at least 31.5% of all net trial court operational  
 4 expenses, subject to the offset provisions of subsection (6),  
 5 beginning with the state fiscal year that begins October 1,  
 6 1993. It is the intent of the legislature that the state will  
 7 fund the highest percentage of trial court operational expenses,  
 8 offset by an equivalent percentage of court revenues collected by  
 9 counties or district control units, as available ~~funds~~ MONEY  
 10 will allow, as determined by the legislature. Except as provided  
 11 in section 151b(4)(a) and (b), this section shall not apply after  
 12 September 30, 1996.

13           (2) As used in this section, "trial court operational  
 14 expenses" means, for each trial court of record other than a  
 15 court in a county in which a court receives state appropriations  
 16 to implement section ~~563, 564, 592,~~ 593, 594, 595, ~~8272,~~  
 17 8273, 8275, ~~9104,~~ or 9943, the sum of the following expenses  
 18 for the 1990-91 fiscal year, as reported to the state court  
 19 administrative office, excluding expenses reimbursed by federal  
 20 ~~friend of the court~~ COURT FAMILY SERVICES OFFICE  
 21 reimbursement:

22           (a) Employee compensation, including compensation for county  
 23 clerk services to the circuit court, other than compensation for  
 24 courtroom security.

25           (b) Operational and maintenance expenses other than expenses  
 26 for facilities, utilities, telephones, and courtroom security.

1 (c) Assigned counsel provided for indigents accused of  
2 criminal offenses or ordinance violations, whether before or  
3 after conviction.

4 (d) Guardians ad litem for indigent persons.

5 (e) Compensation paid to jurors.

6 (f) Fees for transcripts that are prepared pursuant to court  
7 order.

8 (g) Expenses incurred as a result of the operating of a pro-  
9 bation department.

10 (3) For purposes of subsection (2)(c), trial courts shall  
11 establish minimum standards which must be met by all attorneys  
12 serving as assigned counsel. Minimum standards shall be devel-  
13 oped in consultation with a local or county bar association.

14 (4) If a trial court has not reported information on each of  
15 the items described in subsection (2) for the 1990-91 fiscal  
16 year, as required under subsection (2), the state court adminis-  
17 trative office shall calculate the trial court operational  
18 expenses for that court based on the information received. A  
19 local funding unit may report additional 1990-91 fiscal year  
20 trial court operational expenses if the information on the  
21 expenses that has already been reported to the state court admin-  
22 istrative office is incomplete or incorrect and the additional  
23 information is confirmed by an independent audit, paid for by the  
24 local funding unit and approved by the state court  
25 administrator. Information confirmed by an independent audit  
26 shall be included by the state court administrative office in its

1 calculation of trial court operational expenses under this  
2 subsection.

3 (5) The state court administrative office shall monitor the  
4 trends in the ratio of trial court operational expenses to court  
5 revenues for each county and district funding unit. In analyzing  
6 differences in the ratio of court operational expenses to court  
7 revenues for a county or district funding unit from the ratio of  
8 expenses to court revenues based on expense data reported by that  
9 county or district funding unit for 1990-91 and court revenue  
10 data reported by that county or district funding unit for  
11 1990-91, the state court administrator shall consider changes in  
12 fees impacting revenue generation, changes in court responsibili-  
13 ties impacting workload, statewide trends in expenses to revenue  
14 ratios, and increases in expenses due to inflation. Upon deter-  
15 mining that the ratio of expenses to court revenues for a county  
16 and district funding unit differs significantly from statewide  
17 trends, the state court administrator shall conduct a review of  
18 the budget and court management of the court or courts funded by  
19 that county or district funding unit. The state court adminis-  
20 trator shall then submit a report to the senate and house appro-  
21 priations subcommittees on general government. In the following  
22 state fiscal year, the legislature may authorize adjustments to  
23 the funding from the state court fund created in section 151a for  
24 which those counties or district funding units would otherwise be  
25 entitled pursuant to this section.

26 (6) The ~~funds~~ MONEY to which a county or district funding  
27 unit is entitled under subsection (1) shall be offset by the sum

1 of court revenues collected by that county or district funding  
2 unit in the 1990-91 state fiscal year and any state funding in  
3 the 1990-91 fiscal year received by the county or district fund-  
4 ing unit for trial court operational expenses, including judges'  
5 salaries, Michigan ~~friend of the court~~ COURT FAMILY SERVICES  
6 OFFICE funds, and child care funds. The amount of the offset of  
7 court revenues shall be equal to the percentage of trial court  
8 operational expenses funded for that county, or, in the case of a  
9 district of the third class, that district funding unit.  
10 However, an offset under this subsection shall not reduce the  
11 funding to which the county or district control unit is entitled  
12 to less than zero.

13 (7) As used in this section, "court revenues" means all  
14 fees, fines, and court costs, except the following:

15 (a) Penal fines.

16 (b) Revenue dedicated to the state general fund.

17 (c) Revenue dedicated to a restricted state fund or state  
18 purpose.

19 (d) Revenue dedicated to a ~~friend of the court~~ COURT  
20 FAMILY SERVICES OFFICE fund.

21 (8) A county or political subdivision shall receive funds  
22 under this section based on the trial court operational expenses  
23 of the courts in the county for which the county or a political  
24 subdivision of the county is responsible, offset by the portion  
25 of court revenues from those courts to which the county or polit-  
26 ical subdivision is entitled.

1           Enacting section 1. Section 1487 of the revised judicature  
2 act of 1961, 1961 PA 236, as added by 1996 PA 428, MCL  
3 600.1487[1], is repealed.

4           Enacting section 2. This amendatory act does not take  
5 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 6011  
6 (request no. 04605'01 \*) of the 91st Legislature is enacted into  
7 law.