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Senate Bill 568 (as introduced 5-12-09)
Sponsor: Senator Mark C. Jansen
Committee: Families and Human Services

Date Completed: 1-19-10

CONTENT

The bill would amend Chapter 50B (Domestic Relations Arbitration) of the Revised Judicature Act to require a review or modification of child support, child custody, or parenting time provisions to be made based on the record of an arbitration hearing concerning those issues, and permit the court to take additional evidence if the record were insufficient.

Under Chapter 50B, parties to a domestic relations dispute may agree to binding arbitration to determine an award for child custody, child support, or parenting time, among other provisions. The circuit court must enforce an arbitrator's award in the same manner as a court order.

If a party applies to the circuit court to vacate or modify an arbitrator's award, the court must review the award. The court may not vacate or modify an award concerning child support, custody, or parenting time unless it finds that the award is adverse to the best interests of the child.

A review or modification of a child support amount, child custody, or parenting time must be conducted under the standards and procedures provided in other statutes, in applicable law, and by court rule that are applicable to child support amounts, child custody, or parenting time. The bill would delete that provision.

The bill instead would require a review or modification to be based on the record made under Section 5077(2) of the Act. (Section 5077 generally prohibits a record from being made of an arbitration hearing, but requires that a record be made of that portion of a hearing that concerns child support, custody, or parenting time.)

If the court found that the record was insufficient to determine whether the award was adverse to the child's best interests, it could take additional evidence.

MCL 600.5080

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would limit the level of court review when parties agree to binding arbitration in child custody matters. The bill would result in indeterminate administration savings to local units of government.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.