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BILL ANALYSIS

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House Bill 5501 (as passed by the House)
Sponsor: Representative Mary Valentine
House Committee: Families and Children's Services
Senate Committee: Families and Human Services

Date Completed: 12-9-09

CONTENT

The bill would amend the Child Custody Act to refer to "alternative dispute resolution", rather than mediation, in provisions concerning grandparent time actions.

The Act allows individuals to seek grandparenting time orders under specific circumstances; establishes a rebuttable presumption that a fit parent's decision to deny grandparenting time does not create a substantial risk of harm to the child; and places the burden on the grandparent to rebut the presumption.

If the court determines that the grandparent has met the standard for rebutting the presumption, the court may refer the grandparent's complaint or motion for grandparenting time to domestic relations mediation. If the complaint or motion is referred to the Friend of the Court for mediation service, and no settlement is reached through mediation within a reasonable time, the complaint or motion must be heard by the court as provided in the Act.

The bill would replace these references to mediation and mediation service, with references to alternative dispute resolution.

The bill is tie-barred to Senate Bill 99. (That bill would amend the Friend of the Court Act to provide for the use of alternative dispute resolution, rather than domestic relations mediation, to assist the parties in settling child custody or parenting time disputes; establish qualifications for a person providing alternative dispute resolution services; and make other changes related to custody, support, and responsibilities of the Friend of the Court.)

MCL 722.27b

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

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