

HOUSE BILL No. 5652

June 11, 2014, Introduced by Reps. Santana, Rutledge, Zemke, Slavens, Irwin, Stallworth, Hobbs, Hovey-Wright, Geiss and Barnett and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1035.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1035. (1) SUBJECT TO SUBSECTION (2), UNLESS BOTH PARTIES
2 TO A DOMESTIC RELATIONS ACTION STIPULATE TO MEDIATION, A COURT
3 SHALL NOT ORDER MEDIATION IN THE ACTION IF 1 OR MORE OF THE
4 FOLLOWING APPLY:

5 (A) A PERSONAL PROTECTION ORDER HAS BEEN ISSUED UNDER SECTION
6 2950 OR 2950A PROTECTING 1 PARTY AND RESTRAINING THE OTHER PARTY.

7 (B) A COURT ORDER PROHIBITING 1 OF THE PARTIES FROM CONTACTING
8 THE OTHER PARTY, OTHER THAN AN ORDER DESCRIBED IN SUBDIVISION (A),
9 HAS BEEN ENTERED.

10 (C) ONE OF THE PARTIES HAS ENGAGED IN CONDUCT PROHIBITED UNDER

SECTION 411H OR 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND 750.411I, DIRECTED AGAINST THE OTHER PARTY.

(D) ONE OF THE PARTIES HAS COMMITTED CHILD ABUSE OR NEGLECT WITH RESPECT TO A CHILD OF THE OTHER PARTY.

(E) ONE OF THE PARTIES HAS COMMITTED DOMESTIC ABUSE AGAINST THE OTHER PARTY.

(F) A PARTY WILL BE UNABLE TO NEGOTIATE FOR HIMSELF OR HERSELF AT THE MEDIATION.

(G) THERE IS REASON TO BELIEVE THAT THE HEALTH OR SAFETY OF A PARTY WOULD BE ENDANGERED BY MEDIATION.

(H) THERE IS ANOTHER GOOD CAUSE TO EXEMPT THE DOMESTIC RELATIONS MATTER FROM MEDIATION.

(2) REGARDLESS OF WHETHER THE PARTIES TO A DOMESTIC RELATIONS ACTION STIPULATE TO MEDIATION, A COURT SHALL NOT ORDER MEDIATION AS TO AN ACTION FOR, OR THE PART OF AN ACTION INVOLVING, A PERSONAL PROTECTION ORDER UNDER SECTION 2950.

(3) AS USED IN THIS SECTION, "DOMESTIC RELATIONS ACTION" MEANS ANY OF THE FOLLOWING:

(A) AN ACTION FOR DIVORCE, SEPARATE MAINTENANCE, ANNULMENT OF MARRIAGE, AFFIRMATION OF MARRIAGE, PATERNITY, FAMILY SUPPORT UNDER THE FAMILY SUPPORT ACT, 1966 PA 138, MCL 552.451 TO 552.459, THE CUSTODY OF MINORS UNDER THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.21 TO 722.31, OR GRANDPARENTING TIME UNDER SECTION 7B OF THE CHILD CUSTODY ACT OF 1970, 1970 PA 91, MCL 722.27B.

(B) A PROCEEDING THAT IS ANCILLARY OR SUBSEQUENT TO AN ACTION LISTED IN SUBDIVISION (A) AND THAT RELATES TO ANY OF THE FOLLOWING:

(i) THE CUSTODY OF A MINOR.

1 (ii) PARENTING TIME WITH A MINOR.

2 (iii) THE SUPPORT OF A MINOR, SPOUSE, OR FORMER SPOUSE.