

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.513 Alternative dispute resolution; approval of plan; "protection order" defined; agreement; consent order; confidentiality of communication; qualifications of person providing domestic relations mediation or other forms of alternative dispute resolution.

Sec. 13. (1) In a friend of the court case, the office shall provide, either directly or by contract, alternative dispute resolution to assist the parties in settling voluntarily a dispute concerning child custody or parenting time. The alternative dispute resolution shall be provided according to a plan approved by the chief judge and the state court administrative office. The plan adopted shall include a screening process for domestic violence, the existence of a protection order between the parties, child abuse or neglect, and other safety concerns, and the plan shall provide a method to address those concerns. The plan shall be consistent with standards established by the state court administrative office under the supervision and direction of the supreme court and shall include minimum qualifications and training requirements for alternative dispute resolution and domestic relations mediation providers and a designation of matters that are subject to alternative dispute resolution by various means. A party may be required by court order to meet with a person conducting alternative dispute resolution. As used in this subsection, "protection order" means a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 or 600.2950a, a foreign protection order as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h, a condition of pretrial release issued to protect a named individual under section 6b of chapter V of the code of criminal procedure, 1927 PA 175, MCL 765.6b, a condition of probation issued to protect a named individual under section 3(2)(o) of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, or a condition of parole issued to protect a named individual under section 36(16) of the corrections code of 1953, 1953 PA 232, MCL 791.236.

(2) If an agreement is reached by the parties through friend of the court alternative dispute resolution, a consent order incorporating the agreement shall be prepared by an employee of the office or individual approved by the court using a form provided by the state court administrative office, under the supervision and direction of the supreme court, or approved by the chief judge. The consent order shall be provided to, and shall be entered by, the court.

(3) Each alternative dispute resolution plan prepared according to subsection (1) shall include an option for domestic relations mediation. Except as provided in subsection (2), a communication between a friend of the court alternative dispute resolution and domestic relations mediation provider and a party pertaining to the matter subject to resolution is confidential as provided in court rule.

(4) An employee of the office or other person who provides domestic relations mediation services under a plan approved under subsection (1) shall have all of the following qualifications:

(a) Possess knowledge of the court system of this state and the procedures used in domestic relations matters.

(b) Possess knowledge of other resources in the community to which the parties to a domestic relations matter can be referred for assistance.

(c) Other qualifications as prescribed by the state court administrative office under the supervision and direction of the supreme court.

(d) Other qualifications as prescribed by the chief judge of the circuit court.

(5) Employees of the office who conduct any other form of alternative dispute resolution shall have the qualifications to conduct a joint meeting as described in section 42a of the support and parenting time enforcement act, 1982 PA 295, MCL 552.642a.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2009, Act 233, Imd. Eff. Jan. 8, 2010;—Am. 2014, Act 382, Eff. Mar. 17, 2015.

Popular name: Friend of the Court