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BILL ANALYSIS

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House Bill 4615 (Substitute S-2 as reported)  
Sponsor: Representative Marc Shulman  
House Committee: Family and Civil Law  
Senate Committee: Families, Mental Health and Human Services

## **CONTENT**

The bill, together with House Bill 4552 (S-1), would add Chapter 50B to the Revised Judicature Act to govern arbitration in domestic relations matters. House Bill 4615 (S-2) would:

- Require the parties and their attorneys to meet with the arbitrator, as soon as practicable, and consider the scope of the issues submitted, the date and place of the hearing, a schedule for the exchange of expert reports, and information each party considered applicable and material and a schedule for the production or exchange of the information.
- Require the arbitrator to order each party to produce applicable and material information, including financial disclosure statements and tax returns for the past three years.
- Require a record to be made of the portion of a hearing concerning child support, custody, or parenting time.
- Require the arbitrator to issue a written award on each issue within 60 days after the hearing or the receipt of proposed findings and conclusions, unless otherwise agreed.
- Allow the correction of errors or omissions within a specific time frame.
- Require the circuit court to enforce an arbitrator's award or other order in the same manner as an order issued by the court.
- Prohibit the court from vacating or modifying an award concerning child support, custody, or parenting time unless the court found that it was adverse to the child's best interests or found grounds that required vacating the award (described below).
- Provide that a review or modification of a child support amount, child custody, or parenting time would be subject to the standards and procedures provided in other statutes, other applicable law, and court rule.
- Require the court to vacate an award if it were procured by corruption, fraud, or other undue means; if there were evident partiality by an arbitrator appointed as a neutral, corruption of an arbitrator, or misconduct prejudicing a party's rights; if the arbitrator exceeded his or her powers; or if the arbitrator refused to postpone the hearing on a showing of sufficient cause, refused to hear material evidence, or otherwise conducted the hearing to prejudice substantially a party's rights.
- Provide that an arbitration award could be appealed in the same manner as an order or judgment in other civil actions.

Proposed MCL 600.5076-600.5082

Legislative Analyst: S. Lowe

## **FISCAL IMPACT**

There are no statewide data on the current use of arbitrators in domestic relations matters. Reduced court costs would depend on whether the bills increased the use of arbitration in domestic relations matters.

Date Completed: 12-1-00

Fiscal Analyst: B. Bowerman

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Analysis available @ <http://www.michiganlegislature.org>

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