

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4615

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding chapter 50B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER 50B.

2 DOMESTIC RELATIONS ARBITRATION

3 SEC. 5076. (1) AS SOON AS PRACTICABLE AFTER THE APPOINTMENT

4 OF THE ARBITRATOR, THE PARTIES AND ATTORNEYS SHALL MEET WITH THE

5 ARBITRATOR TO CONSIDER ALL OF THE FOLLOWING:

6 (A) SCOPE OF THE ISSUES SUBMITTED.

7 (B) DATE, TIME, AND PLACE OF THE HEARING.

8 (C) WITNESSES, INCLUDING EXPERTS, WHO MAY TESTIFY.

9 (D) SCHEDULE FOR EXCHANGE OF EXPERT REPORTS OR SUMMARY OF

10 EXPERT TESTIMONY.

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1 (E) SUBJECT TO SUBSECTION (2), EXHIBITS, DOCUMENTS, OR OTHER
2 INFORMATION EACH PARTY CONSIDERS APPLICABLE AND MATERIAL TO THE
3 CASE AND A SCHEDULE FOR PRODUCTION OR EXCHANGE OF THE
4 INFORMATION. IF A PARTY KNEW OR REASONABLY SHOULD HAVE KNOWN
5 ABOUT THE EXISTENCE OF INFORMATION THE PARTY IS REQUIRED TO
6 PRODUCE, THAT PARTY WAIVES OBJECTION TO PRODUCING THAT INFORMA-
7 TION IF THE PARTY DOES NOT OBJECT BEFORE THE HEARING.

8 (F) DISCLOSURE REQUIRED UNDER SECTION 5075.

9 (2) THE ARBITRATOR SHALL ORDER EACH PARTY TO PRODUCE INFOR-
10 MATION THAT IS APPLICABLE AND MATERIAL TO AN ISSUE UNDER ARBITRA-
11 TION, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

12 (A) A CURRENT, COMPLETE, AND ACCURATE SWORN FINANCIAL DIS-
13 CLOSURE STATEMENT.

14 (B) FINANCIAL DISCLOSURE STATEMENTS FOR THE PAST 3 YEARS.

15 (C) STATE AND FEDERAL INCOME TAX RETURNS FOR THE PREVIOUS 3
16 YEARS OR OTHER TIME PERIOD AS ORDERED BY THE ARBITRATOR.

17 (D) IF A COURT HAS ISSUED AN ORDER CONCERNING AN ISSUE
18 SUBJECT TO ARBITRATION, A COPY OF THE ORDER, STATE AND FEDERAL
19 INCOME TAX RETURNS FOR THE YEAR THE ORDER WAS ISSUED, AND A
20 FINANCIAL STATEMENT FOR THE TIME AT WHICH THE ORDER WAS ISSUED,
21 WHICH STATEMENT INCLUDES AT LEAST GROSS AND NET INCOME AND ASSETS
22 AND LIABILITIES.

23 (E) PROPOSED AWARD FOR EACH ISSUE SUBJECT TO ARBITRATION.

24 SEC. 5077. (1) EXCEPT AS PROVIDED BY THIS SECTION, COURT
25 RULE, OR THE ARBITRATION AGREEMENT, A RECORD SHALL NOT BE MADE OF
26 AN ARBITRATION HEARING UNDER THIS CHAPTER. IF A RECORD IS NOT
27 REQUIRED, AN ARBITRATOR MAY MAKE A RECORD TO BE USED ONLY BY THE

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1 ARBITRATOR TO AID IN REACHING THE DECISION. THE PARTIES MAY
2 PROVIDE IN THE ARBITRATION AGREEMENT THAT A RECORD BE MADE OF
3 THOSE PORTIONS OF A HEARING RELATED TO 1 OR MORE ISSUES SUBJECT
4 TO ARBITRATION.

5 (2) A RECORD SHALL BE MADE OF THAT PORTION OF A HEARING THAT
6 CONCERNS CHILD SUPPORT, CUSTODY, OR PARENTING TIME IN THE SAME
7 MANNER REQUIRED BY THE MICHIGAN COURT RULES FOR THE RECORD OF A
8 WITNESS'S TESTIMONY IN A DEPOSITION.

9 SEC. 5078. (1) UNLESS OTHERWISE AGREED BY THE PARTIES AND
10 ARBITRATOR IN WRITING OR ON THE RECORD, THE ARBITRATOR SHALL
11 ISSUE THE WRITTEN AWARD ON EACH ISSUE WITHIN 60 DAYS AFTER EITHER
12 THE END OF THE HEARING OR, IF REQUESTED BY THE ARBITRATOR, AFTER
13 RECEIPT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

14 (2) SUBJECT TO THE OTHER RESTRICTIONS IN THIS SUBSECTION, IF
15 THE PARTIES REACH AN AGREEMENT REGARDING CHILD SUPPORT, CUSTODY,
16 OR PARENTING TIME, THE AGREEMENT SHALL BE PLACED ON THE RECORD BY
17 THE PARTIES UNDER OATH AND SHALL BE INCLUDED IN THE ARBITRATOR'S
18 WRITTEN AWARD. AN ARBITRATOR SHALL NOT INCLUDE IN THE AWARD A
19 CHILD SUPPORT AMOUNT THAT DEVIATES FROM THE CHILD SUPPORT FORMULA
20 DEVELOPED BY THE STATE FRIEND OF THE COURT BUREAU UNLESS THE
21 ARBITRATOR COMPLIES WITH THE SAME REQUIREMENTS FOR SUCH A DEVIA-
22 TION PRESCRIBED FOR THE COURT UNDER THE LAW THAT APPLIES TO THE
23 DOMESTIC RELATIONS DISPUTE THAT IS BEING ARBITRATED.

24 (3) AN ARBITRATOR UNDER THIS CHAPTER RETAINS JURISDICTION TO
25 CORRECT ERRORS OR OMISSIONS IN AN AWARD UNTIL THE COURT CONFIRMS
26 THE AWARD. WITHIN 14 DAYS AFTER THE AWARD IS ISSUED, A PARTY TO
27 THE ARBITRATION MAY FILE A MOTION TO CORRECT ERRORS OR

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1 OMISSIONS. THE OTHER PARTY TO THE ARBITRATION MAY RESPOND TO
2 SUCH A MOTION WITHIN 14 DAYS AFTER THE MOTION IS FILED. THE
3 ARBITRATOR SHALL ISSUE A DECISION ON THE MOTION WITHIN 14 DAYS
4 AFTER RECEIPT OF A RESPONSE TO THE MOTION OR, IF A RESPONSE IS
5 NOT FILED, WITHIN 14 DAYS AFTER EXPIRATION OF THE RESPONSE
6 PERIOD.

7 SEC. 5079. (1) THE CIRCUIT COURT SHALL ENFORCE AN
8 ARBITRATOR'S AWARD OR OTHER ORDER ISSUED UNDER THIS CHAPTER IN
9 THE SAME MANNER AS AN ORDER ISSUED BY THE CIRCUIT COURT. A PARTY
10 MAY MAKE A MOTION TO THE CIRCUIT COURT TO ENFORCE AN ARBITRATOR'S
11 AWARD OR ORDER.

12 (2) THE PLAINTIFF IN AN ACTION THAT WAS SUBMITTED TO ARBI-
13 TRATION UNDER THIS CHAPTER SHALL FILE WITH THE CIRCUIT COURT A
14 JUDGMENT, ORDER, OR MOTION TO SETTLE THE JUDGMENT WITHIN 21 DAYS
15 AFTER THE ARBITRATOR'S AWARD IS ISSUED UNLESS OTHERWISE AGREED TO
16 BY THE PARTIES IN WRITING OR UNLESS THE ARBITRATOR OR COURT
17 GRANTS AN EXTENSION. IF THE PLAINTIFF FAILS TO COMPLY WITH THIS
18 SUBSECTION, ANOTHER PARTY TO THE ACTION MAY FILE A JUDGMENT,
19 ORDER, OR MOTION TO SETTLE THE JUDGMENT AND MAY REQUEST
20 SANCTIONS.

21 SEC. 5080. (1) SUBJECT TO SUBSECTION (2), THE CIRCUIT COURT
22 SHALL NOT VACATE OR MODIFY AN AWARD CONCERNING CHILD SUPPORT,
23 CUSTODY, OR PARENTING TIME UNLESS THE COURT FINDS THAT THE AWARD
24 IS ADVERSE TO THE BEST INTERESTS OF THE CHILD WHO IS THE SUBJECT
25 OF THE AWARD OR UNDER THE PROVISIONS OF SECTION 5081.

26 (2) A REVIEW OR MODIFICATION OF A CHILD SUPPORT AMOUNT,
27 CHILD CUSTODY, OR PARENTING TIME SHALL BE CONDUCTED AND IS

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1 SUBJECT TO THE STANDARDS AND PROCEDURES PROVIDED IN OTHER
2 STATUTES, IN OTHER APPLICABLE LAW, AND BY COURT RULE THAT ARE
3 APPLICABLE TO CHILD SUPPORT AMOUNTS, CHILD CUSTODY, OR PARENTING
4 TIME.

5 (3) OTHER STANDARDS AND PROCEDURES REGARDING REVIEW OF ARBI-
6 TRATION AWARDS DESCRIBED IN THIS SECTION ARE GOVERNED BY COURT
7 RULE.

8 SEC. 5081. (1) IF A PARTY APPLIES TO THE CIRCUIT COURT FOR
9 VACATION OR MODIFICATION OF AN ARBITRATOR'S AWARD ISSUED UNDER
10 THIS CHAPTER, THE COURT SHALL REVIEW THE AWARD AS PROVIDED IN
11 THIS SECTION OR SECTION 5080.

12 (2) IF A PARTY APPLIES UNDER THIS SECTION, THE COURT SHALL
13 VACATE AN AWARD UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

14 (A) THE AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR OTHER
15 UNDUE MEANS.

16 (B) THERE WAS EVIDENT PARTIALITY BY AN ARBITRATOR APPOINTED
17 AS A NEUTRAL, CORRUPTION OF AN ARBITRATOR, OR MISCONDUCT PREJU-
18 DICING A PARTY'S RIGHTS.

19 (C) THE ARBITRATOR EXCEEDED HIS OR HER POWERS.

20 (D) THE ARBITRATOR REFUSED TO POSTPONE THE HEARING ON A
21 SHOWING OF SUFFICIENT CAUSE, REFUSED TO HEAR EVIDENCE MATERIAL TO
22 THE CONTROVERSY, OR OTHERWISE CONDUCTED THE HEARING TO PREJUDICE
23 SUBSTANTIALLY A PARTY'S RIGHTS.

24 (3) THE FACT THAT THE RELIEF GRANTED IN AN ARBITRATION AWARD
25 COULD NOT BE GRANTED BY A COURT OF LAW OR EQUITY IS NOT GROUNDS
26 FOR VACATING OR REFUSING TO CONFIRM THE AWARD.

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1 (4) AN APPLICATION TO VACATE AN AWARD ON GROUNDS STATED IN
2 SUBSECTION (2)(A) SHALL BE MADE WITHIN 21 DAYS AFTER THE GROUNDS
3 ARE KNOWN OR SHOULD HAVE BEEN KNOWN.

4 (5) IF THE COURT VACATES AN AWARD, THE COURT MAY ORDER A
5 REHEARING BEFORE A NEW ARBITRATOR CHOSEN AS PROVIDED IN THE
6 AGREEMENT OR, IF THERE IS NO SUCH PROVISION, BY THE COURT. IF
7 THE AWARD IS VACATED ON THE GROUNDS STATED IN SUBSECTION (2)(A)
8 OR (C), THE COURT MAY ORDER A REHEARING BEFORE THE ARBITRATOR WHO
9 MADE THE AWARD.

10 (6) OTHER STANDARDS AND PROCEDURES RELATING TO REVIEW OF
11 ARBITRATION AWARDS DESCRIBED IN SUBSECTION (1) ARE GOVERNED BY
12 COURT RULE.

13 SEC. 5082. AN APPEAL FROM AN ARBITRATION AWARD UNDER THIS
14 CHAPTER THAT THE CIRCUIT COURT CONFIRMS, VACATES, MODIFIES, OR
15 CORRECTS SHALL BE TAKEN IN THE SAME MANNER AS FROM AN ORDER OR
16 JUDGMENT IN OTHER CIVIL ACTIONS.

17 Enacting section 1. This amendatory act does not take
18 effect unless House Bill No. 4552 of the 90th Legislature is
19 enacted into law.