

Act No. 420
Public Acts of 2000
Approved by the Governor
January 8, 2001
Filed with the Secretary of State
January 8, 2001
EFFECTIVE DATE: March 28, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Rep. Shulman

ENROLLED HOUSE BILL No. 4615

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9948) by adding chapter 50B.

The People of the State of Michigan enact:

CHAPTER 50B.

DOMESTIC RELATIONS ARBITRATION

Sec. 5076. (1) As soon as practicable after the appointment of the arbitrator, the parties and attorneys shall meet with the arbitrator to consider all of the following:

- (a) Scope of the issues submitted.
- (b) Date, time, and place of the hearing.
- (c) Witnesses, including experts, who may testify.
- (d) Schedule for exchange of expert reports or summary of expert testimony.

(e) Subject to subsection (2), exhibits, documents, or other information each party considers applicable and material to the case and a schedule for production or exchange of the information. If a party knew or reasonably should have known about the existence of information the party is required to produce, that party waives objection to producing that information if the party does not object before the hearing.

- (f) Disclosure required under section 5075.

(2) The arbitrator shall order each party to produce information that is applicable and material to an issue under arbitration, including, but not limited to, any of the following:

- (a) A current, complete, and accurate sworn financial disclosure statement.
- (b) Financial disclosure statements for the past 3 years.
- (c) State and federal income tax returns for the previous 3 years or other time period as ordered by the arbitrator.

(d) If a court has issued an order concerning an issue subject to arbitration, a copy of the order, state and federal income tax returns for the year the order was issued, and a financial statement for the time at which the order was issued, which statement includes at least gross and net income and assets and liabilities.

(e) Proposed award for each issue subject to arbitration.

Sec. 5077. (1) Except as provided by this section, court rule, or the arbitration agreement, a record shall not be made of an arbitration hearing under this chapter. If a record is not required, an arbitrator may make a record to be used only by the arbitrator to aid in reaching the decision. The parties may provide in the arbitration agreement that a record be made of those portions of a hearing related to 1 or more issues subject to arbitration.

(2) A record shall be made of that portion of a hearing that concerns child support, custody, or parenting time in the same manner required by the Michigan court rules for the record of a witness's testimony in a deposition.

Sec. 5078. (1) Unless otherwise agreed by the parties and arbitrator in writing or on the record, the arbitrator shall issue the written award on each issue within 60 days after either the end of the hearing or, if requested by the arbitrator, after receipt of proposed findings of fact and conclusions of law.

(2) Subject to the other restrictions in this subsection, if the parties reach an agreement regarding child support, custody, or parenting time, the agreement shall be placed on the record by the parties under oath and shall be included in the arbitrator's written award. An arbitrator shall not include in the award a child support amount that deviates from the child support formula developed by the state friend of the court bureau unless the arbitrator complies with the same requirements for such a deviation prescribed for the court under the law that applies to the domestic relations dispute that is being arbitrated.

(3) An arbitrator under this chapter retains jurisdiction to correct errors or omissions in an award until the court confirms the award. Within 14 days after the award is issued, a party to the arbitration may file a motion to correct errors or omissions. The other party to the arbitration may respond to such a motion within 14 days after the motion is filed. The arbitrator shall issue a decision on the motion within 14 days after receipt of a response to the motion or, if a response is not filed, within 14 days after expiration of the response period.

Sec. 5079. (1) The circuit court shall enforce an arbitrator's award or other order issued under this chapter in the same manner as an order issued by the circuit court. A party may make a motion to the circuit court to enforce an arbitrator's award or order.

(2) The plaintiff in an action that was submitted to arbitration under this chapter shall file with the circuit court a judgment, order, or motion to settle the judgment within 21 days after the arbitrator's award is issued unless otherwise agreed to by the parties in writing or unless the arbitrator or court grants an extension. If the plaintiff fails to comply with this subsection, another party to the action may file a judgment, order, or motion to settle the judgment and may request sanctions.

Sec. 5080. (1) Subject to subsection (2), the circuit court shall not vacate or modify an award concerning child support, custody, or parenting time unless the court finds that the award is adverse to the best interests of the child who is the subject of the award or under the provisions of section 5081.

(2) A review or modification of a child support amount, child custody, or parenting time shall be conducted and is subject to the standards and procedures provided in other statutes, in other applicable law, and by court rule that are applicable to child support amounts, child custody, or parenting time.

(3) Other standards and procedures regarding review of arbitration awards described in this section are governed by court rule.

Sec. 5081. (1) If a party applies to the circuit court for vacation or modification of an arbitrator's award issued under this chapter, the court shall review the award as provided in this section or section 5080.

(2) If a party applies under this section, the court shall vacate an award under any of the following circumstances:

(a) The award was procured by corruption, fraud, or other undue means.

(b) There was evident partiality by an arbitrator appointed as a neutral, corruption of an arbitrator, or misconduct prejudicing a party's rights.

(c) The arbitrator exceeded his or her powers.

(d) The arbitrator refused to postpone the hearing on a showing of sufficient cause, refused to hear evidence material to the controversy, or otherwise conducted the hearing to prejudice substantially a party's rights.

(3) The fact that the relief granted in an arbitration award could not be granted by a court of law or equity is not grounds for vacating or refusing to confirm the award.

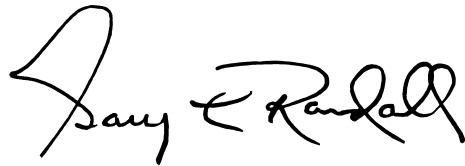
(4) An application to vacate an award on grounds stated in subsection (2)(a) shall be made within 21 days after the grounds are known or should have been known.

(5) If the court vacates an award, the court may order a rehearing before a new arbitrator chosen as provided in the agreement or, if there is no such provision, by the court. If the award is vacated on the grounds stated in subsection (2)(a) or (c), the court may order a rehearing before the arbitrator who made the award.

(6) Other standards and procedures relating to review of arbitration awards described in subsection (1) are governed by court rule.

Sec. 5082. An appeal from an arbitration award under this chapter that the circuit court confirms, vacates, modifies, or corrects shall be taken in the same manner as from an order or judgment in other civil actions.

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



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.