

HOUSE BILL No. 6294

September 17, 2002, Introduced by Rep. Wojno and referred to the Committee on Family and Children Services.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1021, 1043, 1487, 2529, 2530, 2538, 2950, 2950a, 5073, 5078, and 9947 (MCL 600.1021, 600.1043, 600.1487[1], 600.2529, 600.2530, 600.2538, 600.2950, 600.2950a, 600.5073, 600.5078, 600.9947), section 1021 as amended by 2000 PA 56, section 1043 as added by 1996 PA 388, section 1487 as added by 1996 PA 428, section 2529 as amended by 2001 PA 202, section 2530 as amended by 1996 PA 302, section 2538 as amended by 1999 PA 151, section 2950 as amended by 2001 PA 200, section 2950a as amended by 2001 PA 201, section 5073 as added by 2000 PA 419, section 5078 as added by 2000 PA 420, and section 9947 as amended by 1996 PA 374.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1021. (1) Except as otherwise provided by law, the
2 family division of circuit court has sole and exclusive
3 jurisdiction over the following cases commenced on or after
4 January 1, 1998:

5 (a) Cases of divorce and ancillary matters as set forth in
6 the following statutes:

7 (i) 1846 RS 84, MCL 552.1 to 552.45.

8 (ii) 1909 PA 259, MCL 552.101 to 552.104.

9 (iii) 1911 PA 52, MCL 552.121 to 552.123.

10 (iv) 1913 PA 379, MCL 552.151 to 552.156.

11 (v) ~~The friend~~ FRIEND of the ~~court~~ CHILD act, 1982 PA
12 294, MCL 552.501 to 552.535.

13 (vi) 1905 PA 299, MCL 552.391.

14 (vii) 1949 PA 42, MCL 552.401 to 552.402.

15 (viii) The family support act, 1966 PA 138, MCL 552.451 to
16 552.459.

17 (ix) ~~The support~~ SUPPORT and parenting time enforcement
18 act, 1982 PA 295, MCL 552.601 to 552.650.

19 (x) ~~The interstate~~ INTERSTATE income withholding act, 1985
20 PA 216, MCL 552.671 to 552.685.

21 (b) Cases of adoption as provided in chapter X of the pro-
22 bate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

23 (c) Cases involving certain children incapable of adoption
24 under 1925 PA 271, MCL 722.531 to 722.534.

25 (d) Cases involving a change of name as provided in chapter
26 XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to ~~711.2~~
27 711.3.

1 (e) Cases involving juveniles as provided in chapter XIIA of
2 the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

3 (f) Cases involving the status of minors and the emancipa-
4 tion of minors under 1968 PA 293, MCL 722.1 to 722.6.

5 (g) Cases of child custody under the child custody act of
6 1970, 1970 PA 91, MCL 722.21 to ~~722.30~~ 722.31, and child cus-
7 tody jurisdiction as provided in ~~sections 651 to 673~~ THE UNI-
8 FORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT, 2001 PA 195,
9 MCL 722.1101 TO 722.1406.

10 (h) Cases involving paternity and child support under the
11 paternity act, 1956 PA 205, MCL 722.711 to 722.730.

12 (i) Cases involving parental consent for abortions performed
13 on unemancipated minors under the parental rights restoration
14 act, 1990 PA 211, MCL 722.901 to 722.908.

15 (j) Cases involving child support under the revised uniform
16 reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to
17 780.183.

18 (k) Cases involving personal protection orders under sec-
19 tions 2950 and 2950a.

20 (2) The family division of circuit court has ancillary
21 jurisdiction over the following cases commenced on or after
22 January 1, 1998:

23 (a) Cases involving guardians and conservators as provided
24 in article ~~5~~ V of the estates and protected individuals code,
25 1998 PA 386, MCL 700.5101 to ~~700.5513~~ 700.5520.

1 (b) Cases involving treatment of, or guardianship of,
2 mentally ill or developmentally disabled persons under the mental
3 health code, 1974 PA 258, MCL 330.1001 to 330.2106.

4 Sec. 1043. All of the following shall provide assistance to
5 the family division of circuit court in accordance with the
6 court's jurisdiction:

7 (a) The office and facilities of the friend of the ~~court~~
8 CHILD.

9 (b) The family counseling services created under the circuit
10 court family counseling services act, ~~Act No. 155 of the Public~~
11 ~~Acts of 1964, being sections 551.331 to 551.344 of the Michigan~~
12 ~~Compiled Laws~~ 1964 PA 155, MCL 551.331 TO 551.344.

13 (c) The county juvenile officers and assistant county juve-
14 nile officers appointed under ~~Act No. 22 of the Public Acts of~~
15 ~~the Extra Session of 1919, being sections 400.251 to 400.254 of~~
16 ~~the Michigan Compiled Laws~~ 1919 (EX SESS) PA 22, MCL 400.251 TO
17 400.254.

18 (d) All other state and public agencies that provide assist-
19 ance to families or juveniles.

20 Sec. 1487. (1) The state court information management com-
21 mission is created as a temporary commission with a life of no
22 more than 2 years ~~pursuant to article V, section 4,~~ AS PRE-
23 SCRIBED IN SECTION 4 OF ARTICLE V of the state constitution of
24 1963. The commission ~~shall be~~ IS an autonomous entity within
25 the legislative council. The chief information officer for the
26 state of Michigan shall be the facilitator of the commission.

1 (2) The commission shall make a detailed recommendation to
2 the supreme court, the legislature, and the governor as to the
3 design, implementation, and operation of a computerized informa-
4 tion management system. The information management system shall
5 allow data on all aspects of court operation and management to be
6 relayed between all courts in this state. The information man-
7 agement system shall be compatible with the information systems
8 of the department of state, the department of state police, the
9 law enforcement information network, the family independence
10 agency, the office of THE friend of the ~~court~~ CHILD, the
11 department of management and budget, the department of treasury,
12 county prosecuting attorneys, and any other agency or entity des-
13 igned by the commission.

14 (3) The legislature, by statute, shall designate the appro-
15 priate body to implement the recommendations of the commission.

16 (4) The commission shall consist of the following members:

17 (a) Two members appointed by the speaker of the house of
18 representatives, 1 from the majority party and 1 from the minor-
19 ity party.

20 (b) Two members appointed by the majority leader of the
21 senate, 1 from the majority party and 1 from the minority party.

22 (c) The chief justice of the supreme court or a justice des-
23 igned by the chief justice.

24 (d) One judge from each of the following courts, appointed
25 by the chief justice of the supreme court:

26 (i) The court of appeals.

1 (ii) The circuit court.

2 (iii) The probate court.

3 (iv) The district court.

4 (e) A local court administrator, appointed by the chief jus-
5 tice of the supreme court.

6 (f) A person who is serving as a friend of the ~~court~~
7 CHILD, appointed by the chief justice of the supreme court.

8 (g) One county clerk appointed by the chief justice of the
9 supreme court from a list of 3 names submitted by the Michigan
10 association of county clerks.

11 (h) The director of the department of management and budget
12 or his or her designee.

13 (i) The secretary of state or a designee of the secretary of
14 state responsible for driver and vehicle records.

15 (j) The director of the department of state police or his or
16 her designee.

17 (k) The state treasurer or his or her designee.

18 (l) The director of the family independence agency or his or
19 her designee.

20 (m) The president of the prosecuting attorneys association
21 of Michigan or his or her designee.

22 (n) Three at large members, appointed by the governor.

23 (5) The members first appointed to the commission shall be
24 appointed within 30 days after ~~the effective date of this~~
25 ~~section~~ NOVEMBER 26, 1996. The chief justice or the justice
26 designated by the chief justice under subsection (4)(c) shall be

1 the chairperson of the commission, and shall designate other
2 officers as he or she considers necessary or appropriate.

3 (6) A majority of the members of the commission constitute a
4 quorum for the transaction of business at a meeting of the
5 commission. A majority of the members present and voting are
6 required for official action of the commission. A majority of
7 the members of the commission are required for a vote to approve
8 the final recommendation of the commission.

9 (7) The business that the commission may perform shall be
10 conducted at a public meeting held in compliance with the open
11 meetings act, ~~Act No. 267 of the Public Acts of 1976, being sec-~~
12 ~~tions 15.261 to 15.275 of the Michigan Compiled Laws 1976 PA~~
13 ~~267, MCL 15.261 TO 15.275.~~

14 (8) A writing prepared, owned, used, in possession of, or
15 retained by the commission in the performance of an official
16 function is subject to the freedom of information act, ~~Act~~
17 ~~No. 442 of the Public Acts of 1976, being sections 15.231 to~~
18 ~~15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO~~
19 ~~15.246.~~

20 (9) Members of the commission shall serve without
21 compensation. However, members of the commission may be reim-
22 bursed for their actual and necessary expenses incurred in the
23 performance of their official duties as members of the
24 commission.

25 Sec. 2529. (1) In the circuit court, the following fees
26 shall be paid to the clerk of the court:

1 (a) Before a civil action other than an action brought
2 exclusively under section 2950 or 2950a is commenced, or before
3 the filing of an application for superintending control or for an
4 extraordinary writ, except the writ of habeas corpus, the party
5 bringing the action or filing the application shall pay the sum
6 of \$62.00. The clerk at the end of each month shall transmit for
7 each fee collected under this subdivision within the month,
8 \$18.75 to the executive secretary of the Michigan judges retire-
9 ment system created by the judges retirement act of 1992, 1992 PA
10 234, MCL 38.2101 to 38.2670; \$5.00 to the secretary of the
11 Michigan legislative retirement system for deposit with the state
12 treasurer in the retirement fund created by the Michigan legisla-
13 tive retirement system act, 1957 PA 261, MCL 38.1001 to ~~38.1060~~
14 38.1080; \$5.25 to the state treasurer for deposit in the general
15 fund; \$2.00 to the state treasurer to be credited to the commu-
16 nity dispute resolution fund created by the community dispute
17 resolution act, 1988 PA 260, MCL 691.1551 to 691.1564; \$11.00 to
18 the county treasurer; and the balance of the filing fee to the
19 state treasurer for deposit in the state court fund created by
20 section 151a. Beginning October 1, 1994 and until October 1,
21 1995, the fee required under this subdivision is \$72.00.
22 Beginning October 1, 1995 and until October 1, 1996, the fee
23 required under this subdivision is \$80.00. Beginning October 1,
24 1996 and until October 1, 1997, the fee required under this sub-
25 division is \$90.00. Beginning October 1, 1997, the fee required
26 under this subdivision is \$100.00.

1 (b) Before the filing of a claim of appeal or motion for
2 leave to appeal from the district court, probate court, a
3 municipal court, or an administrative tribunal or agency, the sum
4 of \$60.00. For each fee collected under this subdivision, the
5 clerk shall transmit \$15.00 to the state treasurer for deposit in
6 the state court fund created by section 151a. Beginning
7 October 1, 1994 and until October 1, 1995, the fee required under
8 this subdivision is \$70.00. Beginning October 1, 1995 and until
9 October 1, 1996, the fee required under this subdivision is
10 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
11 fee required under this subdivision is \$90.00. Beginning
12 October 1, 1997, the fee required under this subdivision is
13 \$100.00.

14 (c) If a trial by jury is demanded, the party making the
15 demand at the time shall pay the sum of \$60.00. Failure to pay
16 the fee within the time provided in the court rules constitutes a
17 waiver of the right to a jury trial. The sum shall be taxed in
18 favor of the party paying the fee, in case the party recovers a
19 judgment for costs.

20 (d) Before entry of a final judgment in an action for
21 divorce or separate maintenance in which minor children are
22 involved, or the entry of a final judgment in a child custody
23 dispute submitted to the circuit court as an original action, 1
24 of the following sums, which shall be deposited by the county
25 treasurer as provided in section 2530:

1 (i) If the matter was contested or uncontested and was not
2 submitted to domestic relations mediation or investigation by the
3 friend of the ~~court~~ CHILD, \$30.00.

4 (ii) If the matter was contested or uncontested and was sub-
5 mitted to domestic relations mediation, \$50.00.

6 (iii) If the matter was contested or uncontested and the
7 office of the friend of the ~~court~~ CHILD conducted an investiga-
8 tion and made a recommendation to the court, \$70.00.

9 (e) Except as otherwise provided in this section, upon the
10 filing of a motion the sum of \$20.00. In conjunction with an
11 action brought under section 2950 or 2950a, a motion fee shall
12 not be collected for a motion to dismiss the petition, a motion
13 to modify, rescind, or terminate a personal protection order, or
14 a motion to show cause for a violation of a personal protection
15 order. For each fee collected under this subdivision, the clerk
16 shall transmit \$10.00 to the state treasurer for deposit in the
17 state court fund created by section 151a.

18 (f) For services under the direction of the court that are
19 not specifically provided for in this section relative to the
20 receipt, safekeeping, or expending of money, or the purchasing,
21 taking, or transferring of a security, or the collecting of
22 interest on a security, the clerk shall receive the allowance and
23 compensation from the parties as the court may consider just and
24 shall direct by court order, after notice to the parties to be
25 charged.

26 (g) Upon appeal to the court of appeals or the supreme
27 court, the sum of \$25.00.

1 (h) The sum of \$15.00 as a service fee for each writ of
2 garnishment, attachment, execution, or judgment debtor discovery
3 subpoena issued.

4 (2) The sums paid as provided in this section shall be held
5 to be in full for all clerk, entry, and judgment fees in an
6 action from the commencement of the action to and including the
7 issuance and return of the execution or other final process, and
8 are taxable as costs.

9 (3) Except as otherwise provided in this section, the fees
10 shall be paid over to the county treasurer as required by law.

11 (4) The court shall order any of the fees prescribed in this
12 section waived or suspended, in whole or in part, upon a showing
13 by affidavit of indigency or inability to pay.

14 (5) The clerk of the circuit court shall prepare and submit
15 a court filing fee report to the executive secretary of the
16 Michigan judges retirement system created by the judges retire-
17 ment act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at the
18 same time the clerk of the circuit court transmits the portion of
19 the fees collected under this section to the executive
20 secretary.

21 Sec. 2530. (1) ~~Except in any judicial circuit in which~~
22 ~~employees serving in the circuit court are employees of the state~~
23 ~~judicial council, the~~ THE county treasurer shall deposit all
24 fees collected under section 2529(1)(d) and 1/2 of the costs col-
25 lected under sections 31, 32, and 44 of the support and parenting
26 time enforcement act, ~~Act No. 295 of the Public Acts of 1982,~~
27 ~~being sections 552.631, 552.632, and 552.644 of the Michigan~~

1 ~~Compiled Laws~~ 1982 PA 295, MCL 552.631, 552.632, AND 552.644, in
2 a fund created for that purpose to be known as the friend of the
3 ~~court~~ CHILD fund. The county treasurer shall create the friend
4 of the ~~court~~ CHILD fund as an interest bearing account, and
5 interest earned shall be credited to the account to be used as
6 provided in this section.

7 (2) The county board of commissioners shall appropriate all
8 sums in this fund and additionally shall annually appropriate
9 from the county general fund an amount not less than the total
10 amount appropriated for the office of the friend of the ~~court~~
11 CHILD in the county's last fiscal year ending before July 1,
12 1983, for the purpose of fulfilling the statutory obligations of
13 the friend of the ~~court~~ CHILD as provided in the friend of the
14 ~~court~~ CHILD act, ~~Act No. 294 of the Public Acts of 1982, being~~
15 ~~sections 552.501 to 552.535 of the Michigan Compiled Laws, and~~
16 ~~Act No. 295 of the Public Acts of 1982, being sections 552.601 to~~
17 ~~552.650 of the Michigan Compiled Laws~~ AND THE SUPPORT AND PAR-
18 ENTING TIME ENFORCEMENT ACT. Money transmitted to the county
19 treasurer under section 31 of ~~Act No. 295 of the Public Acts of~~
20 ~~1982~~ THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL
21 552.631, shall supplement and not supplant other money appropri-
22 ated by the county for friend of the ~~court~~ CHILD functions as
23 measured by amounts appropriated by the county for those func-
24 tions in previous and current fiscal years.

25 ~~(3) In a judicial circuit in which employees serving in the~~
26 ~~circuit court are employees of the state judicial council, the~~
27 ~~county treasurer shall remit all sums collected under section~~

1 ~~2529(1)(d) and 1/2 of the costs collected under sections 31, 32,~~
2 ~~and 44 of Act No. 295 of the Public Acts of 1982 to the state as~~
3 ~~provided in section 595(4). As provided in section 595(1), the~~
4 ~~legislature annually shall appropriate the amount received under~~
5 ~~this subsection for the purpose of fulfilling the statutory obli-~~
6 ~~gations of the friend of the court in the third judicial circuit~~
7 ~~as provided in Act No. 294 of the Public Acts of 1982 and Act~~
8 ~~No. 295 of the Public Acts of 1982.~~

9 (3) ~~(4)~~ The county treasurer shall remit 1/2 of the costs
10 actually paid by a payer as ordered by the court under section
11 31, 32, or 44 of ~~Act No. 295 of the Public Acts of 1982~~ THE
12 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, MCL 552.631, 552.632,
13 AND 552.644, to the law enforcement agency that executes the
14 bench warrant issued for the arrest of that payer.

15 (4) AS USED IN THIS SECTION:

16 (A) "FRIEND OF THE CHILD ACT" MEANS THE FRIEND OF THE CHILD
17 ACT, 1982 PA 294, MCL 552.501 TO 552.535.

18 (B) "SUPPORT AND PARENTING TIME ENFORCEMENT ACT" MEANS THE
19 SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL
20 552.601 TO 552.650.

21 Sec. 2538. (1) For services provided that are not reimbur-
22 sable under the provisions of part D of title IV of the social
23 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 651 to 655,
24 ~~656 to 660~~ 656 TO 657, 658a TO 660, and 663 to 669b, every
25 person required to make payments of support or maintenance to be
26 collected by the friend of the ~~court~~ CHILD or the state
27 disbursement unit shall pay a fee of \$1.25 per month for every

1 month or portion of a month that support or maintenance is
2 required to be paid. The fee shall be paid monthly, quarterly,
3 or semiannually as required by the friend of the ~~court~~ CHILD.
4 The friend of the ~~court~~ CHILD shall provide notice of the fee
5 required by this section to the person ordered to pay the support
6 and that the fee shall be paid monthly or as otherwise determined
7 by the friend of the ~~court~~ CHILD. The friend of the ~~court~~
8 CHILD or SDU shall transmit 25 cents of each fee collected under
9 this section to the appropriate county treasurer for deposit into
10 the general fund of the county and shall transmit the balance to
11 the state treasurer for deposit in the state court fund created
12 in section 151a.

13 (2) The department, the SDU, and each office of the friend
14 of the ~~court~~ CHILD shall cooperate in the transition to the
15 centralized receipt and disbursement of support and fees. An
16 office of the friend of the ~~court~~ CHILD shall continue to
17 receive and disburse support and fees through the transition,
18 based on the schedule developed as required by section ~~6~~ 7 of
19 the office of child support act, 1971 PA 174, MCL ~~400.236~~
20 400.237, and modifications to that schedule as the department
21 considers necessary.

22 (3) As used in this section, "state disbursement unit" or
23 "SDU" means the entity established in section 6 of the office of
24 child support act, 1971 PA 174, MCL 400.236.

25 Sec. 2950. (1) Except as provided in subsections (27) and
26 (28), by commencing an independent action to obtain relief under
27 this section, by joining a claim to an action, or by filing a

1 motion in an action in which the petitioner and the individual to
2 be restrained or enjoined are parties, an individual may petition
3 the family division of circuit court to enter a personal protec-
4 tion order to restrain or enjoin a spouse, a former spouse, an
5 individual with whom he or she has had a child in common, an
6 individual with whom he or she has or has had a dating relation-
7 ship, or an individual residing or having resided in the same
8 household as the petitioner from doing 1 or more of the
9 following:

10 (a) Entering onto premises.

11 (b) Assaulting, attacking, beating, molesting, or wounding a
12 named individual.

13 (c) Threatening to kill or physically injure a named
14 individual.

15 (d) Removing minor children from the individual having legal
16 custody of the children, except as otherwise authorized by a cus-
17 tody or parenting time order issued by a court of competent
18 jurisdiction.

19 (e) Purchasing or possessing a firearm.

20 (f) Interfering with petitioner's efforts to remove
21 petitioner's children or personal property from premises that are
22 solely owned or leased by the individual to be restrained or
23 enjoined.

24 (g) Interfering with petitioner at petitioner's place of
25 employment or education or engaging in conduct that impairs
26 petitioner's employment or educational relationship or
27 environment.

1 (h) Having access to information in records concerning a
2 minor child of both petitioner and respondent that will inform
3 respondent about the address or telephone number of petitioner
4 and petitioner's minor child or about petitioner's employment
5 address.

6 (i) Engaging in conduct that is prohibited under section
7 411h or 411i of the Michigan penal code, 1931 PA 328,
8 MCL 750.411h and 750.411i.

9 (j) Any other specific act or conduct that imposes upon or
10 interferes with personal liberty or that causes a reasonable
11 apprehension of violence.

12 (2) If the respondent is a person who is issued a license to
13 carry a concealed weapon and is required to carry a weapon as a
14 condition of his or her employment, a police officer certified by
15 the commission on law enforcement standards act, 1965 PA 203,
16 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
17 the Michigan department of state police, a local corrections
18 officer, department of corrections employee, or a federal law
19 enforcement officer who carries a firearm during the normal
20 course of his or her employment, the petitioner shall notify the
21 court of the respondent's occupation prior to the issuance of the
22 personal protection order. This subsection does not apply to a
23 petitioner who does not know the respondent's occupation.

24 (3) A petitioner may omit his or her address of residence
25 from documents filed with the court under this section. If a
26 petitioner omits his or her address of residence, the petitioner
27 shall provide the court with a mailing address.

1 (4) The court shall issue a personal protection order under
2 this section if the court determines that there is reasonable
3 cause to believe that the individual to be restrained or enjoined
4 may commit 1 or more of the acts listed in subsection (1). In
5 determining whether reasonable cause exists, the court shall con-
6 sider all of the following:

7 (a) Testimony, documents, or other evidence offered in sup-
8 port of the request for a personal protection order.

9 (b) Whether the individual to be restrained or enjoined has
10 previously committed or threatened to commit 1 or more of the
11 acts listed in subsection (1).

12 (5) A court shall not issue a personal protection order that
13 restrains or enjoins conduct described in subsection (1)(a) if
14 all of the following apply:

15 (a) The individual to be restrained or enjoined is not the
16 spouse of the moving party.

17 (b) The individual to be restrained or enjoined or the
18 parent, guardian, or custodian of the minor to be restrained or
19 enjoined has a property interest in the premises.

20 (c) The moving party or the parent, guardian, or custodian
21 of a minor petitioner has no property interest in the premises.

22 (6) A court shall not refuse to issue a personal protection
23 order solely due to the absence of any of the following:

24 (a) A police report.

25 (b) A medical report.

26 (c) A report or finding of an administrative agency.

1 (d) Physical signs of abuse or violence.

2 (7) If the court refuses to grant a personal protection
3 order, it shall state immediately in writing the specific reasons
4 it refused to issue a personal protection order. If a hearing is
5 held, the court shall also immediately state on the record the
6 specific reasons it refuses to issue a personal protection
7 order.

8 (8) A personal protection order shall not be made mutual.
9 Correlative separate personal protection orders are prohibited
10 unless both parties have properly petitioned the court pursuant
11 to subsection (1).

12 (9) A personal protection order is effective and immediately
13 enforceable anywhere in this state when signed by a judge. Upon
14 service, a personal protection order may also be enforced by
15 another state, an Indian tribe, or a territory of the United
16 States.

17 (10) The court shall designate the law enforcement agency
18 that is responsible for entering the personal protection order
19 into the law enforcement information network as provided by the
20 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
21 28.216.

22 (11) A personal protection order shall include all of the
23 following, and to the extent practicable the following shall be
24 contained in a single form:

25 (a) A statement that the personal protection order has been
26 entered to restrain or enjoin conduct listed in the order and

1 that violation of the personal protection order will subject the
2 individual restrained or enjoined to 1 or more of the following:

3 (i) If the respondent is 17 years of age or more, immediate
4 arrest and the civil and criminal contempt powers of the court,
5 and that if he or she is found guilty of criminal contempt, he or
6 she shall be imprisoned for not more than 93 days and may be
7 fined not more than \$500.00.

8 (ii) If the respondent is less than 17 years of age, immedi-
9 ate apprehension or being taken into custody, and subject to the
10 dispositional alternatives listed in section 18 of chapter XIIA
11 of the probate code of 1939, 1939 PA 288, MCL 712A.18.

12 (iii) If the respondent violates the personal protection
13 order in a jurisdiction other than this state, the respondent is
14 subject to the enforcement procedures and penalties of the state,
15 Indian tribe, or United States territory under whose jurisdiction
16 the violation occurred.

17 (b) A statement that the personal protection order is effec-
18 tive and immediately enforceable anywhere in this state when
19 signed by a judge, and that, upon service, a personal protection
20 order also may be enforced by another state, an Indian tribe, or
21 a territory of the United States.

22 (c) A statement listing the type or types of conduct
23 enjoined.

24 (d) An expiration date stated clearly on the face of the
25 order.

26 (e) A statement that the personal protection order is
27 enforceable anywhere in Michigan by any law enforcement agency.

1 (f) The law enforcement agency designated by the court to
2 enter the personal protection order into the law enforcement
3 information network.

4 (g) For ex parte orders, a statement that the individual
5 restrained or enjoined may file a motion to modify or rescind the
6 personal protection order and request a hearing within 14 days
7 after the individual restrained or enjoined has been served or
8 has received actual notice of the order and that motion forms and
9 filing instructions are available from the clerk of the court.

10 (12) An ex parte personal protection order shall be issued
11 and effective without written or oral notice to the individual
12 restrained or enjoined or his or her attorney if it clearly
13 appears from specific facts shown by verified complaint, written
14 motion, or affidavit that immediate and irreparable injury, loss,
15 or damage will result from the delay required to effectuate
16 notice or that the notice will itself precipitate adverse action
17 before a personal protection order can be issued.

18 (13) A personal protection order issued under subsection
19 (12) is valid for not less than 182 days. The individual
20 restrained or enjoined may file a motion to modify or rescind the
21 personal protection order and request a hearing under the
22 Michigan court rules. The motion to modify or rescind the per-
23 sonal protection order shall be filed within 14 days after the
24 order is served or after the individual restrained or enjoined
25 has received actual notice of the personal protection order
26 unless good cause is shown for filing the motion after the 14
27 days have elapsed.

1 (14) Except as otherwise provided in this subsection, the
2 court shall schedule a hearing on the motion to modify or rescind
3 the ex parte personal protection order within 14 days after the
4 filing of the motion to modify or rescind. If the respondent is
5 a person described in subsection (2) and the personal protection
6 order prohibits him or her from purchasing or possessing a fire-
7 arm, the court shall schedule a hearing on the motion to modify
8 or rescind the ex parte personal protection order within 5 days
9 after the filing of the motion to modify or rescind.

10 (15) The clerk of the court that issues a personal protec-
11 tion order shall do all of the following immediately upon issu-
12 ance and without requiring a proof of service on the individual
13 restrained or enjoined:

14 (a) File a true copy of the personal protection order with
15 the law enforcement agency designated by the court in the per-
16 sonal protection order.

17 (b) Provide the petitioner with not less than 2 true copies
18 of the personal protection order.

19 (c) If respondent is identified in the pleadings as a law
20 enforcement officer, notify the officer's employing law enforce-
21 ment agency, if known, about the existence of the personal pro-
22 tection order.

23 (d) If the personal protection order prohibits respondent
24 from purchasing or possessing a firearm, notify the concealed
25 weapon licensing board in respondent's county of residence about
26 the existence and contents of the personal protection order.

1 (e) If the respondent is identified in the pleadings as a
2 department of corrections employee, notify the state department
3 of corrections about the existence of the personal protection
4 order.

5 (f) If the respondent is identified in the pleadings as
6 being a person who may have access to information concerning the
7 petitioner or a child of the petitioner or respondent and that
8 information is contained in friend of the ~~court~~ CHILD records,
9 notify the friend of the ~~court~~ CHILD for the county in which
10 the information is located about the existence of the personal
11 protection order.

12 (16) The clerk of the court shall inform the petitioner that
13 he or she may take a true copy of the personal protection order
14 to the law enforcement agency designated by the court in subsec-
15 tion (10) to be immediately entered into the law enforcement
16 information network.

17 (17) The law enforcement agency that receives a true copy of
18 the personal protection order under subsection (15) or (16) shall
19 immediately and without requiring proof of service enter the per-
20 sonal protection order into the law enforcement information net-
21 work as provided by the L.E.I.N. policy council act of 1974, 1974
22 PA 163, MCL 28.211 to 28.216.

23 (18) A personal protection order issued under this section
24 shall be served personally or by registered or certified mail,
25 return receipt requested, delivery restricted to the addressee at
26 the last known address or addresses of the individual restrained
27 or enjoined or by any other manner provided in the Michigan court

1 rules. If the individual restrained or enjoined has not been
2 served, a law enforcement officer or clerk of the court who knows
3 that a personal protection order exists may, at any time, serve
4 the individual restrained or enjoined with a true copy of the
5 order or advise the individual restrained or enjoined about the
6 existence of the personal protection order, the specific conduct
7 enjoined, the penalties for violating the order, and where the
8 individual restrained or enjoined may obtain a copy of the
9 order. If the respondent is less than 18 years of age, the
10 parent, guardian, or custodian of that individual shall also be
11 served personally or by registered or certified mail, return
12 receipt requested, delivery restricted to the addressee at the
13 last known address or addresses of the parent, guardian, or cus-
14 todian of the individual restrained or enjoined. A proof of
15 service or proof of oral notice shall be filed with the clerk of
16 the court issuing the personal protection order. This subsection
17 does not prohibit the immediate effectiveness of a personal pro-
18 tection order or its immediate enforcement under subsections (21)
19 and (22).

20 (19) The clerk of the court shall immediately notify the law
21 enforcement agency that received the personal protection order
22 under subsection (15) or (16) if either of the following occurs:

23 (a) The clerk of the court has received proof that the indi-
24 vidual restrained or enjoined has been served.

25 (b) The personal protection order is rescinded, modified, or
26 extended by court order.

1 (20) The law enforcement agency that receives information
2 under subsection (19) shall enter the information or cause the
3 information to be entered into the law enforcement information
4 network as provided by the L.E.I.N. policy council act of 1974,
5 1974 PA 163, MCL 28.211 to 28.216.

6 (21) Subject to subsection (22), a personal protection order
7 is immediately enforceable anywhere in this state by any law
8 enforcement agency that has received a true copy of the order, is
9 shown a copy of it, or has verified its existence on the law
10 enforcement information network as provided by the
11 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
12 28.216.

13 (22) If the individual restrained or enjoined has not been
14 served, the law enforcement agency or officer responding to a
15 call alleging a violation of a personal protection order shall
16 serve the individual restrained or enjoined with a true copy of
17 the order or advise the individual restrained or enjoined about
18 the existence of the personal protection order, the specific con-
19 duct enjoined, the penalties for violating the order, and where
20 the individual restrained or enjoined may obtain a copy of the
21 order. The law enforcement officer shall enforce the personal
22 protection order and immediately enter or cause to be entered
23 into the law enforcement information network that the individual
24 restrained or enjoined has actual notice of the personal protec-
25 tion order. The law enforcement officer also shall file a proof
26 of service or proof of oral notice with the clerk of the court
27 issuing the personal protection order. If the individual

1 restrained or enjoined has not received notice of the personal
2 protection order, the individual restrained or enjoined shall be
3 given an opportunity to comply with the personal protection order
4 before the law enforcement officer makes a custodial arrest for
5 violation of the personal protection order. The failure to imme-
6 diately comply with the personal protection order shall be
7 grounds for an immediate custodial arrest. This subsection does
8 not preclude an arrest under section 15 or 15a of chapter IV of
9 the code of criminal procedure, 1927 PA 175, MCL 764.15 and
10 764.15a, or a proceeding under section 14 of chapter XIIIA of the
11 probate code of 1939, 1939 PA 288, MCL 712A.14.

12 (23) An individual who is 17 years of age or more and who
13 refuses or fails to comply with a personal protection order under
14 this section is subject to the criminal contempt powers of the
15 court and, if found guilty, shall be imprisoned for not more than
16 93 days and may be fined not more than \$500.00. An individual
17 who is less than 17 years of age and who refuses or fails to
18 comply with a personal protection order issued under this section
19 is subject to the dispositional alternatives listed in section 18
20 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
21 MCL 712A.18. The criminal penalty provided for under this sec-
22 tion may be imposed in addition to a penalty that may be imposed
23 for another criminal offense arising from the same conduct.

24 (24) An individual who knowingly and intentionally makes a
25 false statement to the court in support of his or her petition
26 for a personal protection order is subject to the contempt powers
27 of the court.

1 (25) A personal protection order issued under this section
2 is also enforceable under chapter XIIIA of the probate code of
3 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of
4 chapter IV of the code of criminal procedure, 1927 PA 175,
5 MCL 764.15b.

6 (26) A personal protection order issued under this section
7 is also enforceable under chapter 17.

8 (27) A court shall not issue a personal protection order
9 that restrains or enjoins conduct described in subsection (1) if
10 any of the following apply:

11 (a) The respondent is the unemancipated minor child of the
12 petitioner.

13 (b) The petitioner is the unemancipated minor child of the
14 respondent.

15 (c) The respondent is a minor child less than 10 years of
16 age.

17 (28) If the respondent is less than 18 years of age, issu-
18 ance of a personal protection order under this section is subject
19 to chapter XIIIA of the probate code of 1939, 1939 PA 288,
20 MCL 712A.1 to 712A.32.

21 (29) A personal protection order that is issued prior to the
22 effective date of the amendatory act that added this subsection
23 is not invalid on the ground that it does not comply with 1 or
24 more of the requirements added by this amendatory act.

25 (30) As used in this section:

26 (a) "Dating relationship" means frequent, intimate
27 associations primarily characterized by the expectation of

1 affectional involvement. This term does not include a casual
2 relationship or an ordinary fraternization between 2 individuals
3 in a business or social context.

4 (b) "Federal law enforcement officer" means an officer or
5 agent employed by a law enforcement agency of the United States
6 government whose primary responsibility is the enforcement of
7 laws of the United States.

8 (c) "Personal protection order" means an injunctive order
9 issued by the circuit court or the family division of circuit
10 court restraining or enjoining activity and individuals listed in
11 subsection (1).

12 Sec. 2950a. (1) Except as provided in subsections (25) and
13 (26), by commencing an independent action to obtain relief under
14 this section, by joining a claim to an action, or by filing a
15 motion in an action in which the petitioner and the individual to
16 be restrained or enjoined are parties, an individual may petition
17 the family division of circuit court to enter a personal protec-
18 tion order to restrain or enjoin an individual from engaging in
19 conduct that is prohibited under section 411h or 411i of the
20 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
21 Relief shall not be granted unless the petition alleges facts
22 that constitute stalking as defined in section 411h or 411i of
23 the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
24 Relief may be sought and granted under this section whether or
25 not the individual to be restrained or enjoined has been charged
26 or convicted under section 411h or 411i of the Michigan penal

1 code, 1931 PA 328, MCL 750.411h and 750.411i, for the alleged
2 violation.

3 (2) If the respondent is a person who is issued a license to
4 carry a concealed weapon and is required to carry a weapon as a
5 condition of his or her employment, a police officer certified by
6 the commission on law enforcement standards act, 1965 PA 203,
7 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
8 the Michigan department of state police, a local corrections
9 officer, a department of corrections employee, or a federal law
10 enforcement officer who carries a firearm during the normal
11 course of his or her employment, the petitioner shall notify the
12 court of the respondent's occupation prior to the issuance of the
13 personal protection order. This subsection does not apply to a
14 petitioner who does not know the respondent's occupation.

15 (3) A petitioner may omit his or her address of residence
16 from documents filed with the court under this section. If a
17 petitioner omits his or her address of residence, the petitioner
18 shall provide the court a mailing address.

19 (4) If a court refuses to grant a personal protection order,
20 the court shall immediately state in writing the specific reasons
21 for issuing or refusing to issue a personal protection order. If
22 a hearing is held, the court shall also immediately state on the
23 record the specific reasons for issuing or refusing to issue a
24 personal protection order.

25 (5) A personal protection order shall not be made mutual.
26 Correlative separate personal protection orders are prohibited

1 unless both parties have properly petitioned the court according
2 to subsection (1).

3 (6) A personal protection order is effective and immediately
4 enforceable anywhere in this state when signed by a judge. Upon
5 service, a personal protection order also may be enforced by
6 another state, an Indian tribe, or a territory of the United
7 States.

8 (7) The court shall designate the law enforcement agency
9 that is responsible for entering the personal protection order
10 into the L.E.I.N.

11 (8) A personal protection order issued under this section
12 shall include all of the following, and to the extent practicable
13 contained in a single form:

14 (a) A statement that the personal protection order has been
15 entered to enjoin or restrain conduct listed in the order and
16 that violation of the personal protection order will subject the
17 individual restrained or enjoined to 1 or more of the following:

18 (i) If the respondent is 17 years of age or more, immediate
19 arrest and the civil and criminal contempt powers of the court,
20 and that if he or she is found guilty of criminal contempt, he or
21 she shall be imprisoned for not more than 93 days and may be
22 fined not more than \$500.00.

23 (ii) If the respondent is less than 17 years of age, to
24 immediate apprehension or being taken into custody, and subject
25 to the dispositional alternatives listed in section 18 of chapter
26 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

1 (iii) If the respondent violates the personal protection
2 order in a jurisdiction other than this state, the respondent is
3 subject to the enforcement procedures and penalties of the state,
4 Indian tribe, or United States territory under whose jurisdiction
5 the violation occurred.

6 (b) A statement that the personal protection order is effec-
7 tive and immediately enforceable anywhere in this state when
8 signed by a judge, and that upon service, a personal protection
9 order also may be enforced by another state, an Indian tribe, or
10 a territory of the United States.

11 (c) A statement listing each type of conduct enjoined.

12 (d) An expiration date stated clearly on the face of the
13 order.

14 (e) A statement that the personal protection order is
15 enforceable anywhere in Michigan by any law enforcement agency.

16 (f) The law enforcement agency designated by the court to
17 enter the personal protection order into the L.E.I.N.

18 (g) For an ex parte order, a statement that the individual
19 restrained or enjoined may file a motion to modify or rescind the
20 personal protection order and request a hearing within 14 days
21 after the individual restrained or enjoined has been served or
22 has received actual notice of the personal protection order and
23 that motion forms and filing instructions are available from the
24 clerk of the court.

25 (9) An ex parte personal protection order shall not be
26 issued and effective without written or oral notice to the
27 individual enjoined or his or her attorney unless it clearly

1 appears from specific facts shown by verified complaint, written
2 motion, or affidavit that immediate and irreparable injury, loss,
3 or damage will result from the delay required to effectuate
4 notice or that the notice will precipitate adverse action before
5 a personal protection order can be issued.

6 (10) A personal protection order issued under subsection (9)
7 is valid for not less than 182 days. The individual restrained
8 or enjoined may file a motion to modify or rescind the personal
9 protection order and request a hearing under the Michigan court
10 rules. The motion to modify or rescind the personal protection
11 order shall be filed within 14 days after the order is served or
12 after the individual restrained or enjoined has received actual
13 notice of the personal protection order unless good cause is
14 shown for filing the motion after 14 days have elapsed.

15 (11) Except as otherwise provided in this subsection, the
16 court shall schedule a hearing on the motion to modify or rescind
17 the ex parte personal protection order within 14 days after the
18 filing of the motion to modify or rescind. If the respondent is
19 a person described in subsection (2) and the personal protection
20 order prohibits him or her from purchasing or possessing a fire-
21 arm, the court shall schedule a hearing on the motion to modify
22 or rescind the ex parte personal protection order within 5 days
23 after the filing of the motion to modify or rescind.

24 (12) The clerk of the court that issues a personal protec-
25 tion order shall do all of the following immediately upon issu-
26 ance without requiring proof of service on the individual
27 restrained or enjoined:

1 (a) File a true copy of the personal protection order with
2 the law enforcement agency designated by the court in the per-
3 sonal protection order.

4 (b) Provide petitioner with not less than 2 true copies of
5 the personal protection order.

6 (c) If respondent is identified in the pleadings as a law
7 enforcement officer, notify the officer's employing law enforce-
8 ment agency about the existence of the personal protection
9 order.

10 (d) If the personal protection order prohibits the respon-
11 dent from purchasing or possessing a firearm, notify the con-
12 cealed weapon licensing board in respondent's county of residence
13 about the existence and content of the personal protection
14 order.

15 (e) If the respondent is identified in the pleadings as a
16 department of corrections employee, notify the state department
17 of corrections about the existence of the personal protection
18 order.

19 (f) If the respondent is identified in the pleadings as
20 being a person who may have access to information concerning the
21 petitioner or a child of the petitioner or respondent and that
22 information is contained in friend of the ~~court~~ CHILD records,
23 notify the friend of the ~~court~~ CHILD for the county in which
24 the information is located about the existence of the personal
25 protection order.

26 (13) The clerk of the court shall inform the petitioner that
27 he or she may take a true copy of the personal protection order

1 to the law enforcement agency designated by the court in
2 subsection (7) to be immediately entered into the L.E.I.N.

3 (14) The law enforcement agency that receives a true copy of
4 the personal protection order under subsection (12) or (13) shall
5 immediately, without requiring proof of service, enter the per-
6 sonal protection order into the L.E.I.N.

7 (15) A personal protection order issued under this section
8 shall be served personally or by registered or certified mail,
9 return receipt requested, delivery restricted to the addressee at
10 the last known address or addresses of the individual restrained
11 or enjoined or by any other manner provided in the Michigan court
12 rules. If the individual restrained or enjoined has not been
13 served, a law enforcement officer or clerk of the court who knows
14 that a personal protection order exists may, at any time, serve
15 the individual restrained or enjoined with a true copy of the
16 order or advise the individual restrained or enjoined about the
17 existence of the personal protection order, the specific conduct
18 enjoined, the penalties for violating the order, and where the
19 individual restrained or enjoined may obtain a copy of the
20 order. If the respondent is less than 18 years of age, the
21 parent, guardian, or custodian of that individual shall also be
22 served personally or by registered or certified mail, return
23 receipt requested, delivery restricted to the addressee at the
24 last known address or addresses of the parent, guardian, or cus-
25 todian of the individual restrained or enjoined. A proof of
26 service or proof of oral notice shall be filed with the clerk of
27 the court issuing the personal protection order. This subsection

1 does not prohibit the immediate effectiveness of a personal
2 protection order or immediate enforcement under subsection (18)
3 or (19).

4 (16) The clerk of the court shall immediately notify the law
5 enforcement agency that received the personal protection order
6 under subsection (12) or (13) if either of the following occurs:

7 (a) The clerk of the court has received proof that the indi-
8 vidual restrained or enjoined has been served.

9 (b) The personal protection order is rescinded, modified, or
10 extended by court order.

11 (17) The law enforcement agency that receives information
12 under subsection (16) shall enter the information or cause the
13 information to be entered into the L.E.I.N.

14 (18) Subject to subsection (19), a personal protection order
15 is immediately enforceable anywhere in this state by any law
16 enforcement agency that has received a true copy of the order, is
17 shown a copy of it, or has verified its existence on the
18 L.E.I.N.

19 (19) If the individual restrained or enjoined has not been
20 served, the law enforcement agency or officer responding to a
21 call alleging a violation of a personal protection order shall
22 serve the individual restrained or enjoined with a true copy of
23 the order or advise the individual restrained or enjoined about
24 the existence of the personal protection order, the specific con-
25 duct enjoined, the penalties for violating the order, and where
26 the individual restrained or enjoined may obtain a copy of the
27 order. The law enforcement officer shall enforce the personal

1 protection order and immediately enter or cause to be entered
2 into the L.E.I.N. that the individual restrained or enjoined has
3 actual notice of the personal protection order. The law enforce-
4 ment officer also shall file a proof of service or proof of oral
5 notice with the clerk of the court issuing the personal protec-
6 tion order. If the individual restrained or enjoined has not
7 received notice of the personal protection order, the individual
8 restrained or enjoined shall be given an opportunity to comply
9 with the personal protection order before the law enforcement
10 officer makes a custodial arrest for violation of the personal
11 protection order. Failure to immediately comply with the per-
12 sonal protection order is grounds for an immediate custodial
13 arrest. This subsection does not preclude an arrest under
14 section 15 or 15a of chapter IV of the code of criminal proce-
15 dure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under
16 section 14 of chapter XIIIA of the probate code of 1939, 1939
17 PA 288, MCL 712A.14.

18 (20) An individual 17 years of age or more who refuses or
19 fails to comply with a personal protection order issued under
20 this section is subject to the criminal contempt powers of the
21 court and, if found guilty of criminal contempt, shall be impris-
22 oned for not more than 93 days and may be fined not more than
23 \$500.00. An individual less than 17 years of age who refuses or
24 fails to comply with a personal protection order issued under
25 this section is subject to the dispositional alternatives listed
26 in section 18 of chapter XIIIA of the probate code of 1939, 1939
27 PA 288, MCL 712A.18. The criminal penalty provided for under

1 this section may be imposed in addition to any penalty that may
2 be imposed for any other criminal offense arising from the same
3 conduct.

4 (21) An individual who knowingly and intentionally makes a
5 false statement to the court in support of his or her petition
6 for a personal protection order is subject to the contempt powers
7 of the court.

8 (22) A personal protection order issued under this section
9 is also enforceable under chapter XIIA of the probate code of
10 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of
11 chapter IV of the code of criminal procedure, 1927 PA 175,
12 MCL 764.15b.

13 (23) A personal protection order issued under this section
14 may enjoin or restrain an individual from purchasing or possess-
15 ing a firearm.

16 (24) A personal protection order issued under this section
17 is also enforceable under chapter 17.

18 (25) A court shall not issue a personal protection order
19 that restrains or enjoins conduct described in subsection (1) if
20 any of the following apply:

21 (a) The respondent is the unemancipated minor child of the
22 petitioner.

23 (b) The petitioner is the unemancipated minor child of the
24 respondent.

25 (c) The respondent is a minor child less than 10 years of
26 age.

1 (26) If the respondent is less than 18 years of age,
2 issuance of a personal protection order under this section is
3 subject to chapter XIIA of the probate code of 1939, 1939 PA 288,
4 MCL 712A.1 to 712A.32.

5 (27) A personal protection order that is issued before March
6 1, 1999 is not invalid on the ground that it does not comply with
7 1 or more of the requirements added by 1998 PA 476.

8 (28) A court shall not issue a personal protection order
9 under this section if the petitioner is a prisoner. If a per-
10 sonal protection order is issued in violation of this subsection,
11 a court shall rescind the personal protection order upon notifi-
12 cation and verification that the petitioner is a prisoner.

13 (29) As used in this section:

14 (a) "Federal law enforcement officer" means an officer or
15 agent employed by a law enforcement agency of the United States
16 government whose primary responsibility is the enforcement of
17 laws of the United States.

18 (b) "L.E.I.N." means the law enforcement information net-
19 work administered under the L.E.I.N. policy council act of 1974,
20 1974 PA 163, MCL 28.211 to 28.216.

21 (c) "Personal protection order" means an injunctive order
22 issued by circuit court or the family division of circuit court
23 restraining or enjoining conduct prohibited under section 411h or
24 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
25 750.411i.

26 (d) "Prisoner" means a person subject to incarceration,
27 detention, or admission to a prison who is accused of, convicted

1 of, sentenced for, or adjudicated delinquent for violations of
2 federal, state, or local law or the terms and conditions of
3 parole, probation, pretrial release, or a diversionary program.

4 Sec. 5073. (1) Arbitration under this chapter may be heard
5 by a single arbitrator or by a panel of 3 arbitrators. The court
6 shall appoint an arbitrator agreed to by the parties if the arbi-
7 trator is qualified under subsection (2) and consents to the
8 appointment. An arbitrator appointed under this chapter is
9 immune from liability in regard to the arbitration proceeding to
10 the same extent as the circuit judge who has jurisdiction of the
11 action that is submitted to arbitration.

12 (2) The court shall not appoint an arbitrator under this
13 chapter unless the individual meets all of the following
14 qualifications:

15 (a) Is an attorney in good standing with the state bar of
16 Michigan.

17 (b) Has practiced as an attorney for not less than 5 years
18 before the appointment and has demonstrated an expertise in the
19 area of domestic relations law.

20 (c) Has received training in the dynamics of domestic vio-
21 lence and in handling domestic relations matters that have a his-
22 tory of domestic violence.

23 (3) The office of the friend of the ~~court~~ CHILD, an alter-
24 native dispute resolution clerk, or another individual designated
25 by the chief judge may make available a list of arbitrators who
26 meet the qualifications of this section. The list shall include
27 a summary of each arbitrator's qualifications and experience.

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

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

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

26 Sec. 9947. (1) Except as otherwise provided in this act,
27 the legislature shall appropriate sufficient ~~funds~~ MONEY in

1 order to fund at least 31.5% of all net trial court operational
2 expenses, subject to the offset provisions of subsection (6),
3 beginning with the state fiscal year that begins October 1,
4 1993. It is the intent of the legislature that the state will
5 fund the highest percentage of trial court operational expenses,
6 offset by an equivalent percentage of court revenues collected by
7 counties or district control units, as available ~~funds~~ MONEY
8 will allow, as determined by the legislature. Except as provided
9 in section 151b(4)(a) and (b), this section shall not apply after
10 September 30, 1996.

11 (2) As used in this section, "trial court operational
12 expenses" means, for each trial court of record other than a
13 court in a county in which a court receives state appropriations
14 to implement section ~~563, 564, 592,~~ 593, 594, 595, ~~8272,~~
15 8273, 8275, ~~9104,~~ or 9943, the sum of the following expenses
16 for the 1990-91 fiscal year, as reported to the state court
17 administrative office, excluding expenses reimbursed by federal
18 friend of the ~~court~~ CHILD reimbursement:

19 (a) Employee compensation, including compensation for county
20 clerk services to the circuit court, other than compensation for
21 courtroom security.

22 (b) Operational and maintenance expenses other than expenses
23 for facilities, utilities, telephones, and courtroom security.

24 (c) Assigned counsel provided for indigents accused of crim-
25 inal offenses or ordinance violations, whether before or after
26 conviction.

1 (d) Guardians ad litem for indigent persons.

2 (e) Compensation paid to jurors.

3 (f) Fees for transcripts that are prepared pursuant to court
4 order.

5 (g) Expenses incurred as a result of the operating of a pro-
6 bation department.

7 (3) For purposes of subsection (2)(c), trial courts shall
8 establish minimum standards which must be met by all attorneys
9 serving as assigned counsel. Minimum standards shall be devel-
10 oped in consultation with a local or county bar association.

11 (4) If a trial court has not reported information on each of
12 the items described in subsection (2) for the 1990-91 fiscal
13 year, as required under subsection (2), the state court adminis-
14 trative office shall calculate the trial court operational
15 expenses for that court based on the information received. A
16 local funding unit may report additional 1990-91 fiscal year
17 trial court operational expenses if the information on the
18 expenses that has already been reported to the state court admin-
19 istrative office is incomplete or incorrect and the additional
20 information is confirmed by an independent audit, paid for by the
21 local funding unit and approved by the state court
22 administrator. Information confirmed by an independent audit
23 shall be included by the state court administrative office in its
24 calculation of trial court operational expenses under this
25 subsection.

26 (5) The state court administrative office shall monitor the
27 trends in the ratio of trial court operational expenses to court

1 revenues for each county and district funding unit. In analyzing
2 differences in the ratio of court operational expenses to court
3 revenues for a county or district funding unit from the ratio of
4 expenses to court revenues based on expense data reported by that
5 county or district funding unit for 1990-91 and court revenue
6 data reported by that county or district funding unit for
7 1990-91, the state court administrator shall consider changes in
8 fees impacting revenue generation, changes in court responsibili-
9 ties impacting workload, statewide trends in expenses to revenue
10 ratios, and increases in expenses due to inflation. Upon deter-
11 mining that the ratio of expenses to court revenues for a county
12 and district funding unit differs significantly from statewide
13 trends, the state court administrator shall conduct a review of
14 the budget and court management of the court or courts funded by
15 that county or district funding unit. The state court adminis-
16 trator shall then submit a report to the senate and house appro-
17 priations subcommittees on general government. In the following
18 state fiscal year, the legislature may authorize adjustments to
19 the funding from the state court fund created in section 151a for
20 which those counties or district funding units would otherwise be
21 entitled pursuant to this section.

22 (6) The ~~funds~~ MONEY to which a county or district funding
23 unit is entitled under subsection (1) shall be offset by the sum
24 of court revenues collected by that county or district funding
25 unit in the 1990-91 state fiscal year and any state funding in
26 the 1990-91 fiscal year received by the county or district
27 funding unit for trial court operational expenses, including

1 judges' salaries, Michigan friend of the ~~court~~ CHILD funds, and
2 child care funds. The amount of the offset of court revenues
3 shall be equal to the percentage of trial court operational
4 expenses funded for that county, or, in the case of a district of
5 the third class, that district funding unit. However, an offset
6 under this subsection shall not reduce the funding to which the
7 county or district control unit is entitled to less than zero.

8 (7) As used in this section, "court revenues" means all
9 fees, fines, and court costs, except the following:

10 (a) Penal fines.

11 (b) Revenue dedicated to the state general fund.

12 (c) Revenue dedicated to a restricted state fund or state
13 purpose.

14 (d) Revenue dedicated to a friend of the ~~court~~ CHILD
15 fund.

16 (8) A county or political subdivision shall receive funds
17 under this section based on the trial court operational expenses
18 of the courts in the county for which the county or a political
19 subdivision of the county is responsible, offset by the portion
20 of court revenues from those courts to which the county or polit-
21 ical subdivision is entitled.

22 Enacting section 1. This amendatory act does not take
23 effect unless Senate Bill No. _____ or House Bill No. 6317
24 (request no. 07684'02) of the 91st Legislature is enacted into
25 law.