

HOUSE BILL No. 6663

November 13, 2008, Introduced by Rep. Meisner and referred to the Committee on Judiciary.

A bill to amend 1982 PA 294, entitled
"Friend of the court act,"
by amending section 13 (MCL 552.513), as amended by 2002 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) The office shall provide, either directly or by
2 contract, domestic relations mediation to assist the parties in
3 settling voluntarily a dispute concerning child custody or
4 parenting time that arises in a friend of the court case. Parties
5 shall not be required to meet with a domestic relations mediator.
6 The service may be provided directly by the office only if such a
7 service is in place on July 1, 1983, if the service is not
8 available from a private source, or if the court can demonstrate
9 that providing the service within the friend of the court office is
10 cost beneficial. Any expansion of existing services provided by the

1 court on July 1, 1983 shall be provided by an individual meeting
2 the domestic relations mediator minimum qualifications listed under
3 subsection (4).

4 (2) If an agreement is reached by the parties through domestic
5 relations mediation, a consent order incorporating the agreement
6 shall be prepared by an employee of the office who is a member of
7 the state bar of Michigan; under section 22, by a member of the
8 state bar of Michigan; or by the attorney for 1 of the parties. The
9 consent order shall be provided to, and shall be entered by, the
10 court.

11 (3) Except as provided in subsection (2), a communication
12 between a domestic relations mediator and a party to a domestic
13 relations mediation is confidential. The secrecy of the
14 communication shall be preserved inviolate as a privileged
15 communication. The communication shall not be admitted in evidence
16 in any proceedings. The same protection shall be given to
17 communications between the parties in the presence of the mediator.
18 **FOR PURPOSES OF THIS SECTION, PRIVILEGED COMMUNICATIONS INCLUDE**
19 **PSYCHOLOGICAL EVALUATIONS AND PSYCHOLOGICAL TESTS.**

20 (4) A domestic relations mediator who performs mediation under
21 this act shall have all of the following minimum qualifications:

22 (a) One or more of the following:

23 (i) A license or a limited license to engage in the practice of
24 psychology under parts 161 and 182 of the public health code, 1978
25 PA 368, MCL 333.16101 to 333.16349 and 333.18201 to 333.18237, or a
26 master's degree in counseling, social work, or marriage and family
27 counseling; and successful completion of the training program

1 provided by the bureau under section 19(3)(b).

2 (ii) Not less than 5 years of experience in family counseling,
3 preferably in a setting related to the areas of responsibility of
4 the friend of the court and preferably to reflect the ethnic
5 population to be served, and successful completion of the training
6 program provided by the bureau under section 19(3)(b).

7 (iii) A graduate degree in a behavioral science and successful
8 completion of a domestic relations mediation training program
9 certified by the bureau with not less than 40 hours of classroom
10 instruction and 250 hours of practical experience working under the
11 direction of a person who has successfully completed a program
12 certified by the bureau.

13 (iv) Membership in the state bar of Michigan and successful
14 completion of the training program provided by the bureau under
15 section 19(3)(b).

16 (b) Knowledge of the court system of this state and the
17 procedures used in domestic relations matters.

18 (c) Knowledge of other resources in the community to which the
19 parties to a domestic relations matter can be referred for
20 assistance.

21 (d) Knowledge of child development, clinical issues relating
22 to children, the effects of divorce on children, and child custody
23 research.

24 Enacting section 1. This amendatory act does not take effect
25 unless all of the following bills of the 94th Legislature are
26 enacted into law:

27 (a) Senate Bill No. _____ or House Bill No. 6659 (request no.

1 07492'08).

2 (b) Senate Bill No.____ or House Bill No. 6660(request no.
3 07492'08 a).

4 (c) Senate Bill No.____ or House Bill No. 6661(request no.
5 07492'08 b).

6 (d) Senate Bill No.____ or House Bill No. 6662(request no.
7 07492'08 c).

8 (e) Senate Bill No.____ or House Bill No. 6664(request no.
9 07492'08 e).