

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 4476

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The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

The State Bar's position in this matter is to support the H-1 substitute version that adequately addresses original concerns.

The total membership of the Family Law Section is 2,945.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor of this position was 15. The number who voted opposed to this position was 0. The number who abstained from voting was 0.

Report on Public Policy Position

Name of Section:

Family Law Section

Contact person:

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Bill Number:

[HB 4476](#) (Santana) Civil procedure; other; mediation; limit in certain domestic relations actions. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 1035.

Date position was adopted:

May 2, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote (absent)

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

HB 4476 is a reintroduction of a bill we supported last term. It prohibits the court from ordering mediation in domestic violence situations, unless both parties consent to the mediation, and absolutely prohibits mediation of Personal Protection Orders (in accordance with PPO law). This reflects current practice. The Family Law Section recommends that "order" be replaced with "compel" on p.1, l.3. In some courts, parties are automatically ordered to mediation upon filing, but not compelled to participate if they qualify under an exception. On p.2,l.7 we recommend adding "and has no legal representation" as a qualifier. The Family Law Section supports these bills with those amendments.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-HB-4476>