

Report on Public Policy Position

Name of section:

Family Law Section

Contact person:

Kent Weichmann

E-mail:

weichmann@earthlink.net

Bill Number:

[SB 0568](#) (Jansen) Family law; child custody; court review of arbitrator's decision on custody; allow court to take additional evidence. Amends sec. 5080 of [1961 PA 236](#) (MCL [600.5080](#)).

Date position was adopted:

June 6, 2009

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:

18 Voted for position

1 Voted against position

0 Abstained from vote

2 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

SB 568 modifies MCL 600.5080 (2) and says that review of a child support, child custody or parenting time arbitrator's decision shall be made "based on the record made under section 5077(2). If the court finds that the record is insufficient to determine whether the award is adverse to the best interests of the child, the court may take additional evidence." The standard in subsection (1) of the statute says the court shall not modify the award unless it finds the arbitrator's decision is adverse to the best interest of the child. This bill will allow the Domestic Relations Arbitration Act to be effective in these types of cases. The Family Law Section supports this bill.

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?2009-SB-0568>