

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.1035 Submission of contested issue in domestic relations action; history of coercive or violent relationship or presence of coercion or violence; inquiry and screening by mediator; "domestic relations action" defined.

Sec. 1035.

(1) Except as provided in this subsection, unless a court first conducts a hearing under the court rules to determine whether mediation is appropriate, the court shall not submit a contested issue in a domestic relations action, including postjudgment proceedings, if either of the following applies:

(a) A personal protection order has been issued under section 2950 or 2950a or another order has been entered protecting 1 party and restraining the other party. However, the court may order mediation if the protected party requests mediation.

(b) One or both of the parties are involved in a child abuse or neglect proceeding. However, the court may order mediation if a parent protected by an order in the proceeding requests mediation.

(2) In a domestic relations mediation, the mediator shall make reasonable inquiry as to whether either party has a history of a coercive or violent relationship with the other party. A reasonable inquiry includes the use of the domestic violence screening protocol for mediation provided by the state court administrative office as directed by the supreme court.

(3) A mediator shall make reasonable efforts throughout the domestic relations mediation process to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues.

(4) As used in this section, "domestic relations action" means any of the following:

(a) An action for divorce, separate maintenance, annulment of marriage, affirmation of marriage, paternity, family support under the family support act, 1966 PA 138, MCL 552.451 to 552.459, the custody of minors under the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31, or grandparenting time under section 7b of the child custody act of 1970, 1970 PA 91, MCL 722.27b.

(b) A proceeding that is ancillary or subsequent to an action listed in subdivision (a) and that relates to any of the following:

(i) The custody of a minor.

(ii) Parenting time with a minor.

(iii) The support of a minor, spouse, or former spouse.

History: Add. 2016, Act 93, Eff. Aug. 1, 2016