

HOUSE BILL No. 6012

June 9, 2004, Introduced by Rep. Howell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 705, 1021, 2950, 2950h, 2950j, 4319, 5071,
5077, 5078, and 5080 (MCL 600.705, 600.1021, 600.2950, 600.2950h,
600.2950j, 600.4319, 600.5071, 600.5077, 600.5078, and 600.5080),
section 1021 as amended by 2002 PA 682, section 2950 as amended
by 2001 PA 200, sections 2950h and 2950j as added by 2001 PA 206,
section 5071 as added by 2000 PA 419, and sections 5077, 5078,
and 5080 as added by 2000 PA 420.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 705. The existence of any of the following
2 relationships between an individual or his **or her** agent and the
3 state ~~shall constitute~~ **is** a sufficient basis of jurisdiction to
4 enable a court of record of this state to exercise limited
5 personal jurisdiction over the individual and to enable the court

1 to render personal judgments against the individual or his **or her**
 2 representative arising out of an act which creates any of the
 3 following relationships:

4 **(a)** ~~—(1)—~~ The transaction of any business within the state.

5 **(b)** ~~—(2)—~~ The doing or causing an act to be done, or
 6 consequences to occur, in the state resulting in an action for
 7 tort.

8 **(c)** ~~—(3)—~~ The ownership, use, or possession of real or
 9 tangible personal property situated within the state.

10 **(d)** ~~—(4)—~~ Contracting to insure a person, property, or risk
 11 located within this state at the time of contracting.

12 **(e)** ~~—(5)—~~ Entering into a contract for services to be
 13 rendered or for materials to be furnished in the state by the
 14 defendant.

15 **(f)** ~~—(6)—~~ Acting as a director, manager, trustee, or other
 16 officer of a corporation incorporated under the laws of, or
 17 having its principal place of business within this state.

18 **(g)** ~~—(7)—~~ Maintaining a domicile in this state while subject
 19 to a marital or family relationship which is the basis of the
 20 claim for divorce, alimony, separate maintenance, property
 21 settlement, child support, ~~—or—~~ child custody, **or parenting**
 22 **time.**

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

27 (a) Cases of divorce and ancillary matters as set forth in

1 the following statutes:

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

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

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

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

6 (v) The friend of the court act, 1982 PA 294, MCL 552.501 to
7 552.535.

8 (vi) 1905 PA 299, MCL 552.391.

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

10 (viii) The family support act, 1966 PA 138, MCL 552.451 to
11 552.459.

12 (ix) The support and parenting time enforcement act, 1982
13 PA 295, MCL 552.601 to 552.650.

14 (x) The interstate income withholding act, 1985 PA 216,
15 MCL 552.671 to 552.685.

16 (b) Cases of adoption as provided in chapter X of the probate
17 code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

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

20 (d) Cases involving a change of name as provided in chapter
21 XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3.

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

24 (f) Cases involving the status of minors and the emancipation
25 of minors under 1968 PA 293, MCL 722.1 to 722.6.

26 (g) Cases of ~~child custody~~ **parenting time** under the child
27 ~~custody act of 1970~~ **parenting time act**, 1970 PA 91, MCL 722.21

1 to 722.31, and child custody jurisdiction as provided in the
2 uniform child-custody jurisdiction and enforcement act, 2001
3 PA 195, MCL 722.1101 to 722.1406.

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

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

9 (j) Cases involving child support under the revised uniform
10 reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to
11 780.183.

12 (k) Cases involving personal protection orders and foreign
13 protection orders under sections 2950 to 2950m.

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

17 (a) Cases involving guardians and conservators as provided in
18 article 5 of the estates and protected individuals code, 1998
19 PA 386, MCL 700.5101 to 700.5520.

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

23 (3) A probate judge identified in section 1011 as serving
24 ~~pursuant to~~ **as provided under** the family court plan has the
25 same power and authority, within the county or probate court
26 district in which he or she serves as probate judge, as that of a
27 circuit judge over cases described in subsection (1), in addition

1 to all the power and authority of a judge of the probate court.

2 Sec. 2950. (1) Except as provided in subsections (27) and
3 (28), by commencing an independent action to obtain relief under
4 this section, by joining a claim to an action, or by filing a
5 motion in an action in which the petitioner and the individual to
6 be restrained or enjoined are parties, an individual may petition
7 the family division of circuit court to enter a personal
8 protection order to restrain or enjoin a spouse, a former spouse,
9 an individual with whom he or she has had a child in common, an
10 individual with whom he or she has or has had a dating
11 relationship, or an individual residing or having resided in the
12 same household as the petitioner from doing 1 or more of the
13 following:

14 (a) Entering onto premises.

15 (b) Assaulting, attacking, beating, molesting, or wounding a
16 named individual.

17 (c) Threatening to kill or physically injure a named
18 individual.

19 (d) Removing minor children from ~~the~~ **an** individual having
20 ~~legal custody of~~ **parenting time with** the children, except as
21 otherwise authorized by a ~~custody or~~ parenting time order
22 issued by a court of competent jurisdiction.

23 (e) Purchasing or possessing a firearm.

24 (f) Interfering with petitioner's efforts to remove
25 petitioner's children or personal property from premises that are
26 solely owned or leased by the individual to be restrained or
27 enjoined.

1 (g) Interfering with petitioner at petitioner's place of
2 employment or education or engaging in conduct that impairs
3 petitioner's employment or educational relationship or
4 environment.

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

10 (i) Engaging in conduct that is prohibited under section 411h
11 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
12 750.411i.

13 (j) Any other specific act or conduct that imposes upon or
14 interferes with personal liberty or that causes a reasonable
15 apprehension of violence.

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

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

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

11 (a) Testimony, documents, or other evidence offered in
12 support of the request for a personal protection order.

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

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

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

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

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

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

1 (a) A police report.

2 (b) A medical report.

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

4 (d) Physical signs of abuse or violence.

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

11 (8) A personal protection order shall not be made mutual.
12 Correlative separate personal protection orders are prohibited
13 unless both parties have properly petitioned the court ~~pursuant~~
14 ~~to~~ **under** subsection (1).

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

20 (10) The court shall designate the law enforcement agency
21 that is responsible for entering the personal protection order
22 into the law enforcement information network as provided by the
23 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
24 28.216.

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

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

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

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

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

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

24 (c) A statement listing the type or types of conduct
25 enjoined.

26 (d) An expiration date stated clearly on the face of the
27 order.

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

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

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

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

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

1 shown for filing the motion after the 14 days have elapsed.

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

11 (15) The clerk of the court that issues a personal protection
12 order shall do all of the following immediately upon issuance and
13 without requiring a proof of service on the individual restrained
14 or enjoined:

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

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

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

24 (d) If the personal protection order prohibits respondent
25 from purchasing or possessing a firearm, notify the concealed
26 weapon licensing board in respondent's county of residence about
27 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 being
6 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 records, notify
9 the friend of the court for the county in which the information
10 is located about the existence of the personal protection order.

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

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

22 (18) A personal protection order issued under this section
23 shall be served personally or by registered or certified mail,
24 return receipt requested, delivery restricted to the addressee at
25 the last known address or addresses of the individual restrained
26 or enjoined or by any other manner provided in the Michigan court
27 rules. If the individual restrained or enjoined has not been

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

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

22 (a) The clerk of the court has received proof that the
23 individual restrained or enjoined has been served.

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

26 (20) The law enforcement agency that receives information
27 under subsection (19) shall enter the information or cause the

1 information to be entered into the law enforcement information
2 network as provided by the L.E.I.N. policy council act of 1974,
3 1974 PA 163, MCL 28.211 to 28.216.

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

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

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

11 (23) An individual who is 17 years of age or more and who
12 refuses or fails to comply with a personal protection order under
13 this section is subject to the criminal contempt powers of the
14 court and, if found guilty, shall be imprisoned for not more than
15 93 days and may be fined not more than \$500.00. An individual
16 who is less than 17 years of age and who refuses or fails to
17 comply with a personal protection order issued under this section
18 is subject to the dispositional alternatives listed in section 18
19 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
20 MCL 712A.18. The criminal penalty provided for under this
21 section may be imposed in addition to a penalty that may be
22 imposed for another criminal offense arising from the same
23 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 is
2 also enforceable under chapter XIIIA of the probate code of 1939,
3 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV
4 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

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

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

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

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

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

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

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

24 (30) As used in this section:

25 (a) "Dating relationship" means frequent, intimate
26 associations primarily characterized by the expectation of
27 affectional involvement. This term does not include a casual

1 relationship or an ordinary fraternization between 2 individuals
2 in a business or social context.

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

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

11 Sec. 2950h. As used in this section and sections 2950i,
12 2950j, 2950k, 2950l, and 2950m:

13 (a) "Foreign protection order" means an injunction or other
14 order issued by a court of another state, Indian tribe, or United
15 States territory for the purpose of preventing a person's violent
16 or threatening acts against, harassment of, contact with,
17 communication with, or physical proximity to another person.
18 Foreign protection order includes temporary and final orders
19 issued by civil and criminal courts (other than a support, ~~or~~
20 child custody, **or parenting time** order issued pursuant to state
21 divorce, ~~and~~ child custody, **and parenting time** laws, except to
22 the extent that such an order is entitled to full faith and
23 credit under other federal law), whether obtained by filing an
24 independent action or by joining a claim to an action, if a civil
25 order was issued in response to a complaint, petition, or motion
26 filed by or on behalf of a person seeking protection.

27 (b) "LEIN" means the law enforcement information network

1 regulated under the L.E.I.N. policy council act of 1974, 1974 PA
2 163, MCL 28.211 to 28.216.

3 (c) "NCIC protection order file" means the national crime
4 information center protection order file maintained by the United
5 States department of justice, federal bureau of investigation.

6 Sec. 2950j. (1) A valid foreign protection order shall be
7 accorded full faith and credit by the court and shall be subject
8 to the same enforcement procedures and penalties as if it were
9 issued in this state.

10 (2) A child custody, **parenting time**, or support provision
11 within a valid foreign protection order shall be accorded full
12 faith and credit by the court and shall be subject to the same
13 enforcement procedures and penalties as any provision within a
14 personal protection order issued in this state. This subsection
15 shall not be construed to preclude law enforcement officers'
16 compliance with the child protection law, 1975 PA 238, MCL
17 722.621 to 722.638.

18 Sec. 4319. If the action for habeas corpus is brought by a
19 parent, foster-parent, or other relative of the child, to obtain
20 custody of **or parenting time with** a child under the age of 16
21 years from a parent, foster-parent, or other relative of the
22 child, issuance of the writ of habeas corpus is not mandatory.

23 Sec. 5071. Parties to an action for divorce, annulment,
24 separate maintenance, ~~or~~ child support, ~~custody~~, or parenting
25 time, or to a postjudgment proceeding related to such an action,
26 may stipulate to binding arbitration by a signed agreement that
27 specifically provides for an award with respect to 1 or more of

1 the following issues:

2 (a) Real and personal property.

3 (b) ~~Child custody~~ **Parenting time**.

4 (c) Child support, subject to the restrictions and
5 requirements in other law and court rule as provided in this
6 act.

7 ~~(d) Parenting time.~~

8 **(d)** ~~(e)~~ Spousal support.

9 **(e)** ~~(f)~~ Costs, expenses, and attorney fees.

10 **(f)** ~~(g)~~ Enforceability of prenuptial and postnuptial
11 agreements.

12 **(g)** ~~(h)~~ Allocation of the parties' responsibility for debt
13 as between the parties.

14 **(h)** ~~(i)~~ Other contested domestic relations matters.

15 Sec. 5077. (1) Except as provided by this section, court
16 rule, or the arbitration agreement, a record shall not be made of
17 an arbitration hearing under this chapter. If a record is not
18 required, an arbitrator may make a record to be used only by the
19 arbitrator to aid in reaching the decision. The parties may
20 provide in the arbitration agreement that a record be made of
21 those portions of a hearing related to 1 or more issues subject
22 to arbitration.

23 (2) A record shall be made of that portion of a hearing that
24 concerns child support ~~, custody,~~ or parenting time in the same
25 manner required by the Michigan court rules for the record of a
26 witness's testimony in a deposition.

27 Sec. 5078. (1) Unless otherwise agreed by the parties and

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

5 (2) Subject to the other restrictions in this subsection, if
6 the parties reach an agreement regarding child support —
7 ~~custody,~~ or parenting time, the agreement shall be placed on the
8 record by the parties under oath and shall be included in the
9 arbitrator's written award. An arbitrator shall not include in
10 the award a child support amount that deviates from the child
11 support formula developed by the state friend of the court bureau
12 unless the arbitrator complies with the same requirements for
13 such a deviation prescribed for the court under the law that
14 applies to the domestic relations dispute that is being
15 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. 5080. (1) Subject to subsection (2), the circuit court
27 shall not vacate or modify an award concerning child support —

1 ~~custody,~~ or parenting time unless the court finds that the award
2 is adverse to the best interests of the child who is the subject
3 of the award or under the provisions of section 5081.

4 (2) A review or modification of a child support amount —
5 ~~child custody,~~ or parenting time shall be conducted and is
6 subject to the standards and procedures provided in other
7 statutes, in other applicable law, and by court rule that are
8 applicable to child support amounts —, ~~child custody,~~ or
9 parenting time.

10 (3) Other standards and procedures regarding review of
11 arbitration awards described in this section are governed by
12 court rule.

13 Enacting section 1. This amendatory act takes effect
14 January 1, 2005.

15 Enacting section 2. This amendatory act does not take
16 effect unless House Bill No. 5949 of the 92nd Legislature is
17 enacted into law.