Michigan Judges Association
Founded 1927

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April 23, 2014

Anne Boomer
Administrative Counsel
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: Proposed Amendments of MCR 3.216 and MCR 3.221

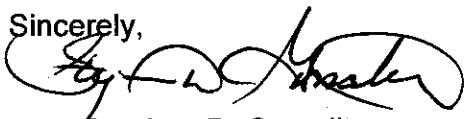
Dear Ms. Boomer:

At the April 15, 2014 meeting of the Michigan Judges Association, the Executive Board considered the above-referenced proposed amendments. We support the proposed court rule amendment to MCR 3.216, which would clarify that distribution of property is subject to domestic relations mediation. The court rule, as currently written, states that the rule applies to all domestic relations cases, but defines such cases by reference to MCL 552.501(m). This statutory reference is to a definitional section of the Friend of the Court Act, and defines "domestic relations matter" as litigation "arising out of, but not limited to" proceedings as to child custody, parenting time, child support, or spousal support. It has, therefore, been argued that divorce actions involving only property issues are not subject to the domestic relations mediation court rule (in spite of the "not limited to" language in the above statute). The proposed amendment clarifies the scope of MCR 3.216, and is consistent with the intent of the court rule as well as the public policy in favor of alternative dispute resolution.

The MJA Executive Board also supports the amendment of MCR 3.221, which would strike the term "magistrate" to clarify the rule, as there is no statutory authority for district court magistrates to conduct bond review hearings on support and parenting time enforcement act bench warrants. This is in the nature of a technical correction to provide for consistent use of terminology.

We thank the Court for considering our input on these matters. If the Michigan Judges Association may provide any further information or assistance, please do not hesitate to contact us.

Sincerely,



Hon. Stephen D. Gorsalitz
President, Michigan Judges Association

CC: Hon. Robert Young, Chief Justice Michigan Supreme Court
Hon. Jon Van Allsburg, Rules Committee Chairperson, Michigan Judges Association
Hon. Joan E. Young, Family Law Committee Chairperson, Michigan Judges Association
Hon. Colleen A. O'Brien, President-Elect, Michigan Judges Association