

# MICHIGAN PROBATE JUDGES ASSOCIATION

October 13, 2015

Representative Kurt Heise  
Chair, House Committee on  
Criminal Justice  
P.O. Box 30014  
Lansing, MI 48909

Re: HB 4476

Dear Chairman Heise:

Recently, the Michigan Probate Judges Association (MPJA) voted to oppose HB 4476, which would prevent the use of certain alternative dispute resolution options in some domestic relations cases.

MPJA opposes this legislation for several reasons. First, this bill usurps judicial discretion and authority to utilize different resolution options in these difficult cases. Second, there are several opportunities throughout these actions during which the appropriateness of alternative dispute resolution can be assessed, such as conciliation, scheduling conferences, and pre-trial hearings to name a few. Third, domestic relations mediators are required to have specific training in domestic violence, and the use of these mediators, where domestic violence is a factor, can offer a less-intimidating, more even playing field for litigants who have been victims of such violence. Finally, the mere existence of a Personal Protection Order is not dispositive of its legitimacy, particularly where it has been obtained on an Ex Parte basis.

I hope this feedback is helpful. Please feel free to contact the Chair of our Legislation Committee, Lisa Sullivan, who may be reached at: (989) 224-5194 or our lobbyist, Bill Kandler, if there is anything else we can provide.

Thank you for your time and attention to our concerns.

Sincerely,

Hon. Robert Butts  
MPJA President