



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 714 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would create the "Uniform Collaborative Law Act" to regulate collaborative law participation agreements and the collaborative law process (a procedure to resolve a dispute or issue arising under Michigan's family laws or domestic relations laws, without the intervention of a court or other tribunal). The bill would do the following:

- Establish requirements for a collaborative law participation agreement.
- Specify the procedures for engaging in a collaborative law process, and specify when the process would be concluded or would terminate.
- Allow a tribunal, during a collaborative law process, to issue personal protection orders.
- Allow a tribunal to approve a collaborative law process, under certain circumstances, even if an agreement failed to meet the uniform Act's requirements or a lawyer failed to comply with requirements for entering into an agreement.
- Allow parties in a proceeding pending before a tribunal to enter into a collaborative law participation agreement to resolve a matter related to the proceeding, and require the proceeding to be stayed during that collaborative law process.
- Require the State Court Administrative Office (SCAO) to develop standards for the qualifications and training of collaborative lawyers.
- Prohibit a lawyer from acting as a collaborative lawyer, beginning two years after the SCAO developed standards, unless he or she met the qualifications and completed the training.
- Establish requirements for a collaborative lawyer, including that he or she would be disqualified from appearing before a tribunal in a proceeding related to the collaborative matter, subject to various exceptions.
- Require a prospective collaborative lawyer to assess certain factors and advise a prospective party before that party signed a collaborative law participation agreement.
- Establish requirements related to disclosure of information and privileged communications related to the collaborative law process.
- Specify that the uniform Act would not affect the obligations and standards of certain professionals, or the obligation of a person to report abuse or neglect, abandonment, or exploitation of an individual under Michigan law.

The uniform Act would take effect 180 days after its enactment.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would provide an opportunity for parties to reach family and domestic relations law agreements through nonjudicial means. This collaborative law process could reduce the caseload of the tribunals that oversee this area of the law. The bill would likely have a limited positive fiscal impact on State and local government. At this time, the magnitude of

the cost savings is indeterminate as the extent to which this permissive legal process would be used is unknown. Through higher use of this dispute resolution alternative, it is possible there could be increased savings to the resources of State and local courts.

As the bill would require the State Court Administrative Office to develop standards for training and qualifications for collaborative lawyers, there likely would be a cost to State government to create these standards.

Date Completed: 3-20-14

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.