





Bednarski, were married in 1973 and separated in December, 1982. They have two children, Timothy, born June 15, 1975, and Rebecca, born September 21, 1979. John and Vicky are **deaf** and unable to speak. Their children, as well as John Bednarski's parents, have normal hearing ability. The temporary order of the court, entered January 10, 1983, awarded joint custody of the minor children to both parents and further awarded physical custody of Timothy to plaintiff while physical custody of Becky was awarded to defendant. Following trial, held on July 28, 1983, the minor children were awarded to their 63- and 68-year-old paternal grandparents.

I

This appeal raises serious questions concerning the right of **deaf** persons to meaningful participation in judicial proceedings. Defendant was unquestionably entitled to meaningful participation in a proceeding which resulted in the loss of **custody** of her **children**. That her **deafness** seriously impairs meaningful participation is ironically reflected in the term used to describe such a proceeding—a “hearing”. To deal with the unique **\*20** problems encountered by the involvement of **deaf** persons with the judicial process, the Legislature has enacted the **Deaf** Persons' Interpreters Act, [M.C.L. § 393.501](#) *et seq.*

interpret the statements of the **deaf** person in the English language to the best of the interpreter's skill". M.C.L. § 393.506(1); M.S.A. § 17.55(106)(1). Due to the conceptual nature of sign language, a verbatim translation of oral testimony (or vice versa) may not be possible. However, the very fact of the unavoidable translation difficulty renders the need for accurate and skillful interpretation even more critical.<sup>4</sup>

In summary, on remand, the court, as well as counsel, should ensure that the proceedings are conducted in full accordance **\*\*72** with the **Deaf** Persons' Interpreters Act.

**\*23 II**

In addition to the issues concerning the propriety of the trial proceedings, defendant assigns numerous errors in connection with the trial court's awarding of custody to the paternal grandparents. Because we find many of defendant's contentions meritorious and to ensure a fair custody determination on remand, we will address defendant's remaining arguments. We bear in mind that the standard of review of **child custody** cases is *de novo*. *Deel v. Deel*, 113 Mich.App. 556, 317 N.W.2d 685 (1982). This Court will not disturb a custody order unless



the mainstream of society, the court stated:

“No less important to this policy is the integration of the handicapped into the responsibilities and satisfactions of family life, cornerstone of our social system. Yet as more and more physically disabled persons marry and bear or adopt **children** \* \* \* **custody** disputes similar to that now before us may

