

**MINUTES - FAMILY LAW COUNCIL
COUNCIL MEETING
Date: January 24, 2015
Place: Kellog Center, Lansing**

I. Administrative Matters

A. Chair Rebecca Shiemke called Council to order.
20 council members were present: Rebecca Shiemke, Carol Breitmeyer, Dick Halloran, Kent Weichmann, Robert Treat, Elizabeth Bransdorfer, J. Matthew Catchik, Jr., Christopher J. Harrington, Sahera Housey, Mathew Kobliska, Peter Kulas, Colleen Markou, Anthea Papista, Kristen Robinson, Amy Spilman, Randall Velzen, Gail Towne, Steven Reinheimer, Daniel Bates, Tina Johnson (Yost)

Absent: Vanessa Moss-Wilson

Ex-Officios & Former Council Members: Todd Selin, Ross Stancati, Traci Rink, Amy Yu, Pam Amato, Liisa Speaker

Guests: Bill Kandler, Rio Vale, James Chryssikos, Nancy Gallagher, Pat Ouellette, Karen Peper, Chris Piatkowski, Stephanie Benedict

B. All attendees introduced themselves

C. Chair Report –

Rebecca Shiemke reported that there are openings in the State Bar Representative Assembly, and expressed encouragement to family law practitioners to these openings, as it would help the Family Law Section have more of a voice in the Assembly. The Assembly meets twice per year; in March and October. Those interested could contact Liz Bransdorfer for more information.

Rebecca also announced that the SCAO Conciliation Workgroup had convened to discuss conciliation, early intervention conferences and alternative dispute resolutions. SCAO will likely approve a model plan that all FOC offices that provide ADR services will have to submit for approval.

Rebecca also brought up the recent problems with the change to the member search function on the SBM website, asked for input as to what the Council might do about it, including a possible ad hoc committee to look into the problem. After much discussion of the

numerous problems with the new search function, a committee was formed, consisting of Liz Bransdorfer and Dick Halloran.

- D. Recording Secretary: Bob Treat moved that the December 6, 2014 minutes be approved. The motion passed 20-0.
- E. Treasurer's Report/Finance Committee – Chair Halloran moved that the monthly SBM financial report be accepted, and the motion passed 20-0.

II. Key Committees

- A. Amicus – Gail Towne reported that the committee continues to work on a recommended position on Helton v Beaman, and that there will be a request for an e-vote regarding it. The committee continues to work on language to amend the COA final order rule.

B. Court Rules –

Co-Chairs Mathew Kobliska and Christopher Harrington reported that SBM President-Elect Lori Buiteweg participated in the committee meeting, and provided a Public Policy Update from the State Bar for family law related court rules. Included in her report was the “unanimous support” from the State Bar for the latest version of 3.211, which includes provision for stipulation to post-judgment binding arbitration regarding property.

The committee discussed the possibility of amending to the appellate rules which would allow all Sections and Committees of the State Bar to petition the Court of Appeals to publish decisions. Currently under MCR 7.215(D), only parties are permitted to request that a decision become published. The committee unanimously supported looking at an amendment to amend the court rules in this regard. The committee also unanimously supported working hand-in-hand with Amicus to develop this idea. No formal Council action was requested or taken, but the council will continue to pursue the initiative.

Amy Yu commented on the lack of an SCAO form for married women to file under the Revocation of Paternity Act, and the council thought the best approach might be for the legislative committee to look into possibly amending the Act.

C. Legislation – Chair Kent Weichmann reported on HB 4028 and SB 009.

HB 4028 This is a reintroduction of a bill the Council supported last year, setting up a Responsible Father Registry. A man who wishes to have notice of adoption proceedings regarding a child he may have fathered must register before or within five days after the child's birth.

In addition, if the identity and whereabouts of an unregistered putative father are known, he must be served with notice of a mother's intended release or consent to adoption, and he has until five days after the notice or the child's birth to register. If a man does not register, he is deemed to have waived his interest in custody of the child and the adoption may proceed. The goal of this bill is to achieve permanency in adoptions. The committee recommends that Council support this bill. Council voted in favor of supporting HB 4028 13-7.

SB 009 This is a substantially revised version of 2014 SB 1015, which Council opposed last year. The bill provides protections for deployed parents in addition to those provided in the Servicemembers Civil Relief Act. The revisions address the concerns expressed by Council last year, removing the appeal through the SCAO, and clarifying that a court can grant temporary relief during a stay. The bill applies to parents on "active military duty" which is defined in MCL 722.22(a) as when "a reserve unit member or national guard unit member is called into active military duty." The committee recommends that the relief should apply to all deployed parents, as defined in the Uniform Deployed Parents Custody and Visitation Act:

- (8) "Deployment" means the movement or mobilization of a service member for more than [90] days but less than [18] months pursuant to uniformed service orders that:
- (A) are designated as unaccompanied;
 - (B) do not authorize dependent travel; or
 - (C) otherwise do not permit the movement of family members to the location to which the service member is deployed.

The bill also would require a parent to prevail by clear and convincing evidence versus a non-parent. The committee recommends that the burden should be preponderance of the evidence. The committee recommended that Council support the bill with those two amendments and that Council recommend the overall approach of the Uniform Deployed Parent Custody and Visitation Act as an alternative. It was so moved, and the motion passed 20-0.

Bill Kandler noted that there would soon be a lot of Bills to scrutinize now that the new Congress is in place.

III. Standing Committee Reports

- A. Adoption – No Report
- B. Alternative Dispute Resolution –

Chair Randy Velzen reported that the committee is working on how to approach the issue of encouraging use of the mediator protocol regarding domestic violence, and mentioned that Doug Van Epps, the

Director of the Community Dispute Resolution Program, is also working on this.

Mr. Velzen also brought up the issue of automatic mediation, stating that the ADR is interested in the subject, and would like input from the Family Law Section. The Council had a discussion of the pros and cons of automatic mediation.

- C. Alternative Family – Peter Kulas noted that the Supreme Court would be deciding the DeBoer v. Snyder case (now consolidated with three other cases), where the U.S. 6th Circuit Court of Appeals overturned the federal district court's decision to overturn the ban on same sex marriage. Mr. Kulas also noted the ABA website has a wealth of materials on the subject.
- D. Annual Meeting – Section Chair Rebecca Shiemke stated the dinner for the annual meeting will be October 7th, and asked for suggestions as to the location.
- E. CLE/ICLE – Committee Chair Liz Bransdorfer stated that the dates for the annual Family Law Institute will be November 12th and 13th. She stated that time is running out for suggestions as to content.
- F. Domestic Violence – Co-Committee Chairs Dan Bates and Sahera Housey are working with the SBM DV committee on getting articles for the Family Law Journal.
- G. Family Court Forum – no report
- H. Family Law Journal – Committee Chair Anthea Papista reported that the focus continues to be on quality and editorial discretion, and stated that peer review is very helpful in the editorial process. She also reiterated the call for more articles.
- I. Family Law Journal Advertising – Committee Chair Kristin Robinson stated that the rate of Great Lakes Honor Roll renewals is good, that we now have a classified ad section in which we can place a link to the advertiser's website, and that we continue to seek out additional advertisers.
- J. Family Support – Committee Chair Kent Weichmann reported that the timing for possible revisions to the Child Support Guidelines is projected to begin in April or May. Member suggestions should be shared with Kent.
- K. Membership – Steve Reinheimer announced that membership is up substantially. As of the writing of these minutes there are 3,088

members, which is approximately 400 more than at this time a year ago. Mr. Reinheimer commented briefly about the work done by the committee over the last couple years, and how the increased membership is due in no small part to our presence. Great work, membership committee! Steve also stated that the committee read the Section by-laws and is still in the process of considering how to go about amending them at the next annual meeting to make membership for new attorneys free for one year instead of two, and to make law student membership free, as voted and approved at the November council meeting.

L. Mid-Winter/Mid-Summer Seminars

- a. Mid-Winter – This seminar is all set.
- b. Mid-Summer – Co-Chair Traci Rink has a tentative contract with Boyne Mountain Lodge. Traci is working out a couple details, but asked that the Council approve contracting with Boyne. There was a motion to approve the contract, which passed 20-0.

M. Political Action Committee – Committee Chair Ross Stancati reported that as of 12/31/14 we had a PAC balance of \$25,940, and that during the 2014 calendar year the PAC received contributions of \$5,930, \$4,005 of which have been received during the Council's current fiscal year which began in September. \$1,850 have been expended during the calendar year, the recipients of which have been disclosed in previous reports. Two contributions have been received in January 2015. Mr. Stancati noted that some council members have not contributed. Discussed placing articles about PAC in the Journal and Kristen will discuss with SBM regarding any issues. Ross would also like to be given time at ICLE seminars to make a pitch.

N. QDRO/Taxation – Committee Chair Robert Treat reported that the SBM QDRO Administration Group, which administers the pro-bono QDRO program, provided the semi-annual numbers, and they show considerably more low income families being helped by the initiative, which was initiated by Joe Cunningham a number of years ago. Section Chair Rebecca Shiemke acknowledged the pro bono QDRO preparers.

O. Technology/Website – no report

IV. Ad Hoc Committees

A. Social Media Committee – no report

B. SCAO Forms Committee – Committee Chair Amy Yu, who is on the Michigan Court Forms Committee for Domestic Relations, stated that any input on new USO could be directed to her. She also discussed briefly the issue of how the Parenting Coordination (Amended Public

Act 91 of 1970; Enrolled House Bill 5082) would be implemented.
There were questions, and Dick Halloran said he would investigate.

V. Announcements/New Business

Dick Halloran noted that the family law community has desired judges to be on the family law bench, and stay, but we do not acknowledge their contributions. After brief discussion and broad acknowledgement it was agreed a committee would be formed chaired by Dick, and many council members joined the committee. .

VI. Future Council Meetings

All council meetings will begin at 9:30 a.m., with a breakfast buffet starting at 9:00 a.m.

March 7, 2015	Ann Arbor - Weber's Inn
April 11, 2015	Novi – Double Tree Hilton Hotel
May 2, 2015	Grand Rapids – Amway Hotel
June 6, 2015	Ann Arbor - Weber's Inn

VII. Adjournment

Respectfully submitted,

Robert Treat, Recording Secretary
January 24, 2015