

**STATE BAR OF MICHIGAN  
FAMILY LAW COUNCIL**

MINUTES

Date: May 1, 2021  
Location: Zoom  
Time: Networking 9:00 a.m.; Meeting 9:30 a.m.

**I. Administrative Matters**

**A. Call to Order/Quorum**

The council was called to order by Chair Sahera Housey, at 9:31 a.m.

**B. Introduction of Council Members**

The following (19) council members were present: Sean Blume, Matt Catchick, James Chryssikos, Christopher Harrington, Steven Heisler, Joe Hohler, III, Jennifer Johnsen, Shelley Kester, Viola King, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Kristen Robinson, Liisa Speaker, Amy Spilman, Gail Towne, Randy Velzen, Donald Wheaton, and Hon. Tina Yost Johnson.

The following council members were absent: Peter Kulas-Dominguez.

Ex-Officio, former council members, liaisons, non-council member committee chairs, and lobbyists present: Anne Argiroff, Elizabeth Bransdorfer, Shon Cook, Sahera Housey, Stephanie Johnson, Mathew Kobliska, Joshua Pease, Steve Reinheimer, Elizabeth Sadowski, Ross Stancati and Amy Yu.

Guests present: Kathleen Allen, Jason Blevins, Peter Conway, Erin Magley, Simone Sprague, Casey Stiteler, Alicia Storm, Pamela Wall, Former Justice Kurtis Wilder, Kristen Wolfram.

**C. Chair Report (Sahera Housey)**

- Shon Cook is no longer on Council due to absences and the vacancy will be filled by Council members at the June meeting.
- There is an imminent shared parenting bill, and she created a committee to work on the bill response once it comes out.
- Steve Heisler is gathering committee information for our website so please respond to his email.

**D. Recording Secretary Report/Approval of Minutes (Liisa Speaker).** Liisa circulated council meeting minutes for the April 10, 2021 meeting. Liisa Speaker moved and Tina Yost-Johnson seconded. **Passed unanimously. 17-0-0.**

**E. Corresponding Secretary. (Kristen Robinson).** No report.

**F. Treasurer's Report (Shelley Kester).** No report.

## **II. Key Committee Reports**

**A. Amicus – Anne Argiroff/Gail Towne.** Gail reported there are no action items.

1. Gail reported that *O'Brien v D'Annunzio* is scheduled for oral argument May 5, 2021 at 11 a.m.
2. Gail reported that *In re Orta* is pending decision.
3. Gail reported that the Children's Law Section did not take a position on *Perry v DHHS* and Josh Pease will help draft the Amicus Brief for FLS, assuming the Amicus Committee decides to follow through.
4. Gail reported that the motion granting FLS leave to file amicus brief in *Foster v Foster* was granted.
5. Anne reported on *Pohlman v Pohlman* that Supreme Court remanded to the trial court for an evidentiary hearing on the issue of duress. The Supreme Court retained jurisdiction.
6. Anthea Papista reported that she received an email from Sandy Glazier that Probate and Estate Planning Section is looking to overturn *Estate of Hermann Von Grief* (separation and disinheritance by virtue of willful absence). Anthea will discuss with Amicus Committee.

**B. Court Rules – Jenny Johnsen/Peter Kulas-Dominguez.**

- **ADM 2021-15.** Jenny reported that this ADM creates MCR 8.128 the Michigan Judicial Council to plan strategically for the Michigan judicial branch. There is no requirement that a family law representative be in the group. The committee recommends a proposal that one family law practitioner and one family law judge be on the committee. The committee approved that position by e-vote. Sahera encouraged that we strategically find people to apply so that we have a seat at the table. Jenny moved to support new court rule with request that one judge from family division and one attorney from family law section be part

of the Michigan Judicial Council, Kristen Robinson seconded. Discussion about deadlines for applications for judges and practitioners (April 29 and May 7) but comment period ends in August. Judge Yost reviewed the proposed composition of the Michigan Judicial Council. We should appear as a unified group and we should cultivate and nominate from our unified group. **Passed unanimously 17-0-0.**

### **C. Legislation – Jim Chryssikos/Randy Velzen.**

- **SB 371 and HB 4653, known as “Wyatt’s Law”** regarding a child abuse offender’s database. For certain offenses will cause person to land on the database, which will include offender’s name, jurisdiction where they live, what the conviction was. The person is listed for 5 or 10 years depending on the crime. The Committee seemed overly broad and unclear how a person could be removed from the database. The Committee recommended opposing the bills. Jim Chryssikos moved and Don Wheaton seconded to oppose SB 371 and HB 4653. Discussion. We might consider asking for amendments to bill. **Motion passed 17-0-0.**
  - **Uniform Premarital and postmarital agreements.** Randy reported that Sahera created a subcommittee to work on this issue. The committee will continue to meet over the summer with an anticipated vote in September.
  - **Shared parenting.** Stephanie Johnson reported that there are two house sponsors (bipartisan) for the bill that has not yet been drafted. Legislative Services Bureau is behind right now so we do not know when we will see proposed legislation. Sahera formed a subcommittee to work on the proposed legislation when it comes out.
1. **Surrogacy Subcommittee.** Stephanie Johnson reported that the package of bills is moving along and might have both bipartisan and bicameral support.
  2. **Post-Minority Support Subcommittee –** Liz Bransdorfer reported that the subcommittee has come up with a recommendation on some, but not all, issues. One issue is whether disability that is basis of post minority support must arise during minority. The subcommittee recommended that the disability arise while the child is a minor. The second issue is whether the draft bill should contain a firm cutoff for when the available post minority support ends or whether it could continue indefinitely. Subcommittee recommended a cutoff when child reaches the age of 26 or until payor becomes eligible to receive social security disability benefits (which is currently 62 years). If there is no cutoff, then the subcommittee will need to revisit the issue. If there is a cutoff, then the subcommittee has a couple of ideas. Discussion on whether to have a cutoff and when the disability needs to arise. Please share ideas about adjustments to be made to post minority support amounts to sub-subcommittee members.

- Jim Chryssikos moved, and Tina Yost-Johnson seconded to approve that the disability must arise before the child turns 18 pursuant to SSDI. **Motion passed 15-0-0.**
- Jim Chryssikos moved, and Randy Velzen seconded to adopt a cutoff age for post minority support, which the Committee would determine. **Motion passed 15-1-1.**

### **III. Standing Committee Reports**

**A. Adoption** – Dion Roddy. No report.

**B. ADR/Collaborative** – Rebecca Shiemke. No report.

**C. Annual Meeting** – Chris Harrington reported that we are keeping date of September 18, 2021 via zoom, with a in-person dinner on September 17, but inviting only current council members and council members who finished their term last year.

**D. CLE/ICLE** – Shon Cook/Liz Bransdorfer/Steve Reinheimer. Liz reported that ICLE is working on the brochure for the November Family Law Institute. ICLE will be offering an in-person and livestream.

**E. Dedicated Family Court** – Tina Yost-Johnson/Liz Bransdorfer. Tina Yost-Johnson reported that the committee discussed shared parenting. As a group, we can admit there are some revisions that can be made to the current statute, and not unreasonably limit discretion of judges, but that qualified judges should be the ones with the discretion. A dedicated family court would reduce many of the issues raised by the shared parenting time legislation.

**F. Domestic Violence** – Randy Pitler. Randy reported that the committee is working with Public Relations Committee to put on webinar on June 11, 2021 to educate attorneys on recognizing domestic violence.

**G. Family Court Forum** – Sahera Housey. No report.

**H. Family Law Journal** – Anthea Papista/Amy Spilman. No report.

**I. Family Law Journal Advertising** – Sean Blume. Sean reported there is a new advertiser.

**J. Member Education and Public Relations** – Shelley Kester/Liisa Speaker. No report beyond the DV report above.

**K. Membership** – Steve Reinheimer/Steve Heisler. No report.

**L. Midwinter/Midsummer** – Kristen Robinson/Liz Bransdorfer/Steve Reinheimer. Liz Bransdorfer reported that the midsummer registration is available. There will be a new event for mid-summer: the best zoom court story contest. The conference is July 29 - August 1, 2021. No report on Mid-Winter.

**M. Political Action Committee** – Matt Catchick. No report.

**N. QDRO/Taxation** - Jenny Johnsen. No report.

**O. Listserv/Website** - Elizabeth Sadowski/Steve Heisler. Steve reported on website updates. Please respond to Steve's request to Committee Chairs.

#### **IV. Ad Hoc Committees/ Liaison**

**A. SCAO Child Support** – Kent Weichmann/Carlo Martina. No report.

**B. SCAO Forms** – Amy Yu/Gail Towne. No report.

**C. SCAO Parenting Time Guidelines** – Shelley Kester/Liz Bransdorfer. No report.

**D. Children's Law Section** - Josh Pease. No report.

**E. LGBTQA Section** – Don Wheaton. The Section will be meeting this week and presenting to the Michigan Judges Association.

**F. Probate and Estate Planning Section** - Anthea Papista. See amicus report above on Estate of Hermann Von-Greiff.

**G. State Bar Board of Commissioners** - Kristina Bilowus. No report.

**H. Young Lawyers.** Kristina Bilowus. No report.

#### **V. Announcements/New Business.**

- Sahera reported that Young Lawyers have requested that the Section sponsor the YLS Summit. There is no motion to sponsor.
- Sahera reported that Barbara Baker-Omerod from Owosso regarding Unauthorized Practice of Law Committee about whether we have war stories so they can write an article for the Family Law Journal. Anthy will reach out to her.
- Family Law Section is co-sponsoring an Immigration seminar, about abuse, neglect, and central registry issues. May 25, 2021 at 1 p.m. and is free.

**VI. Adjournment.**

Motion to adjourn by Don Wheaton, and Tina Yost Johnson seconded. Motion approved unanimously **17-0-0**. The meeting concluded at 11:28 a.m.

Respectfully submitted,

Liisa Speaker,  
Recording Secretary.