

Public Policy Position
ADM File No. 2025-30

The Family Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,538 members. The Family Law Section is not the State Bar of Michigan and the position expressed herein is that of the Family Law Section only and not the State Bar of Michigan. The State Bar's position is to oppose ADM File No. 2025-30.

The Family Law Section has a public policy decision-making body with 21 members. On May 16, 2026, the Section adopted its position after a discussion and vote at a scheduled meeting. 15 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 6 members did not vote.

Oppose

Explanation:

This proposed administrative order would approve a pilot project to study the effectiveness of an informal domestic relations docket. Aside from our due process concerns (below), the Section fears that this program will lead to "Judge Judy" or, worse, "Jerry Springer Show"-style proceedings because a lack of respect for the courts already exists, and this project will make that worse because the court rules and rules of evidence do not apply. In other words, exempting these cases from the rules of evidence and Michigan Court Rules will exacerbate existing problems with the administration of the domestic relations docket and will further erode respect for family courts.

The mandatory "opt-in" is a huge problem. Only parties that choose to "opt-in" (versus being required to opt out) should participate because this pilot program does not comply with due process of the law -- you cannot be forced to opt-in, and anyone who chooses to "opt-in" must be required to sign a knowing waiver of the rights they are giving up [similar to the Advice of Rights those who wish to take advantage of a plea bargain in the criminal system must sign and swear they understood before the Judge accepts the plea] so that anyone opting in must swear they understand what they are giving up before being able to participate in this program. And anyone opting in must first complete the mediation domestic violence screening set of forms, to ensure they are eligible to participate. Finally, only judges with extensive family law experience should be assigned to handle this docket.

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