

State Bar of Michigan | 2016-2017 SECTION ANNUAL REPORT

Article VIII §1, Bylaws of the State Bar of Michigan

Every Section and State Bar entity so directed by the Board of Commissioners or Representative Assembly shall annually make a written report containing a summary of its activities during the association year which shall be submitted to the Secretary on or before May 31. Annual reports may not exceed five 8 1/2" x 11" pages unless a waiver of this limitation is approved by the Executive Director.

Family Law Section

Chair

P25664 Hon. Richard B. Halloran
3rd Circuit Court, Wayne County
2 Woodward Ave Rm 1511
CAYMC
Detroit MI 48226-3567
Phone: (313) 224-7430
Fax: (313) 967-2254
e-mail: richard.halloran@3rdcc.org

Chair-Elect

P30891 Kent L. Weichmann, Detroit

Recording Secretary

P47550 Sahera G. Housey, Pontiac

Corresponding Secretary

P38364 Elizabeth K. Bransdorfer, Grand Rapids

Treasurer

P63873 Robert Charles Treat, Jr., Taylor

Council Member

Term Ending: 2017

P51452 Shon A. Cook, Whitehall
P25664 Hon. Richard B. Halloran, Detroit
P46312 Shelley A. Kester, Traverse City
P45391 Mathew Kobliska, Farmington Hills
P63901 Vanessa Marie Moss-Wilson, Southfield
P45407 Steven D. Reinheimer, Bloomfield Hills
P52044 Amy M. Spilman, Birmingham

Term Ending: 2018

P32475 Daniel B. Bates, Bloomfield Hills
P61706 James W. Chryssikos, Troy
P69624 Christopher J. Harrington, Novi
P56418 Kristen L. Robinson, Troy
P63873 Robert Charles Treat, Jr., Taylor
P29422 Randall L. Velzen, Grand Rapids
P55309 Tina M. Yost, Battle Creek

Term Ending: 2019

P38364 Elizabeth K. Bransdorfer, Grand Rapids
P56102 J. Matthew Catchick, Jr., Southfield
P47550 Sahera G. Housey, Pontiac
P66380 Jennifer L. Johnsen, Grand Rapids
P73367 Peter Michael Kulas, Grand Rapids
P48027 Anthea E. Papista, Detroit
P30891 Kent L. Weichmann, Detroit

Commissioner Liaison

P41321 Victoria A. Radke, Escanaba

Ex Officio

P35075 Carol F. Breitmeyer, Detroit

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Council Meeting Schedule:

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Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Council Meetings		
Annual meeting	09/22/16	Grand Rapids
Regular meeting	10/08/16	Ann Arbor
Regular meeting	11/11/16	Novi
Regular meeting	12/10/16	Novi
Regular meeting	01/21/16	Lansing
Regular meeting	03/04/16	Novi
Regular meeting	04/01/16	Grand Rapids
Regular meeting	05/06/16	Ann Arbor
Regular meeting	06/03/16	Lansing

Addendum Information: Please list any addendums attached.

Meetings have been well attended by section members

Events and/or Seminars:

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
Mid-Summer seminar	July 2016	Grand Traverse Resort
Mid-Winter seminar	February 2017	Dominican Republic
Mid-Summer seminar	July 2017	Mackinac Island

Reset Form

**2016-2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE: Adoption Sub-Committee

COMMITTEE CHAIR: Dion E. Roddy

° **Tel No.** (313) 278-8779

° **Email:** dion@michigan-adoptions.com

ACTIVE MEMBERS OF COMMITTEE:

<ul style="list-style-type: none">• Dion Roddy• Joanne Lax• Teri Rosenzweig• Mary Conklin• Donna Medina• Ken Rathert• Jen Grahek• Melissa Neckers	<ul style="list-style-type: none">• Chantal Wentworth-Mullin• Jane Sylvester• Laura Morris• Keela Gracey• Luran Howard• Liisa Speaker• Mark Pellicchia
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DATE: May 31, 2017

DATES of COMMITTEE MEETINGS: 3rd Thursday of every odd month

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : Advising the Family Law Section on adoption matters; review proposed legislation, as well as proposing new legislation and amendments to existing legislation; filing of amicus brief by a coalition of individual members (not sanctioned by the Family Law Section and independent of the sub-committee) in appeal cases regarding approval of fees in adoption; election of new chairperson Dion E. Roddy with the departure of former chairperson Stephanie Benedict; farewell to former chairperson and long-time active member Herbert Brail as he retires from the practice of law.

PENDING COMMITTEE MATTERS: Proposed amended language to MCL 710.55 and MCL 750.136c; commenting on proposed SCAO forms; proposed communications with adoption departments statewide regarding hearings on out-of-court consents.

SIGNIFICANT COMMITTEE RECOMMENDATIONS: Proposed amended language to MCL 710.55 and MCL 750.136c to protect attorneys representing and advising clients in court-supervised adoptions

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):
None.

By: /s/ Dion E. Roddy
Dion E. Roddy

Date: May 31, 2017

**STATE BAR OF MICHIGAN
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Legislative issues:

The Section has been working to review Michigan's Child Custody Laws has been working with the Michigan Judges Association to review problems in this area.

Recommendations for next Council:

Continue legislative efforts with regards to child custody and work to implement suggestions of the Twenty year review committee.

Other Information:

See attached committee reports from 2016-17

The Section has developed awards to recognize Family Division Judges for 10, 15, and 20 years of service as family judges.

The Section Awarded the Marilyn J Kelly Outstanding Service Award to Judge Kathleen Feeney.

Reports must be submitted before May 31, 2016 to:

Jennifer Williams
Administrative Assistant
306 Townsend Street, Lansing MI 48933
Email: jwilliams@mail.michbar.org
Phone 517-367-6421 Fax: 517-482-6248

Reset Form

e-mail form

Committee: ADR

Date: May 29, 2017

Committee Co-chairs: Randy Velzen and Gail Towne.

Telephone 616-632-8084 & 269-381-8844

Email: rvelzen@mikameyers.com & GTowne@lennonmiller.com

Active members of the committee: Randy Velzen, Gail Towne, Deb Berecz, Lee Hornberger, Mary Lovik, Rebecca Shiemke, Toni Raheem, Zena Zumeta Nina Abrams Bill Caprathe, & Shon Cook.

Dates of Committee Meetings: 6/16/16, 7/26/16, 9/15/16, 10/20/16, 11/17/16, 12/15/16, 1/16/17, 2/2/17, 3/16/17, 4/20/17, & 5/18/17.

Significant accomplishments:

The committee was involved with the ADR section in the concept of automatic (mandatory) mediation. Committee members were actively involved in SCAO committees: Collaborative Court rules, parenting coordination, and FOC ADR. The committee was actively involved in obtaining ADR articles for the *Michigan Family Law Journal*. The committee was actively involved in promoting the new statute and court rules regarding domestic violence in domestic relations mediation. The committee is starting to look at the issue of self-represented litigants.

Pending Matters: most of the issues that we have been working on will continue to need our attention. Primarily, domestic violence issues, stream lining the divorce process for settled cases primarily as a result of mediation. The SCAO committees will continue to need our assistance. We have also begun looking at Elder mediation. We also intend to be part of helping find authors for the *Family Law Journal*.

Additional Comments. This is an extremely active committee. It really consists of the main committee and several subcommittees. The subcommittees include the domestic violence subcommittee, the 3 Supreme Court -related committees, the new self-represented litigants committee, and the mandatory mediation committee.

Respectfully submitted, Randy Velzen and Gail Towne.

Committee: Alternative Family

Date: May 30, 2017

Committee Chair: Peter M. Kulas-Dominguez.

Telephone 616.752.2092

Email: pkulas-Dominguez@wnj.com

Active members of the committee: Nycolle Schindlbeck, Anne Argiroff, Anthea Papista, Rebecca Shiemke, Richard Halloran, Shon Cook, Vanessa Moss Wilson.

Dates of Committee Meetings: 11/9/16, 12/7/16, 1/18/17, 3/1/17.

Significant accomplishments:

The committee was involved with the ADR section in the concept of automatic (mandatory) mediation. Committee members were actively involved in SCAO committees: Collaborative Court rules, parenting coordination, and FOC ADR. The committee was actively involved in obtaining ADR articles for the *Michigan Family Law Journal*. The committee was actively involved in promoting the new statute and court rules regarding domestic violence in domestic relations mediation. The committee is starting to look at the issue of self-represented litigants.

Pending Matters: Working with the SBM LGBTQA section and the Journal Committee regarding the special edition coming out June 2017.

Additional Comments. This is an extremely active committee. It really consists of the main committee and several subcommittees. The subcommittees include the domestic violence subcommittee, the 3 Supreme Court -related committees, the new self-represented litigants committee, and the mandatory mediation committee.

Respectfully submitted, Peter M. Kulas-Dominguez.

**2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE Collaborative Divorce

DATE: 5/30/2017

COMMITTEE CHAIR: James Chryssikos

CO-CHAIR: Jessica Pospeich

◦ **Tel No.** (248) 290-0515

Tel No. (734) 531-8554

◦ **Email:** jwc@chryssikoslaw.com

Email: jessica@mifamilylawfirm.com

ACTIVE MEMBERS OF COMMITTEE:

◦ James Chryssikos, Jessica Pospeich

Jennifer Johnson, Mathew Kobliska

◦ Carlo Martina, Randall Pitler

Elizabeth Bransdorfer

◦ Amy Yu, Danielle Smith

Hon. Tina Yost Johnson

◦ Lori Becker, Randall Velzen

DATES of COMMITTEE MEETINGS:

1/18/2017, 2/21/2017, 3/29/2017, 5/3/2017, and 5/31/2017

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : This committee was created in December of 2016, initially as an ad hoc committee, then becoming a standing committee in March of 2017. This committee has also been involved in commenting on the draft collaborative divorce court rule, MCR 3.222. This committee works to increase awareness of the collaborative divorce option to both the general public and legal community, by promoting collaborative training, upcoming article(s) in Family Law Journal.

PENDING COMMITTEE MATTERS: Continue to find ways to promote the collaborative process.

SIGNIFICANT COMMITTEE RECOMMENDATIONS:

This committee has recommended revisions to draft collaborative divorce court rule, 3.222.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):

Prior to the formation of this committee, collaborative divorce was viewed as part of the ADR committee. This committee will continue to promote the collaborative process to the legal community and public as an option to traditional litigation.

By: James W. Chryssikos

Date: 5/30/2017

**2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE Court Rules/Ethics

DATE: 5/19/2017

COMMITTEE CHAIR: Christopher J. Harrington

CO-CHAIR: _____

◦ **Tel No.** 248-347-9620

Tel No. _____

◦ **Email:** cjh@jjharringtonlaw.com

Email: _____

ACTIVE MEMBERS OF COMMITTEE:

◦ Mathew Kobliska

Elizabeth Bransdorfer

◦ Kent Weichmann

Lori Buitewig

◦ Daniel Bates

Tina Yost

◦ Kristen Robinson

Steve Reinheimer

Bob Treat
Amy Spilman

Jennifer Johnsen

DATES of COMMITTEE MEETINGS: 6/1/2016, 10/4/2016, 11/8/2016, 12/6/2016, 1/18/2017,
2/28/2017, 3/28/2017, 5/2/2017

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : The committee reviewed the
following ADM Files over the past calendar year: 2013-18, 2014-29, 2016-33, 2016-11
2015-22, 2016-04, 2015-18, 2016-39, 2015-24, 2013-38, 2016-41, 2016-12, and
2017-06. Of those files, a formal vote was taken on seven (7) of the matters, with
five (5) being published for public comment, and two more expected to be voted
on at the next Council meeting. Several matters were advisory in nature.

PENDING COMMITTEE MATTERS: Review and vote on the following ADM Files: 2016-41 (limited
scope representation) and 2017-06 (supreme court administrative revisions).
The committee is in the process of modifying MCR 3.211(B)(1) to eliminate the Dower
requirement in a Judgment of Divorce.

SIGNIFICANT COMMITTEE RECOMMENDATIONS:

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):

The Committee responded to the State Bar Standing Committee on Ethics for questions regarding
attorneys obtaining liens against clients' real estate in Domestic Relations matters. The Committee

By: Christopher J. Harrington

Date: 5/19/2017

SUPPLEMENT TO REPORT:

understands that the State Bar is still reviewing this issue and hopes to continue the discussion if further questions need to be answered on this important issue.

There is an ongoing discussion about the State Bar Civil Discovery Reform work group. There are no pending matters, but Committee member Mathew Kobliska has been a member of the work group, and has provided updates through the year.

**2014 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE Domestic Violence

DATE: May 30, 2017

COMMITTEE CHAIR: Daniel Bates

CO-CHAIR: _____

◦ **Tel No.** 248-792-6453

Tel No. _____

◦ **Email:** dan@danbateslaw.com

Email: _____

ACTIVE MEMBERS OF COMMITTEE:

◦ Lorie Savin

Katie Sharkey

◦ Rebecca Shiemke

Sean Blume

◦ Shelley Kester

◦ Katie Strickfaden

DATES of COMMITTEE MEETINGS: 11/4/16, 12/8/16, 1/19/17, 2/2/17, 3/30/17, 4/4/17, 5/1/17, 6/1/17

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS :

Recommendations regarding mediation court rule amendments, proposed automatic mediation statutes; Recommendations regarding modernization and implementation of batterer intervention standards; recommendations and local presentations of domestic screening in ADR proceedings; Studying the effects of screening on mediated agreements.

PENDING COMMITTEE MATTERS: Continuing activity in the area of domestic abuse screening in ADR proceedings; Studying the effect of screening and domestic violence on mediated agreements.

SIGNIFICANT COMMITTEE RECOMMENDATIONS:

Batterer Intervention Standards should be modernized and expanded to family law cases (from the previous application to criminal cases). Appropriate avenues toward implementation should be utilized. Continued education of attorneys and judges regarding screening for domestic abuse in ADR.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):

By: Daniel Bates

Date: May 30, 2017

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**2016-2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE: FLS Winter Conference

DATE: May 30, 2017

COMMITTEE CHAIR: Kristen L. Robinson

CO-CHAIR: _____

° **Tel No.** 248.614.9005

Tel.No. _____

° **Email:** kristen@mellinrobinson.com

Email: _____

ACTIVE MEMBERS OF COMMITTEE:

- ° _____
- ° _____
- ° _____
- ° _____

DATES of COMMITTEE MEETINGS: N/A (one person committee)

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : Plan Winter Conference for Section members; research locations; negotiate contracts with facility and vendors; interact with SBM general counsel and finance staff; secure speakers for seminar; compile and distribute materials for seminar; plan conference networking events; create advertisement for conference; solicit member participation; oversee event on-site.

PENDING COMMITTEE MATTERS: working with SBM regarding final resort contract approval; secure liability coverage per SBM directive; advertising event to Section members soliciting speakers for seminar.

SIGNIFICANT COMMITTEE RECOMMENDATIONS: Consideration of alternate locations for conference due to recent changes in liability insurance coverage restrictions.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):
None.

By: Kristen L. Robinson
Kristen L. Robinson

Date: 5.30.17

2017

2014 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION

COMMITTEE Journal

DATE: May 30, 2017

COMMITTEE CHAIR: Anthea E. Papista

CO-CHAIR: Amy M. Spilman

◦ Tel No. (313) 965-1688

Tel No. (248) 358-8880

◦ Email: aep@papistalaw.com

Email: spilman@emsfamilylaw.com

ACTIVE MEMBERS OF COMMITTEE:

◦ Shon Cook

Ryan O'Neil

◦ Daniel Bates

Shelley Spivack

◦ Sahera G. Housey

Lisa Damphousse

◦ James Chyrissikos

Kiana Franulik

Ashish Joshi

DATES of COMMITTEE MEETINGS: 11/29/16; 01/10/17; 02/22/17; and, 03/21/17

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : The addition of: 1) New columns and features; 2) publication of a joint Journal with the LGBTQA Section; 3) A continued variety of new authors; and, 4) Plans for future Journal collaborations with other Sections, i.e., probate, business, technology, and criminal.

PENDING COMMITTEE MATTERS: None.

SIGNIFICANT COMMITTEE RECOMMENDATIONS:

See below.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):

This year, our Committee has focused on continued "best practices" processes in order to improve the quality of the Family Law Journal. This includes reaching out to younger attorneys as well as new attorneys across the state as potential contributors. We have also added a judicial

By: /s/ Anthea E. Papista & Amy M. Spilman

Date: May 30, 2017

SUPPLEMENT TO REPORT:

profile feature entitled "Off the Bench" which spotlights family law judges from across the state. We have added an "Out and About" page of photographs spotlighting a variety state-wide family law events. Our editors have devoted a significant amount of time to create a joint Journal with the LGBTQA Section which will be published as a June/July 2017 Special Edition in conjunction with the Obergefell decision's second year anniversary. As always, we continue to strive to ensure a quality Journal, to promote authors, and educate our Section members with informative columns for our Section members. Finally, we work with the Advertising Committee to monitor monthly revenues and encourage new sponsorships and advertisements from a variety of sources.

**2016-2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE: Journal Advertising **DATE:** May 30, 2017

COMMITTEE CHAIR: Kristen L. Robinson **CO-CHAIR:** _____

° **Tel No.** 248.614.9005

Tel.No. _____

° **Email:** kristen@mellinrobinson.com

Email: _____

ACTIVE MEMBERS OF COMMITTEE:

- ° _____
- ° _____
- ° _____
- ° _____

DATES of COMMITTEE MEETINGS: N/A (one person committee)

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : Solicit advertisers for the Family Law Journal; Create advertisements; Coordinate communication between advertisers and editors; Proof journal ads; Send invoices to advertisers; Collect advertising fees; Forward checks to State Bar; Solicit advertisers for Great Lake Honor Role; Create ads for Great Lakes Honor Role; send renewal notices for GLHR; Increase advertising revenue; update journal notice for GLHR;

PENDING COMMITTEE MATTERS: increase exposure to increase interest for potential advertisers.

SIGNIFICANT COMMITTEE RECOMMENDATIONS: Use advertising as incentive to help secure FLS sponsors for section's various events.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):
None.

By: Kristen L. Robinson
Kristen L. Robinson

Date: 5.30.17

**2016-2017 ANNUAL COMMITTEE REPORT
FAMILY LAW SECTION**

COMMITTEE: Legislation <tyost@calhouncountymi.gov>, "Weichmann, Kent"
<Kent.Weichmann@3rdcc.org>

COMMITTEE CHAIR: Kent Weichmann **DATE:** May 31, 2017

° **Tel No.** 313.224.6639

° **Email:** kent.weichmann@3rdcc.org

CO-CHAIR: Barb Kelly _____

Tel.No. _____

Email: Kellyb@ewashtenaw.org

ACTIVE MEMBERS OF COMMITTEE:

Amy Spilman, Anne Argiroff, Barb Kelly, Bob Treat, Carol Breitmeyer, Chris Harrington, Chris Piatkowski, Dan Bates, Dick Halloran, Dion Roddy, James Chryssikos, Jim Harrington, Kent Weichmann, Mathew Kobliska, Victoria Radke, Randy Velzen, Rebecca Shiemke, Ross Stancati, Sahera Housey, Sandy Glazier, Shon Cook, Stephanie Johnson, Meri Anne Stowe, Tina Yost

DATES of COMMITTEE MEETINGS: Thursdays immediately before Council meetings

SIGNIFICANT COMMITTEE ACTIONS/ACCOMPLISHMENTS : We review all legislation initiated in the family law area, and make recommendations to Council to support or oppose bills.

PENDING COMMITTEE MATTERS: We are awaiting this term's version of the mandatory equal physical custody bill. We are seeking a sponsor for a bill to amend the post minority child support statute.

SIGNIFICANT COMMITTEE RECOMMENDATIONS: All of our legislative recommendations are significant.

ADDITIONAL COMMENTS BY COMMITTEE CHAIRPERSON (USE 2ND PAGE IF NECESSARY):
The Legislative Committee will need a new chairperson in September.

By: _____
Kent Weichmann

Date: 5/31/2017 _____

Committee: Mid-Summer Conference
Date: May 29, 2017
Ctte Co-Chairs: Traci Rink and Liz Bransdorfer
Telephone: (248) and (616) 632-8029
Email: rinkt@oakgov.com; ebransdorfer@mikameyers.com

Significant accomplishments: Secured location, speakers and sponsors for 2017 conference that will be held July 20-23, 2017 at Mission Point, Mackinac Island.

Pending matters: The actual conference itself. It is expected to be well attended based on early registrations and to pay for itself and provide some revenue for the section again this year.

Respectfully submitted,

Traci Rink and Liz Bransdorfer

QDRO Committee Report:

Members are Robert Treat - chair, Joseph Cunningham co-chair, and Nancy Keppelman.

The committee met by phone on 1/24/17, 3/1/17, 3/27/17 and plans to meet on 6/1/17. The initiatives are the ongoing pro bono QDRO program through the SBM Access to Justice Program, and possibly amending the Eligible Domestic Relations Order ("EDRO") Act to deal with the problem of unfair recoupment of a participant's benefit when a pension covered by the EDRO Act is divided by EDRO, or possibly a non-legislative solution.

Treasurer's Report:

The Treasurer's report is brief, as it was last year. As of the end of the second fiscal quarter (April) the ending balance has increased about \$28,000 from April 2016. This is due to cost controls; mainly the cost savings of sending the Family Law Journal electronically instead of sending paper copies. There remains the ongoing concern of gradually decreasing dues revenue.

STATE BAR OF MICHIGAN FAMILY LAW SECTION
FAMILY LAW COUNCIL 20-YEAR REVIEW COMMITTEE
FOR DISCUSSION PURPOSES ONLY

May 6, 2017

As evidenced by the recent memorandum of Scott Bassett, Esq., entitled "History of Michigan's Family Court Legislation", and its appendices, it is evident that the concept of a "family court" has received considerable attention in the 20th and 21st centuries. In Michigan it has now been 20 years since the legislation was signed into law on September 30, 1996. The Michigan legislature, in 1996, amended the Michigan Judicature Act ("Act") (MCL 600.151b et seq) to allow, and in fact require, family courts to operate in Michigan. In spite of the family court's existence over the past two decades, there still remains a lack of consensus concerning the specific goals of a family court. There is even less agreement concerning the best vehicle for family case coordination. For example, is family court best described as a court structure, or a court function, or a state-of-mind among court professionals, or all of the above?

There is wide diversity in the jurisdiction of structural family courts, their operations, and the management structure within which they exist. Traditionally, specialized courts in urban jurisdictions have had jurisdiction over different pieces of a family's legal disputes. However, the basic model of a family court is the consolidation of all, or mostly all, categories of family-related legal matters into one court structure. The consolidation of courts into a structural family court essentially has involved merging of the domestic relations court, probate court and juvenile court.

The family division of circuit court was created as a division of the circuit court and organized pursuant to the Act (MCL 600.1001). Each circuit in Michigan was required by legislative act to have a family division of the circuit court (MCL 600.1003). The judges were then placed on equal footing with their contemporaries in circuit court as the legislature stated, "A judge of the family division of circuit court has the same power and authority as a judge of the circuit court." (MCL 600.1005). The legislature also placed the traditional Michigan probate court matters into the family court without amending the entire Probate Code by stating, "A reference to the former juvenile division of probate court in any statute of this state shall be construed to be a reference to the family division of the circuit court." (MCL 600.1009). Operational plans for each circuit were required to be completed by July 1, 1997. (MCL 600.1011(1)). The plans could be modified to make same more palatable to the judges and community. These "local plans", were and are in control of each circuit (subject to the approval by the Michigan Supreme Court) and the legislature specified the type of cases to be included in the family division.

With jurisdiction established, the legislation created the test for when a case shall be assigned to the same Judge. "When 2 or more matters within the jurisdiction of the family division of the circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first such case was assigned." MCL 600.1023. The legislature provided considerable detail as to the jurisdiction of the family division.

In 2002 the Michigan legislature required amended plans, and stated a comprehensive goal for each family division plan as follows: "The plan shall describe how the family division of the circuit court will operate in that circuit and how to coordinate and promote that which the

Legislature has described as 'more efficient and effective services to families and individuals.'" This appears to remain the necessary base line.

Leadership is required to address the issues created when considering family courts. Judge Richard Halloran's leadership of this Council, and the development of this committee, evidences that he has the right attitude, vision, open-mindedness, focus, planning knowledge of industry best practices, active involvement, and a can-do work ethic. Through discussion and analysis of the following ideas, concerns, and/or goals, the courts that focus on their operations from a citizen's perspective will treat people better. Family friendly courts will provide effective service to the public and be friendlier and more accessible to families who need to maneuver through it. Family friendly courts provide access to services that heal and protect children and families whenever possible, and they resolve cases in a timely and efficient manner. To accomplish same, your guidance is necessary so as to develop the recommendations of this Council going forward.

Issues/Ideas/Concerns/Goals

1. What is the purpose of the family division of the circuit court?
2. Should we have a "One Family – One Judge" model for the family court?
3. Is MCL 600.1023 functional and effective, as it provides: "When 2 or more matters within the jurisdiction of the family division of the circuit court involving members of the same family are pending in the same judicial circuit, those matters, whenever practicable, shall be assigned to the judge to whom the first such case was assigned."
 - (a) If yes, how are cases assigned to a particular judge?
 - (b) If yes, how are referees/magistrates utilized?
 - (c) If yes, do you believe this is a good model for all jurisdictions?
 - (d) If no, how are cases best assigned in the family court?
4. If numbers 2 and 3 above are in the negative, how best do we coordinate (1) the friend of the court, (2) family counseling services, (3) county juvenile officers, and (4) all other state and public agencies that provide assistance to families or juveniles, in order to promote more efficient and effective services to families and individuals?
5. Should there be a permanent (non-rotating) circuit court family division bench, elected on ballot separate from judges of other courts?
6. How do we best achieve the goal of developing sufficient judicial expertise in family law to properly serve the interests of the families and children whose cases are assigned to that judge?
7. Is the current methodology of the assignment of family division judges optimal? How can it be improved?
8. What if any problems are there in using district court judges and/or probate court judges in handling certain domestic relations matters? How are these problems best resolved?
9. Of the following, what are the most positive, and the least positive, aspect(s) of the family division?

- | | |
|---------------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Case processing (speed of disposition) | <input type="checkbox"/> Judicial expertise |
| <input type="checkbox"/> Ability to provide service to family | <input type="checkbox"/> Judicial interest/burnout |
| <input type="checkbox"/> Staff efficiency | <input type="checkbox"/> Workload |
| <input type="checkbox"/> Avoidance of divided jurisdiction between courts | <input type="checkbox"/> Effect on recidivism |
| <input type="checkbox"/> Uniformity procedures | <input type="checkbox"/> Other |
| <input type="checkbox"/> Hearing officer knowledge of family | |

10. What other current problems generally exist in the family division(s) of the circuit court(s)? How are these problems best resolved?

11. What training should be mandatory for family court judges? Should each new judge undergo a comprehensive training program in family law substance and procedure before assuming regular caseload duties? On a periodic basis thereafter, should such a judge be required to take a brief leave in order to read, write, and take further training?

The American Bar Association created a model proposal that contained five characteristics a unified family court should have, as follows:

- "The jurisdiction of the unified family court must cover all family related legal matters, from marriage and paternity to delinquency, child protection, and domestic violence.
- The court must help coordinate and manage outside agencies in providing services to families in crises. This includes having liaisons with social service agencies within the court system.
- Optimally, courts should have a 'one judge, one family' arrangement, in which the family has a single team of social service workers throughout their relationship with the court. Given the understaffing problems of family courts, however, ABA only requires that a judge be informed of all previous and pending litigation regarding the family and its individual members to consider the full picture in making a decision.
- In addition to agencies and services to help families outside the courtroom, each unified family court must also have a team of counselors, mediators, and crises interventionists to counsel families and enforce decisions. ABA also recommends including community outreach programs in the courts to facilitate the relationship between the family and the court and to educate the public.
- Unified family courts should use technology to properly track families and their relationships with the court. Access to automated information is strictly governed by policy, court rules, and statutes." See "Unified Family Courts – Streamlining Justice for Troubled Families" by Julie Patton. *Children's Voice* (Fall 1999) page 5-6.

Accordingly, how should the courts in Michigan be organized to face the issues of family courts? The goal of a court dealing with family issues should be more than simply resolving the

particular issues before them. Ideally a family should be left with the skills and access to support services necessary to enable them to resolve subsequent disputes constructively with a minimum of legal intervention. Courts play a pivotal role at the crossroads of legal processes and social service interventions, and the effective case coordination systems are essential to avoid fragmentation of services and misallocation of judicial resources.

As the Family Law Section Council you are tasked with improving the efficiency for the family court system while humanizing the process for the public. What do you suggest to overcome the obstacles to implementation of the type of plan(s) envisioned by the American Bar Association, legislators Michael Nye, VanRegenmorter and Bullard, and others?