

**MINUTES - FAMILY LAW COUNCIL  
COUNCIL MEETING**

**Date: June 6, 2015**

**Place: Weber's Inn, Ann Arbor**

**I. Administrative Matters**

A. Chair Rebecca Shiemke called Council to order.

16 council members were present: Rebecca Shiemke, Carol Breitmeyer, Robert Treat, Elizabeth Bransdorfer, J. Matthew Catchik, Jr., Christopher Harrington, Peter Kulas, Randall Velzen, Steven Reinheimer, Tina Johnson (Yost), Vanessa Moss-Wilson, Sahera Housey, Colleen Markou, Amy Spilman, Gail Towne

Absent: Daniel Bates, Dick Halloran, Mathew Kobliska, Anthea Papista, Kristin Robinson, Kent Weichmann

Ex-Officios & Former Council Members: Ross Stancati, Amy Yu, Barbara Kelly, Elizabeth Sadowski, Traci Rink

Guests: Justine Sylvester, Stephanie Benedict, Lori Buiteweg, Bill Kandler, Chris Piatkowski, Jim Chryssikos, Merrill Gordon, Jenny Johnson, LaChelle Logan, Lisa Damphouse, Patricia Ouellette

B. All attendees introduced themselves

C. Chair Report – Chair Rebecca Shiemke reported that the SCAO appointed Kent Weichmann and Carlo Martina as Family Law Section representatives. Rebecca also stated that the Nominations Committee for the 2015-2016 Family Law Council session elections consists of Sahera Housey, Carol Breitmeyer and herself. She noted sadly that Gerry Gorcyca had passed, and that on behalf of the Family Law Section we made a \$100 donation to his preferred charity. Last, Chair Shiemke noted that there was a copy of the Annual Report reflecting all our hard work over the past year, and expressed her thanks to all council members.

D. Recording Secretary: Bob Treat asked for any amendments to the May 2, 2014 minutes. There being no revisions, he moved for their approval and the motion passed 15-0.

E. Treasurer's Report – No Report.

**II. Key Committees**

A. Amicus – No Report

B. Court Rules – Co-Chair Christopher Harrington reporting

**Proposed Amendment to MCR 2.506.** The proposed amendment would permit e-service of subpoena or order to attend. The service recipients under this proposed order would be limited to the specifically named government departments and agencies, including MDOC, DHS, Michigan State Police, or “other governmental agencies”. The proposal would require a confirmation correspondence from the subpoena recipient to be sent back within 48 hours of the electronic transmission. The Committee supported this proposal 6-0. Council voted to support the amendment 15-0.

**Proposed Adoption of new rule MCR 3.617.** This is a new proposed rule requiring confidentiality for Michigan parent adopting foreign-birth child. The committee did not take a vote on this issue. We discussed reaching out to the Children’s Law Section to determine their thoughts on the proposal and whether having our Section weigh in on this would be helpful to their efforts.

**Discussion re MCR 3.206(A)(1)(d).** The committee discussed the privacy implications involved with requiring a domestic relations complaint to state the date of birth of the minor children in a case. The birth date information is also required in the SCAO Verified Statement in all cases involving minor children. The Verified Statement is a private document. The issue is whether redundant public disclosure of identification information serves any purpose. Is this public disclosure harmful to children, when the information is easily accessible either by identity thieves or child predators? The committee discussed the costs/benefits of doing an entire court rule amendment for one sub-part and decided to take a closer look at some of the court rules that might relate to privacy issues before any proposal is formulated.

C. Legislation – Substitute Chair Barb Kelly.

**SB 252** – provides for unemployment benefits for victims of domestic violence who leave their job as a result of the domestic violence. These benefits are paid out of the non-chargeable benefits account. We support HB 4411, same bill in the House. 15-0 to support.

**SB 254** – requires The Supreme Court and the Court of Appeals to serve papers on a party when the party’s address is confidential by court order or when the filing party has been prohibited from contacting the other party by court order. We did not support a similar bill because it did not provide a mechanism for the court to know where to mail the documents. Rebecca says she has been talking to the sponsors of the House bill (HB 4477) to amend it to provide such a mechanism. 15-0 to support.

**SB 255** – amends the Elliott Larsen Civil Rights Act to prevent discrimination in real estate transactions against victims of domestic violence. Council supported HB 4411, the same bill in the House. We also supported this bill last year. One concern was that on the first page “marital status” was crossed out as a protected category. Rebecca said she thought the sponsor said that was an error and on page 2 it is not crossed out. Ross moved we support the bill as long as marital status is not crossed out, Rebecca seconded. In favor - five, none opposed. Council voted to support as long as marital status was not crossed out 15-0.

**SB 256** – requires employers who provide sick leave to allow its use to address issues arising from sexual assault, domestic violence or stalking. We supported HB 4414, the same bill in the House. Rebecca moved to support this bill, Bob seconded. Sahera expressed concerns that the employee doesn’t have to prove that is why they are asking for the time off. Rebecca said that question is between the employee and the employer. In favor – six, none opposed. Council voted 14-0 in support.

**SB 257** – require the Attorney General to start a confidential address program. We supported HB 5654, the same bill in the House, with the amendment that it extends the time for service by five days to allow for the turnaround time in the AGs office. In committee Rebecca made a motion to support this bill with the same caveat, an extension by five days of the time for service, Ross seconded. Sahera doesn’t think the service extensions is long enough, and that there should be a requirement for a proof of service and a log keeping track of when the documents were received in the AGs office. In favor – five, none opposed, Sahera abstained. Council voted to support 11-0-3.

**SB 258** – amends factor j of the Best Interest list in MCL722.23. We supported HB 4480, the same bill in the House, but there was a motion for reconsideration of that support, which passed 15-0. Then there was a motion not to support, which passed 15-0, conditional on Kent Weichmann’s consent since he was the member who originally had moved to support HB 4480, and his consent was given. Kent will write the report explaining why Council opposes changing best this interest factor.

**SB 35** anti-trolling – In the committee meeting it was stated that we supported a similar bill with a 30 day wait from the date of service last session, this bill provides for a 21 day wait after the date of filing. Committee guest Merrill Gordon opposes this bill as he thinks it is unconstitutional. He thinks it is bad precedent to make this kind of behavior criminal as well, and says all the evidence regarding the harm caused by contacting the opposing party in a divorce case before they have been served with the complaint is anecdotal, and that the Bill is unnecessary and unwarranted, and will invite an expensive court challenge. Rebecca said part of the idea was to give the DV victim time to execute a safety plan before service.

Merrill says the DV victim should have a plan before filing and this doesn't help them. Rebecca said lots of survivors don't disclose that they are victims or don't go to an attorney who could delay filing while they make a safety plan. These same points were brought up in the Council meeting. Also, Amy Yu pointed out that asset protection is also an issue, not just safety plans. Council voted to support the Bill 14-0-1.

**HB 4622** would authorize PPOs for victims of human trafficking. Council voted to support this Bill 14-0.

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

- A. Adoption – No Report
- B. Alternative Dispute Resolution (“ADR”) – Gail Towne reported briefly on the development of the SCAO Task Force.
- C. Alternative Family – No Report.
- D. Annual Meeting and Dinner – The Annual Dinner will be on October 7<sup>th</sup> and the Annual Meeting will be October 8<sup>th</sup> and 9<sup>th</sup>. Both events will be at the Suburban Collection Showplace in Novi. The “Bare Assets” provide the music for the dinner.
- E. CLE/ICLE – no report.
- F. Domestic Violence – no report.
- G. Family Court Forum – Barb Kelly commented in praise of the guest speakers.
- H. Family Law Journal – The next special issue will be on Family Law Litigation.
- I. Family Law Journal Advertising – No Report.
- J. Family Support – Kent Weichmann, Carlo Martina and Amy Yu are on the committee.
- K. Membership – The Section added 20 new members from the Young Lawyers Summit.
- L. Mid-Winter/Mid-Summer Seminars
  - a. Mid-Winter – No Report.
  - b. Mid-Summer – Liz Bransdorfer stated the forms had gone out and briefly discussed program and noted increased sponsorship.
- M. Political Action Committee – Committee Chair Ross Stancati reported that Matt Catchick is now the new Co-Chair.

N. QDRO/Taxation – No report

- O. Technology/Social Networking/Website – There was brief discussion of the need to update our website, and better utilize electronic technology to better reach our membership, and taking control of our website from the State Bar to better suit our members.

**IV. Ad Hoc Committees**

A. Judicial Recognition – No Report.

**V. Announcements / For the Good of The Order**

Lori Buiteweg's inauguration as the 81<sup>st</sup> State Bar of Michigan President will be on October 8<sup>th</sup> at the SBM Annual Meeting at the Suburban Collection Showplace in Novi. The inaugural luncheon will follow. This is from 12:00 – 2:00. There are still tickets available. Get yours now!

**VI. Future Council Meetings** will begin at 9:30 a.m., with a breakfast buffet at 9:00.

Sept. 12, 2015

Ann Arbor - Weber's Inn

The Annual Business meeting will be from 9:00 – 12:00 at the SBM Annual Meeting On Oct. 8 at the Suburban Collection Showplace in Novi. Officer and council member elections will be held at this meeting.

**VII. Adjournment**

Respectfully submitted,  
Robert Treat, Recording Secretary  
June 6, 2015