

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: 1/5/2019

Place: Amway Grand Plaza, Grand Rapids, Michigan

I. Administrative matters

A. Call to Order/Quorum and Welcome

The council was called to order by Chair, Robert Treat.

The following (19) council members were present:

Sean Blume, Liz Bransdorfer, Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Sahera Housey, Jennifer Johnsen, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Steven Reinheimer, Liisa Speaker, Amy Spilman, Donald Wheaton and Hon. Tina Yost Johnson. Chair, Robert Treat.

Council members absent: Joe Hohler, Vanessa Moss-Wilson

Ex-Officio and former council members present: Elizabeth Sadowski, Gail Towne, Kristen Robinson, Ross Stancati, Randy Velzen.

Guests:

Kristen Wolfram, Melissa Kelleigh and Stephanie Johnson, lobbyist.

Introduction of Attendees:

Introductions were given by those in attendance.

B. Chair Report

1. HB 4691 (shared parenting bill) did not survive the lame duck session of the 2018 legislature.

HB 6553 (permitted the legislature to intervene in any action commenced in any state court whenever deemed necessary) was not signed by Governor Snyder.

The Chair recognized Hon. Tina Yost Johnson, Sahera Housey, Rebecca Shiemke, Barb Kelly and other shared parenting committee members, Jim Chryssikos, Randy Velzen, Kent Weichmann, Dick Halloran, Carlo Martina and the many others who worked on behalf of council re: the alternative bill and efforts re: the proposed HB 4691 legislation.

2. Recording Secretary Shelley Kester submitted Council's public policy position report to the State Bar of Michigan, 21 to 0, in support of legal aid's (LSAM's) proposed categories of non-fee generating cases.
3. The Chair will be making specific assignments to gather and memorialize the historical procedures and policies of Council to preserve and readily access institutional memory of council's processes, policies and procedures. This information will be reviewed and revised as appropriate from time to time while facilitating consistency and shared understanding.
4. The proposed meeting schedule for next year was discussed. Liz Bransdorfer will circulate two alternative calendars and invite input.

C. Recording Secretary Report/Minutes

Motion by Shelley Kester to approve the November 19, 2018 minutes.

Motion was seconded. Motion was approved by unanimous consent.

Motion by Shelley Kester to approve the December 1, 2018 minutes. Motion was seconded. Motion was approved by unanimous consent.

D. Treasurer's report

1. Requests for reimbursement of expenses must be submitted no later than 45 days of the expense. Late reimbursement requests will be subject to issuance of a 1099 from the State Bar.
2. The State Bar report has been received and will be moved for approval at the next FLC meeting.

E. Corresponding Secretary Report

No report.

II. Key Committee Reports

A. Amicus-Ann Argiroff/Gail Towne

1. Gail Towne reported that the committee is working with the Children's Law Section on three NA cases. The committee is reviewing a termination of parental rights case to determine if a position should be taken. The committee is also reviewing *In re Belinski*, re: the issue of gender transition of a minor and was invited to submit a Brief. The case is being reviewed.
2. The committee filed its amicus brief in DORKO (application of the statute of limitations in QDROS).
3. There may be an evote concerning issues the Committee may be asked to take a position on before the next FLC meeting. Contact Amicus if you would like the committee to take a position on an issue.
4. The next meeting of the Amicus Committee will be Wednesday, January 9, 2019. Contact Gail Towne or Anne Argiroff for the telephone conference information and copies of the extensive materials associated with the cases presently being reviewed.

B. Court Rules-Jenny Johnson/Peter Kulas-Dominguez

1. ADM File No. 2018-13 (Proposed New Rule re: Friend of the Court mediation). Attorney presence and participation, sufficient domestic violence screening, training and protocols for FOC mediations and confidentiality concerns were discussed extensively.

Motion by Liz Bransdorfer to adopt the Court Rules Committee report position, which was to oppose adoption of ADM 2018-13 unless the committee's specified changes were made. [Attorneys have the ability to be present and participate at any FOC meeting where an order could be generated; require that there are sufficient DV screening, training and protocols contained in the new rule and that confidentiality provisions are consistent in the new rule (as there are different confidentiality mandates depending on the type of meeting). Randall Pitler requested a friendly amendment that the last sentence of Rule 3.22Z(B)(3) be deleted. Motion was seconded by Steven Reinheimer. Question was called.

Motion passed, 17 in favor, 2 opposed.

2. **ADM 2017-28:** Amendment to rules regarding court records and what can or cannot be included in pleadings filed with the court. The committee identified and discussed numerous questions and concerns needing resolution.

Motion by Peter Kulas-Dominguez to oppose 2017-28 for the reasons outlined in the committee's report. Second by Don Wheaton. Question was called.

Motion passed with unanimous support.

3. **ADM 2018-06.** (Amendment to address qualifications of foreign language interpreters).

Motion by Peter Kulas-Dominguez to support the amendment in its entirety for the reasons stated in the committee's report. 2nd by Don Wheaton. Discussion about the cost of certification of interpreters and shortage of available interpreters.

Motion failed. 5 in favor; 14 opposed.

4. **ADM File 2018-19.** The proposed amendments are described over 46 pages. The comment period concludes March 1, 2019. The Committee will conduct a telephone conference no later than January 14, 2019 and a subsequent evote before the Board of Commissioners meeting on January 18, 2019. The proposed amendments are reported to be broadly supported by the Board of Commissioners.

No action requested.

C. **Legislation James Chryssikos/Randy Velzen**

Randy Velzen reported for the committee:

1. Council was requested to provide Stephanie Johnson, lobbyist, with some parameters re: the child marriage bill, likely to be proposed in the legislative process before the next council meeting. General direction to Stephanie Johnson is that Council is opposed to child marriage under the age of 16 under any circumstance and subject to certain cultural exceptions under the age of 18.
2. Randy reported that the alternative bill had been approved by council to be reviewed with identified stakeholders but had no report on the status of that review process.

3. The Ad Hoc Committee for the Shared Parenting Bill requested that the Legislative committee consider separate modifications to the Child Custody Act under separate amendments, and not part of the alternative bill, as follows:
 - a. 100 mile rule – The legislative committee recommends that the 100 mile rule be modified from radial miles to odometer miles and to work with our lobbyist to find a sponsor and to change the word “determined” to “determines” in the proposed amendment.
 - b. The committee voted to support the ad hoc committee’s recommendation to amend the custody act to authorize judges to allocate decision making authority between parties as to any particular issue in the exercise of joint legal custody.
 - c. The Legislative committee voted to support the ad hoc committee’s recommendation to also amend the act to authorize judges to allocate decision making authority to third parties with joint legal custody as to any particular issue.
 - d. The Legislative committee recommended tabling and following up with Barb Kelly, past Chair of the Ad Hoc Committee re: the committee’s intentions re: the definition of “residence” and “domicile” due to intersection and application of those definitions in ‘no fault insurance coverage’ law. The Legislative Committee voted to table the recommendation.

Motion by Sahera Housey to table discussion of the Legislative Committee’s recommendations. Motion was seconded.

Motion passed unanimously.

III. Standing Committee Reports

A. Adoption-Dion Roddy

Dion Roddy submitted a written report but no action was requested.

B. Alternative Dispute Resolution-Gail Towne

No report.

C. Alternative Family-Peter Kulas-Dominguez

Peter Kulas-Dominguez reported that the next meeting will be held Wednesday, January 9, 2019. Contact Peter for the telephone call in information.

D. Annual Meeting-Liz Bransdorfer

Liz Bransdorfer reported on her efforts to locate a place for the annual dinner. Recommendations are invited.

E. CLE/ICLE-Liz Bransdorfer

The Section used to sponsor seminars. ICLE now only sponsors the mid summer/mid winter seminars. ICLE is relying more heavily on video seminars than in person seminars.

Committee member Shon Cook has been tasked to develop a proposal for the Section to do more educational seminars, tied in to the membership committee. Sean Blume suggested assisting local bar associations with their seminars. Shon Cook to undertake a Survey Monkey on list serve re: interest/ideas for continuing education seminars sponsored by the Section.

F. Collaborative Law-Randy Pitler

Randy Pitler reported that SCAO will be issuing SCAO forms for Collaborative Court Rules and a proposed Consent Judgment. The forms will be released by SCAO mid January 2019. The Committee will be reviewing the forms put out by SCAO as soon as they are published.

G. Domestic Violence-Rebecca Shiemke

No report.

H. Family Court Forum-Barb Kelly

Mathew Kobliska reported that the Family Court Forum will be held June 7, 2019 at Travis Pointe Country Club. The topic will be: "Where have we come from, where are we now, a 20 year review".

Contact Mathew Kobliska if you have not been invited to the Forum before and would like to attend. The Family Court Forum is by invitation only. It is a very useful seminar held in Ann Arbor. If you receive an invitation, RSVP. If you do not respond, you will be dropped from consideration for a future invitation. The Family Court Forum is held June 7, 2019. The Family Law Council meeting is scheduled for Saturday June 8 in Ann Arbor, the next day.

I. Family Law Journal-Anthea Papista/Amy Spilman

Anthea Papista encouraged council members to submit their articles and reported that the journal is always looking for new writers. Shon Cook is assisting with article review.

J. Family Law Journal Advertising-Sean Blume

Sean Blume reported that he has obtained more annual advertisers. Advertising is up and the ads are looking great. Those advertising receive help with the look of their ads.

K. Family Support-Kent Weichmann:

No report.

L. Membership-Steven Reinheimer.

1. The Committee will be contacting council members to serve as contacts/ambassadors to law school faculty and law school career development offices around the state to develop and maintain relationships for the objective of recruiting new members to the section. Follow up contacts to be made each semester. Contact Steve Reinheimer if you are interested in serving or have existing relationships with the following law schools:

U of D
Wayne
U of M
MSU

Many volunteers are needed and all interested section members are asked to Contact Steve Reinheimer to help strengthen the section by building on growth and renewal of section membership.

2. New members will receive a 'Welcome to the Section' letter, signed by the Chair, sent via email. The letter will include a list of committees, explain the work of each committee and invite participation on a committee of interest.
3. Steve Reinheimer will contact Heather at the State Bar to receive the report provided to the Treasurer for the breakdown of members who have

paid their dues, those who have not paid or renewed their dues, legal assistant member information. The report should be out this month.

4. Family Law Institute (FLI) – The committee will be surveying the 94 who attended the Family Law Institute (FLI) to inquire why they are not yet members of the Section and will solicit their joining the Section.
5. The Committee is exploring putting together free CLE “Nuts and Bolts” of divorce presentations around the state as well as fun/social events to recruit and introduce new potential members to Section members to increase interest in joining the Section.
6. Mid Summer – The committee is considering the possibility of putting together a one-hour presentation at the Mid-Summer Conference to be held each morning of the Conference to recruit young lawyers to join the Section.

M. Mid-Winter/Mid-Summer Seminars-Kristen Robinson/Liz Bransdorfer

Kristen Robinson reported that the Mid-Winter Conference will be in Costa Rica, leaving February 2, 2019.

Discussion re: new State Bar charges that are without detailed information. The Executive Committee will have a meeting with the State Bar to obtain the detail regarding these new charges.

The 2020 destination for the Mid-Winter Seminar will be announced in the Spring.

The Mid-Summer Conference location is a work in progress. The committee is hoping to reach an agreement with the Homestead for the last weekend in July 2019.

The Mid-Summer Conference for summer 2020 is tentatively Mission Point on Mackinac Island.

Liz Bransdorfer is working on the programming for this Summer’s Mid-Summer Conference. Randall Pitler volunteered to present on limited scope representation. Any section member interested in presenting should contact Liz Bransdorfer. Shon Cook will assist with helping those interested in presenting with selection a topic.

N. Political Action Committee-Matt Catchick

All council members were reminded to donate to PAC, as required. See Matt Catchick to make your donation by check.

O. QDRO/Taxation-Bob Treat/Joe Cunningham

No report.

**P. Technology/Social Media/Website-Elizabeth Sadowski/
Peter Kulas-Dominguez**

Elizabeth Sadowski made a motion for the Family Law Section website to provide resource information for suicide prevention and suicide prevention resources. Motion was supported. Motion passed unanimously.

IV. Ad Hoc Committees

A. SCAO Forms Committee-Amy Yu/Gail Towne/Kent Weichmann

Gail Towne reported that the Committee is meeting March 14, 2019. No forms have yet been published.

Forms will be circulated before 3/14/2019.

B. Twenty Year Review-Richard Halloran/John Schrot/Tina Yost

Hon. Tina Yost Johnson reported that the Committee minutes will be re-circulated. The Committee is experiencing good attendance. The Committee met three times this past cycle. The committee has the following three objectives re: the Supreme Court re: Family Court:

1. Encourage the Supreme Court to enforce the statutory intent for approving Family Court plans. The Committee is developing talking points and an action plan for these communications. Motion by Liz Bransdorfer, supported by Tina Yost Johnson to approve Committee's action plan re: implementation of the statutory intent for Family Court plans. Approved unanimously.
2. Elizabeth Sadowski is drafting a letter for FLC approval that the FLC have input on judicial appointments to the Family Court. Elizabeth Sadowski will be attending the Governor's Winter Warm Up, a free event, to meet the Governor. Winter Warm Up will be held January 26, 2019, from noon until 2:00 p.m. at the public museum in Grand Rapids. The Flint Winter Warm Up will be held on Saturday, January 12, 2019 at 2:00 p.m. until 4:00 p.m.
3. Discussion re: the Committee is investigating the prior rationale for opposition to a dedicated family court bench. Discussion that State Bar has previously taken a position opposed to a dedicated Family Court bench.

Next committee meeting to be held January 31, 2019 at noon. Call in information will be sent out to committee members.

V. Announcement/New Business

None reported

VII. Adjourned at 12:04 p.m.

Respectfully submitted – Shelley Kester, Recording Secretary

NEXT MEETINGS

No February meeting – Mid Winter Conference

Saturday, March 2, 2019, Crowne Plaza, Lansing, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, April 6, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, May 4, 2019, Suburban Collection Showcase, Novi, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Saturday, June 8, 2019, Weber's Inn, Ann Arbor, Breakfast 9:00 a.m., Meeting 9:30 a.m.

Thursday, Saturday, September 26, 2019 (tentative) Suburban Collection Showcase, Novi, (during SBM NEXT Annual Meeting 2019, which is September 25-27)