

**STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL**

MINUTES

Date: October 3, 2020
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 9:33 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, Sahera Housey, Jennifer Johnsen, Shelley Kester, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Kristen Robinson, Liisa Speaker, Amy Spilman, Gail Towne, Randy Velzen, Donald Wheaton, Hon. Tina Yost Johnson.

The following council members were absent: Shon Cook.

Ex-Officio, former council members, liaisons, non-council member committee chairs, and lobbyists present: Anne Argiroff, Scott Bassett, Elizabeth Sadowski, Ross Stancati, Kristina Bilowus, and Stephanie Johnson of KJL.

Guests present: Kathleen Allen, Peter Conway, Robert DeJong, Ed Gold, Rachel Gruetzner, Keela Johnson, Ashish Joshi, Agnes Jury, Melissa Kelleigh, Elizabeth Kitchen, Hon. Kathleen McCarthy, Janet Mendez, Josh Pease, Erika Salerno, Katelyn Schaffer, Simone Sprague, Bob Treat, Amy Yu, Alice Storm, Stephanie Witucki.

C. Chair Report (Sahera Housey)

- Settlement week program update. Sahera deferred to Judge Kathleen McCarthy to present on the support that Third Circuit received in gathering 100 attorneys to mediate cases to reduce the backlog. Thanks especially to Liz Bransdorfer, Mark Bank, and Sahera Housey, who helped gather the attorney volunteers. On a related note, Liz Bransdorfer reported that the

Section is helping Clinton County gather attorney volunteers for a similar mediation program.

- Looking for Helpers. Sahera observed many more section members are interested in becoming active with committees and council. Sahera wants our membership committee and council members to work on increasing our Section membership.
- Covid provisions. Natalie has been recruited to chair the committee to draft covid provisions in judgments of divorce, which has formed various subcommittees, for various types of provisions (child support, parenting time, and so on).
- Liisa Speaker and Shelley Kester have been asked to put on a webinar for the Section on the work of the Covid Provisions committee in early December, and then have subsequent Section webinars, in March (child support) and June (parenting time guidelines). The September webinar would coincide with annual meeting which will be the Dedicated Family Court program that we had originally planned for September 2020.
- Family Law Institute. There has been some confusion about what the institute will look like and many people don't realize there is a live portion on November 12 and the on-demand pre-recording ones are not available until December 12, 2020.
- Sahera's goal for her chair year is to have the Section focus on making progress with the creation of a Dedicated Family Court.

D. Recording Secretary Report/Approval of Minutes (Kristen Robinson/Liisa Speaker). Kristen Robinson circulated council meeting meetings for meetings on June 6, 2020, and September 12, 2020. Kristen moved to approve the June Minutes second by Tina Yost Johnson. Passed unanimously. 20-0-0 Kristen Robinson moved to approve the September Minutes seconded by Tina Yost Johnson. Passed unanimously. 20-0-0. Kristen Robinson moved to approve the September annual Minutes seconded by Tina Yost Johnson. Passed unanimously. 20-0-0.

E. Treasurer's Report (Shelley Kester). October 5, 2020 is the deadline to turn in expenses for last fiscal year. Chris Harrington moved and Don Wheaton seconded to approve the Treasurer's Report. Passed unanimously. 20-0-0.

II. Key Committee Reports

A. Amicus – Anne Argiroff/Gail Towne. Written report mentions the cases where we have submitted amicus brief. Elizabeth Sadowksi will work on posting amicus reports on our website.

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

1. ADM 2020-11 proposed amendment to MCR 2.108 timeframe for responsive pleading when motion for more definitive statement is denied. The deadline to comment has just passed but according to Mat Kobliska we can still get the comment in. This area does not typically arise in family law cases, but is a concern if there is an in pro per on the other side.
 - **Peter moved and Don Wheaton seconded to support ADM 2020-11. Motion passed unanimously. 20-0-0.**
2. ADM 2019-48 language inadvertently left out with e-filing changes. Every document filed should be signed by at least one attorney of record. The concern is whether this language affect the limited scope representation. The committee has not yet made a recommendation on this ADM file.

C. Legislation –Jim Chryssikos/Randy Velzen

1. **SB 1090 and 1091.** Amends the FOC Act and addresses common problems by deferring if payor of support is incarcerated for more than 180 days that there will be an automatic abatement of support. The committee recommended that council support these two bills.
 - **Jim Chryssikos moved to support SB 1090 and 1091 and Randy Velzen seconded.** There was a question about how this provision would impact a stepparent adoption. There was discussion about how notices are sent and how does FOC find out about the abatement of support. There was also discussion about whether the abatement is retroactive. Tina Yost-Johnson called the question and Sean Blume seconded. Calling the question passed. **Motion passed. 16-2-2.**
2. **HB 5850.** This bill would amend the Support and Parenting Time Enforcement Act. The bill maintains the driver's license suspension provision of the Act, but adds that the court must first conduct and "ability to pay assessment" and that the FOC has "exhausted all other enforcement mechanisms" first. It seemed to create unnecessary barriers to collection child support. The committee voted to recommend council oppose the bill.
 - **Jim Chryssikos moved to oppose HB 5850 and Randy Velzen seconded.** There was discussion about why the bill is good because taking

away a driver's license should be a last resort. If parents do not have a driver's license, that means the parent cannot get to work, which also impedes the ability to pay support. Others commented that the threat of taking a driver's license is a powerful tool. One suggestion was to support the bill with an amendment so that "exhausted all other enforcement" excludes incarceration. Some would like FOC to have every available mechanism to collect support so that children are taken care of. **Motion passed. 19-1-0.**

3. **Advisory item for SB 790** which would require courts that choose to make a video of proceedings must make that video available to the public, and establishes that said recording must be made available within ten days, and limits the cost to no more than \$10. Council had previously opposed this bill. Chief Justice McCormack has testified in support of bill. As a result, the State Bar withdrew its opposition to bill. The question is whether we should further explain our position There is a SCAO workgroup. The committee wants to create a subcommittee to articulate our opposition and communicate those reasons to the SCAO workgroup.

- **Jim Chryssikos moved to ask the chair to form an ad hoc or subcommittee to articulate our opposition to the bill and participate with the SCAO workgroup, Randy Velzen seconded.** There was a discussion about privacy concerns for children and families. There was discussion that it shows transparency in the information already getting out there with zoom hearings being broadcast on YouTube and with cell phones being allowed into the courtroom. The access to evidence is important but it should be on the attorney to obtain that evidence, and not just make the evidence publicly available. **Jim Chryssikos withdrew his motion.** Sahera Housey created a Subcommittee of Legislative Committee.

4. Jim Chryssikos reported that the Adoption Committee worked very hard on several bills, HB 5148 and 5149, which would allow adoption attorneys to market their services. The Governor just signed those bills into law.
5. Elizabeth Sadowski reported an update on SORA changes, which was struck down by courts. SORA was very restrictive, and impacted family law cases. For example, public urination would qualify a person for SORA registry.

III. Standing Committee Reports

A. Adoption – Dion Roddy. No report.

B. ADR/Collaborative – Randy Pitler. There is a concern with new FOC

mediation and private mediation, and the Pohlman case that DV screening is not being used consistently. The committee would like to work with DV committee to create uniformity in the screen and to ensure that the screen is occurring. Randy Pitler reported that he has reached out to a Regional Administrator about creating a new Case Classification code for Collaborative and/or Joint Petition Cases so they are easily identified by the clerks when cases are initiated.

- C. Annual Meeting** – Chris Harrington. Looking to September 2021, which would possibly occur in Lansing. There is also possibility to “make up” the meeting that was cancelled this year.
- D. CLE/ICLE** – Shon Cook/Liz Bransdorfer. Liz gave a reminder about how the Institute is different this year. The section has an opportunity to do video advertisement for the Institute. Liisa Speaker and Matt Catchick are working together on that project to promote the Section.
- E. Dedicated Family Court** – Tina Yost-Johnson/Liz Bransdorfer. No report.
- F. Domestic Violence** – Rebecca Shiemke. No report.
- G. Family Court Forum** – Sahera Housey. No report.
- H. Family Law Journal** – Anthea Papista/Amy Spilman. Anthea reported that the committee will meet on October 19. Reminder that council members are required to write one article per term and covering the case summaries qualifies.
- I. Family Law Journal Advertising** – Sean Blume. Advertising is on track. SoberLink is now advertising a full-page for the whole year. QDRO Express will also resume advertising. It is also time to renew and/or sign up for the Great Lakes Honor Roll.
- J. Family Support** – Kent Weichmann/Carlo Martina. No report.
- K. Member Education and Public Relations** – Shelley Kester/Liisa Speaker. Liisa reported about the quarterly webinars that the Committee will produce to promote the section and to educate our section members.
- L. Membership** – Steve Reinheimer. Steve reported that he will keep the

calendar up to date. Steve will be delegating more tasks to help us increase our membership, editing our introductory letter, amend bylaws to create a liaison with YLS, creating events with law schools, and other action items.

M. Midwinter/Midsummer – Kristen Robinson/Liz Bransdorfer. Kristen Robinson reported that Midwinter 2020-2021 is not happening due to the pandemic. Kristen will start to investigate locations for 2022. Liz Bransdorfer reported that the Midsummer work is being delegated to Steve Reinheimer and Shon Cook. The section will be investigating Crystal Mountain, Bay Harbor and Boyne Mountain for the last week of July.

N. Political Action Committee – Matt Catchick. Matt reported that checks can be mailed directly to him and they must be personal checks. Each council member is expected to donate each year. PAC checks should be sent to: Attn: Stephanie Johnson, KJL, 124 West Allegan, Suite 1700, Lansing, MI 48933.

O. QDRO/Taxation - Bob Treat. No report.

P. Listserv/Website - Elizabeth Sadowski. Elizabeth reported that they will work on getting our website updated.

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. Liz Bransdorfer reported that she wants to find out when the SCAO guidelines will be issued.

D. Children's Law Section - Chris Piatowski. No report.

E. Committee on Civil Procedure & Courts (position available). No report.

F. LGBTQA Section - Peter Kulas-Dominguez. Peter reported that

the section's annual meeting is October 7, 2020 at 3:30 p.m.

G. Probate and Estate Planning Section - Anthea Papista/Patricia Ouellette. Anthea report that the next meeting is Oct 17.

H. State Bar Board of Commissioners - Kristina Bilowus. Kristina reported that she will report to commissioners and also to YLS.

V. Announcements/New Business

- Elizabeth Sadowski reported that there is a dark cloud on the horizon for the listserv as Modern Firm is still thinking about getting out of the business of listserv hosting.
- Peter Kulas-Dominguez reported that court rules committee is changing their meeting from Nov 3 to Nov 4 due to the election.

VI. Adjournment.

Motion to adjourn by Don Wheaton and seconded by Liisa Speaker. Motion approved unanimously.

Respectfully submitted,

Liisa Speaker,
Recording Secretary.