

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING
Date: October 5, 2019
Place: Double Tree, Novi, Michigan**

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Chair, Elizabeth Bransdorfer.

B. Introduction and Attendees

The following (20) council members were present: Sean Blume, J. Matt Catchick, James Chryssikos, Christopher Harrington, Joe Hohler, III, Sahera Housey, Jennifer Johnsen, Shelley Kester, Mathew Kobliska, Michelle Letourneau-McAvoy, Peter Kulas -Dominguez, Anthea Papista, Randall Pitler, Steven Reinheimer, Liisa Speaker, Amy Spilman, Randy Velzen, Donald Wheaton, Vanessa Moss Wilson, Hon. Tina Yost Johnson.

Chairperson Elizabeth Bransdorfer, Chairperson Chris Piatkowski of the Children's Law Section and Chairperson Dion Roddy of the Adoption committee, were present.

Council members absent: Kristen Robinson, Shon Cook.

Ex-Officio and former council members: Kent Weichmann, Ross Stancati, Anne Argiroff, and Chair of the Domestic Violence Committee, Rebecca Schiemke.

Guests and Council liaisons included: Jeff Murphy, Jade Edwards, and Stephanie Johnson of KRKM.

C. Chair Report: Liz Bransdorfer reported:

1. Annual Meeting. Thanks to Tina Yost Johnson for her help with the outstanding program, and to all who helped with event.
2. Judge Shauna Dunnings was appointed Commissioner Liaison to Council by the Representative Assembly.
3. The Justice Marilyn J. Kelly Award for Outstanding Service to the Practice of Family Law was discussed. The rationale behind the award is to encourage service on the Family Law Bench and recognize contributions by a jurist to the advancement of family law.
4. Committee Membership. Committee lists were circulated. Each member is required to be an active member of at least one committee.

Section members are encouraged to participate on a committee. Committee membership is a great way to get involved in the section. Committee chairs are asked to copy the Chair with the Agenda, in advance of the committee meeting.

5. State Bar Committee on the Unauthorized Practice of Law. If you are aware of an unauthorized practice of law, please notify this Committee. The State Bar is interested in learning of problems in this area. Contact information: UPL Counsel, Katherine S. Gardner, kgardner@michiganbar.org. See State Bar Website.
6. Chair Stipend for Mid Winter Conference. The State Bar requires that before a Chair may be given something of value, the Chair must perform duties beyond the duties set forth in the Bylaws, on approval of Council. Discussion regarding of the value of Chair attendance at the Mid-Winter Conference. Motion by Sahera Housey, second by Matt Catchick to approve a discount of \$3,500 from the cost of the Mid-Winter Conference for the Chair to attend the Mid Winter Conference, in recognition of the additional responsibilities of the office of Chair, which include:
 1. Create Agenda and distribute Agenda and all committee reports.
 2. Represent council at ICLE Family Law Institute.
 3. Testify or arrange for a representative to testify before the legislature or Supreme Court for important matters on behalf of the section.
 4. Primary liaison with State Bar and other organizations.
 5. Promote membership.
 6. Attend leadership Conference.
 7. Attend bar activities and to promote/represent the section
 8. Actively participate on the listserv, if allowed by employer.

Motion passed unanimously (18-0).

D. Recording Secretary Report. Shelley Kester reported on the electronic votes that had occurred over the summer recess, which are included within the June meeting minutes, the minutes for the Annual Meeting held in September and the September regular meeting minutes.

1. June Minutes. Motion to approve the June Minutes by Liisa Speaker, 2nd by Sahera Housey to approve the June minutes. Approved unanimously. (18-0).
2. Annual Meeting Minutes. Motion to approve the Annual Meeting Minutes by Sahera Housey, 2nd by Matt Catchick. Approved unanimously. (18-0).
3. September Minutes. Motion by Sahera Housey to approve the minutes for the regular meeting held in September, 2nd by Chris Harrington. Approved unanimously. (18-0).

E. Corresponding Secretary. Shelley Kester reported that the Section Brief for the Family Law Section will appear in the November issue of the SBJ. Committee membership and information on the new FOC/ADR rule highlighted.

F. Treasurer's Report/Finance Committee.

Motion by Sahera Housey to approve the Treasurer's reports for the period of May through August 2019. Second by Don Wheaton. Motion approved unanimously. (18-0)..

G. Chair Elect. No report.

II. Key Committee Reports

A. Legislative-James Chryssikis, Chair

1. Senate Joint Resolution I. Senate Joint Resolution I is a joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to recognize the best interests of the child in determining the termination of parental rights in cases of child abuse or child neglect, child custody cases, and out-of-home child placements. Council opposed the identical resolution in June of 2018, SRJ Q, taking the position that there was no reason why this should be a constitutional amendment and was better dealt with statutorily. The Legislative Committee believes there are options available under the law other than a constitutional amendment which may also conflict with *Troxel v Grandville* and a parent's right to parent their children. The Legislative Committee voted to oppose this resolution. Motion by Jim Chryssikos to oppose Senate Joint Resolution I, second by Sahera Housey. Motion passed unanimously, 18-0.
2. Post Majority Support for Disabled Children. At the last council meeting, the Chair approved an Ad Hoc Committee to consider possible legislation providing for post majority support for children with disabilities. RAM has also formed a committee looking into a related but different issue, support for children under 19.5 who are attending school, trade school or other educational institutions and how to define that. Rebecca Shiemke circulated an article on the issue. Committee membership was encouraged. Michigan's child support statute has not been updated to address changes since its enactment. Discussion of continuing education beyond high school while in high school. Liz not in favor of a joint committee with RAM on these different issues but appreciated RAM considering related issues. Discussion of *Weaver v Giffels* decision. The FLS and RAM committees will remain separate. An attorney with experience in special needs trusts, SSI, SSO and Medicaid experience are encouraged to join the Ad Hoc Committee. Attorneys interested in joining the committee, please email Legislative Committee Chair, Jim Chryssikos at jwc@chryssikoslaw.vom.

3. The Uniform Premarital Agreement Act may be a coming attraction.
4. Domestic Violence Best Interest Factor. Stephanie Johnson reported that October is Domestic Violence Awareness month. Stephanie has been notified of a possible bill aimed at amending the domestic violence best interest factor.
5. The Committee will next meet Thursday, October 31, 2019 unless determined otherwise due to Halloween. Call in #: 877-352-9775. The Code is: 148-430-26378.

B. Court Rules-Jennifer Johnson and Peter Kulas – Dominguez, Co-Chair

Peter Kulas-Dominguez gave the Court Rules Committee report:

1. ADM File 2019-12. An amendment to MCR 1.109, 3.206 and 3.931, requiring that the case inventory form filed in Family case be confidential, effective September 11, 2019. The comment period expires January 1, 2020. The Committee voted to support the amendment. Motion by Jennifer Johnson to support the amendment. 2nd by Don Wheaton. Motion approved unanimously. 18-0.
2. The Representative Assembly voted to approve the resolution to amend MCR 3.206 to use “Petitioner” and “Respondent” instead of “Plaintiff” and “Defendant”, 97-10 support. Council thanked Matt Catchick for his representation before the Representative Assembly.

- C. Amicus.** Ann Argiroff gave the report. The next meeting will be held November 3rd. Motion for leave to file an amicus brief will be filed by Ann Argiroff on behalf of the section.

III. Standing Committee Reports

A. Adoption- Dion Roddy, Chair

Dion Roddy submitted a written committee report. Don Wheaton reported that Dion Roddy was identified as the “Face of Adoption” in Hour Detroit Magazine.

B. Alternative Dispute Resolution/Collaborative-Randy Pitler, Chair.

Randy Pitler gave the report. MCR 3.224. Seminars will be presented around the state on how the new court rule will be implemented. A subcommittee conference call will be held on Monday, October 14, 2019. Regional locations for the presentations are being discussed. The presentation will be free to section members, judge’s, referees, court officials and at low cost to non-section members to learn

about the new rule. A social gathering will be held afterward. The presentations offer an opportunity for the Membership committee.

C. Alternative Family-Peter Kulas-Dominguez-Chair. Liz reported that she is going to cancel this Standing committee because the LGBTQA Committee exists. Liz proposed seeking an amendment to the Bylaws to have a liaison to FLC from the LGBTQA Committee, rather than having a Standing Committee for Alternative Family. Peter Kulas-Dominguez recommended that the Committee be maintained for other non-LGBTQA family situations.

D. Annual Meeting-Sahera Housey, Chair. Sahera recognized Chair Liz Bransdorfer for the success of the annual dinner and the program for the annual meeting. Marci Lay and Randy Velzen were acknowledged for their recommendation of the location.

Discussion was held concerning next years dinner and annual meeting. Recommendations were made for various locations. There was good support for going to same location.

E. CLE/ICLE – Shon Cook, Chair

1. Rebecca Shiemke presented on a request for support for scholarships for legal aid attorneys to attend Family Law Institute. Request for continued support for 13 scholarships. Motion by Sahera Housey to support 13 scholarships of \$195 for Legal Aid Attorneys to attend the Family Law Institute co sponsored by the FLS. 2nd by Hon. Tina Yost Johnson. Council members discussed how scholarships have benefitted various recipients in the past. Vote: Motion approved. 18-0-1. Motion carries.

Tina Yost Johnson arrived to the meeting in the middle of the discussion. Vanessa Moss Wilson arrived after the vote.

2. Motion by Sahera Housey to continue FLC's past practice of being a sponsor for the Family Law Institute from the Section for the purpose of subsizing new lawyers to be able to attend the Family Law Institute. Second by Steve Reinheimer. Discussion of the benefits of co-sponsorship of the Family Law Institute. Motion approved unanimously. (19-0-0).

F. Domestic Violence-Rebecca Shiemke, Chair. No report. An upcoming meeting is scheduled for October 21, 2019 at 3:00 p.m. Committee members Dial: 877-352-9775, Pin: 148-430-2637#.

G. PAC-Matt Catchick, Chair. Matt Catchick reported on fund balance and thanked members for contributions. Matt requested donations, which are expected once per year.

H. Family Court Forum - TBD

Sahera Housey reported that there is a wrap up meeting scheduled for Monday, October 7, 2019. Barb Kelly has resigned as Chair of the Committee. The Committee is looking to add a Chair and new members. There is good support for continuation of the forum.

I. Family Law Journal-Anthea Papista/Amy Spilman, Co-Chairs. Anthea Papista reported that the Committee is looking for volunteers to prepare case summaries, beginning with November 2019. Liz suggested an article for the Journal on the FOC Seminars to be held in February 2020. The deadline for submission of articles is one month ahead of the publication date for that month. The journal is published the last week of the month. Section members are invited to contact Anthea Papista or Amy Spilman if interested in writing an article or case summary.

J. Family Law Journal Advertising-Sean Blume, Chair. Sean Blume reported on recent discussions of the policies for journal advertising, use of the listserve and eblasts. The current advertising rate information is set forth on the first page of the journal. Currently, \$100 is the cost for a 1/8th ad in the journal which entitles the advertiser to also post on the list serve.

K. Family Support- Kent Weichman, Chair. The committee has wrapped up its work on the 4-year review of the Michigan Child Support Guidelines. The consensus report is due November 30, 2019, and will be voted on by the Family Support Committee for approval in November. The report largely clarifies provisions and adopts federal changes. MJA, RAM, Prosecuting Attorneys Association, Family Law Section, MiCes, will vote whether they approve the report. The anticipated vote is to vote approval or no approval. No amendments are possible. Kent expects the vote to take place at the next FLC meeting.

L. Membership-Steve Reinheimer, Chair.

1. Steve Reinheimer reported that Family Law Section pins may be purchased by any member of the section. It is time to reorder pins. Motion by Steve Reinheimer to order 500 pins. Discussion of the cost of the pin and sale price. Second by Sahera Housey. Motion to purchase 500 new pins passed unanimously. (20-0-0).

2. In preparation for Family Law Institute, motion by Steve Reinheimer to spend not more than \$400 to purchase pens for a give away at the vender table at the Family Law Institute. Second by Sean Blume. Discussion. Motion approved unanimously (20-0-0).

3. Hon. Tina Yost Johnson suggested a fund raising idea for the Section at the Family Law Institute.

4. Steve Reinheimer discussed the 5, 15 and 20 year Family Court judicial banner program. Council members are invited to identify judges assigned to the Family Law Division who may be deserving of a banner. Discussion of how to identify eligible recipients. Liz will identify where that information is maintained.

- M. Mid-Winter/Mid-Summer Seminars-Kirsten Robinson/Liz Bransdorfer-Co-Chairs.** The Mid-Summer Conference will be held at Mission Point and will be held the last weekend of July through the first weekend of August, 2020. Contact Tracy Rink at Rinkt@oakgov.com if you are interested in presenting. If you are interested in serving as a financial sponsor, contact Liz Bransdorfer. Liz will be reaching historical sponsors this month. Steve Reinheimer will be assisting Liz with the facilities logistics. Shon Cook will assist Traci Rink with coordination of presenters and topics. If you would like to suggest ideas for the Mid-Summer conference, contact Shon Cook. The committee is in the process of recruiting individuals to be involved with the Mid-Summer Seminar.
- N. QDRO/Taxation.** Liz suggested that this committee and the section would be served by the involvement of tax attorneys as a resource. Ross Stancotti suggested a lawyer/CPA that he uses frequently as a possible speaker for the Mid-Summer Conference and possible new section member.
- O. Surrogacy- Elizabeth Sadowski, Chair.** Elizabeth Sadowski reported a surrogacy bill will be introduced. Rep. Rebekah Warren's staff sent the committee a draft surrogacy bill. The House and Senate have a rule that a bill may only address one topic. They have requested input from the FLC on the Question: Should there be a requirement that a judge approve a surrogacy contract. The committee is working to incorporate the best practices to the draft bill. The committee is looking at the California bill which does not require judicial approval of the contract, but instead relies upon the parents to approve the contract. It has not yet reached the stage of drafting by the Legislative Bureau. The Surrogacy Committee will make its recommendation to the Legislative Committee who will then make its recommendation and report to council. The next legislative committee meeting is October 31st. Liz invited anecdotal stories from clients about the benefits of surrogacy.
- P. Technology/Social Media-Liz Sadowski/Peter Kulas-Dominguez.** The committee was encouraged to provide a report at the next meeting. Michelle LaTourneau-McEvoy suggested posting of the FLC Agenda on the FLC Facebook page. Matt Catchick suggested posting photographs on the Listserve. Photographs may be sent to Peter Kulas-Dominguez. Peter administers the FLS Facebook page.

IV. Ad Hoc Committees

A. Parenting Time Guidelines Committee Report-Shelley Kester

Shelley Kester updated council on the progress of the SCAO Parenting Time Guidelines Committee. Shelley Kester and Liz Bransdorfer serve on the Committee on behalf of the FLS.

B. Twenty Year Review. Tina Yost Johnson/Liz Bransdorfer, Co-Chairs. Hon. Tina Yost Johnson spoke with both justices Cavanagh and Clement. The justices are interested in forming a committee to review the family division and will contact Hon. Tina Yost Johnson for input on contributors to the committee. Dan Brubaker, Chief Commissioner, indicated there is a commissioner with some family law experience. When they next have a judicial opening, he will be mindful of candidates with that kind of expertise.

Liisa Speaker commented to the justices on the value of Family Law Practitioners participating in the drafting of court rules for the family law court perspective.

C. SCAO Forms Committee-Amy Yu/Gail Towne, Co-Chairs. No report.

D. SCAO Child Support. Kent Weichman/Carlo Martina, Co-Chairs. No report.

V. LIAISON REPORTS

A. LGBTQ Committee. Peter Kulas-Dominguez reported that the committee discussed the & *G.R. Harris Funeral Homes v Equal Employment Opportunity Commission* related to whether discrimination on the basis of gender identity is covered under Title VII of the Civil Rights Act of 1964. That is being argued on Tuesday. Couple years ago marriage equality.

The committee also discussed Transgender and Gender Identity and how it impacts the legal community.

VI. Announcements/NEW BUSINESS

Hon. Tina Yost Johnson reported on a legal challenge to the decision concerning faith based foster care placement by religious organizations. A decision should come soon.

VII. Adjournment. Motion by Don Wheaton to adjourn. 2nd by Joe Hohler. Motion approved unanimously. (20-0). The meeting adjourned at 11:27 a.m.

Respectfully submitted – Shelley Kester, Corresponding Secretary