

**STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL**

MINUTES

Date: November 2, 2019
Location: Amway Grand Plaza, Grand Rapids, MI
Time: Breakfast 9:00 a.m.; Meeting 9:30 a.m.

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, James Chryssikos, Shon Cook, Christopher Harrington, Joe Hohler, III, Sahera Housey, Jennifer Johnson, Shelley Kester, Matt Kobliska, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Steven Reinheimer, Kristen Robinson, Liisa Speaker, Amy Spilman, Randy Velzen, Donald Wheaton, Vanessa Moss Wilson, Hon. Tina Yost Johnson.

Chairperson Elizabeth Bransdorfer, and Chairperson Dion Roddy of the Adoption committee, were present.

Council members absent: Matt Catchick

Ex-Officio and former council members: Kent Weichmann, Peter Kulas-Dominguez and Ross Stancati,

Guests and Council liaisons included: Jeff Murphy, Stephanie Johnson of KRKM, Melissa Neckers, Steve Heisler, Erin Magley, Kathleen Allen, Alicia Storm, Hon. Jon Van Allsburg, Melissa Kelleigh, Kristen Wolfram, Elena Elliott, and Courtney Quist.

C. Chair Report: Liz Bransdorfer – no report.

D. Recording Secretary Report. Motion by Kristen Robinson to approve the October 5, 2019 with the correct spelling of Ross Stancati's name. 2nd by Sahera Housey. Approved unanimously. 20-0.

E. Corresponding Secretary. Shelley Kester - no report.

F. Treasurer's Report/Finance Committee.

Motion by Chris Harrington to approve the Treasurer's reports from October 1, 2018 through September 30, 2019. Second by Sahera Housey. Motion approved unanimously. 20-0

G. Chair Elect. Sahera Housey - no report.

II. Key Committee Reports

A. Legislative - James Chryssikos, Chair

1. HB 4329 – Bill addresses increasing the allowable charge by court reporters and would allow court reporters to charge up to \$3.50 per original page and 75 cents per page for copies. The Legislative Committee unanimously voted that Council support the bill with an amendment to allow court reporters to charge and receive \$3.50/page for an original transcript, but electronic copies be set at a flat fee of \$10 and printed page copies at 75 cents. Motion by Jim Chryssikos for Council to support the legislation as recommended by the Legislative Committee. 2nd by Shelley Kester. Friendly amendment by Sahera Housey to clarify the \$10 fee is per volume of transcript, if electronic copy. Jim Chryssikos and Shelley Kester accepted friendly amendment. Motion passed. 19-0-1

2. HB 5148 and 5149 - 5148 amends sec. 55, ch. X of 1939 PA 288 (MCL 710.55) to expressly authorize and permit adoption attorneys to advertise their services, which the existing statute prohibits anyone other than a prospective adoptive parent or biological parent from advertising for, soliciting, or recruiting adoptive parents or guardians. Likewise, 5149 amends sec. 136c of 1931 PA 328 (MCL 750.136c) which prohibits transfers of custody to another for money or other valuable consideration and creates an exception for adoption attorneys. Under the current act, this conduct could arguably subject adoption attorneys to criminal prosecution, thus the need for these amendments. The Legislative Committee voted that Council should support these bills as written. Motion by Jim Chryssikos for Council to support the legislation as recommended by the Legislative Committee. 2nd by Randy Velzen. Input and explanation from Adoption Committee Chair, Dion Roddy. Motion passed 18-0-2

3. The Post-Minority Support for Adult Children with Disabilities Ad Hoc Committee had its first meeting on 10/24/19 and will deliver its report to Council. Kent Weichmann and Jade Edwards are co-chairing that committee. This was an information item and will not be part of the Legislative Committee unless or until there is actual proposed legislation or a draft bill to review.

4. Stephanie Johnson provided the Legislative Committee with draft legislation regarding "kinship caregiving", which would create kinship caregiver resources and create a kinship caregiver advisory council. The Committee will be following this legislation and keep FLC apprised.

5. The next Legislative Committee meeting is Thursday, December 5, 2019 at 4:30 p.m. The call-in number is 877-352-9775. Conference code is 1484302637#

B. Court Rules & Ethics - Jennifer Johnsen and Peter Kulas-Dominguez, Co-Chairs

Peter Kulas-Dominguez gave the Court Rules Committee report:

1. ADM File 2018-35. This is an amendment to MCR 8.108, and would clarify the rule regarding preparation and filing of transcripts, including that a court reporter or court recorder shall file their transcripts with a court when produced for a party or for the court. The comment period for this ADM File expires on February 1, 2020. The Committee voted to support the amendment with a recommendation to remove the phrase “filed with the court” at the end of paragraph (F)(2). Motion by Jennifer Johnsen to support ADM File 2018-35 with the recommendation to remove the words “filed with the court”. 2nd by Randy Velzen. Motion passed unanimously. 20-0.

2. Discussion of ADM File 2018-30. This amendment to MCR 8.115, was issued May 15, 2019 and would explicitly allow the use of cellular phones, as well as prohibit certain uses, in courthouses. Council took a position on this file at its June 8, 2019 meeting. Council voted to support this ADM file with a friendly amendment to change “Judges” to “Hearing Officers” so that Referees, Magistrates and other Court staff who preside over hearings would be included. This motion passed 16-1-4. The issue for the Committee was to determine whether Council should have representation at the public hearing on 11/20/19, and the consensus was that this was an issue that did not require a representative of FLC to attend.

C. Amicus. Liisa Speaker reported that the Amicus Committee will now hold regular monthly teleconference meeting on Wednesdays the week before the week of the FLC meeting. The schedule is listed at: <http://www.connect.michbar.org/familylaw/aboutus/committees>

Additionally, in the Foster case, the Amicus Committee’s Motion for Leave to File a Brief, and Brief were filed and accepted for filing by the Court.

III. Standing Committee Reports

A. SCAO Child Support. Kent Weichmann/Carlo Martina, Co-chairs

Kent Weichmann gave a report regarding the Workgroup recommendations as circulated to council prior to the meeting. Two noteworthy changes by the Workgroup: (1) updated health care coverage to comport with statutory changes and (2) incarcerated persons deviation eliminated due to a new section for incapacitated parents. Motion for council to concur with the Workgroup report by Randy Velzen. 2nd by Vanessa Moss Wilson. 19-0-1

B. Twenty Year Review. Hon. Tina Yost Johnson/Liz Bransdorfer, Co-chairs

Report by Tina Yost Johnson.

Committee want to ask Stephanie Johnson to reach out to Senator Runestad regarding his position on dedicated family division judicial seats. Motion by Tina Yost Johnson. 2nd by Shelley Kester. Motion passed 20-0

Liz Bransdorfer and John Schrot to reach out to Janet Welch regarding getting FLS Council members on the judicial qualifications committee.

Liz Sadowski working on statistics from other states regarding family law dedicated benches.

C. Post-minority Disability Support. Kent Weichmann, Chair

The scope of the committee is very broad at this point. More detail as to how the committee will proceed to come in the future.

D. Domestic Violence – Rebecca Shiemke, Chair

Kristen Wolfram summarized the committee meeting. Kent Weichmann added that the committee is looking into judicial education; a push for more domestic violence training and education for Family Division judges.

E. FOC/ADR Program. Sahera Housey/Michelle Letourneau-McAvoy, Co-chairs

Committee is setting up town hall meetings around the state in conjunction with local FOC staff to explain new court rule MCR 3.224 and how each county will handle the required changes. Event to include a program plus networking event. Section members are free. Non-section people pay for the program (fee to be determined). Committee seeking sponsorships to offset the cost of the program. Motion by Randy Pitler for up to \$6000 from Section for funds to put on programs across the state. 2nd by Shelley Kester. Motion Passed 18-0-2

F. Family Court Forum

Report by Sahera Housey. Family Court Forum is scheduled for June 12, 2020 at Travers Point Golf Club. Additional details to be provided as they are available.

G. Family Law Journal. Anthea Papista/Amy Spilman, Co-chairs

Articles due from council members. Reminder that completion of case summaries counts as article requirement.

H. Family Law Journal Advertising. Sean Blume, Chair

Great Lakes Honor Role reminding brought in additional revenue. There has been some interest from new advertisers.

I. Political Action Committee. Matt Catchick, Chair

Liz Bransdorfer reported receipt of a letter from IRS – need to update address etc. of PAC.

J. Adoption- Dion Roddy, Chair - no report / Surrogacy – Melissa Neckers

Every county handles surrogacy issues differently. The surrogacy subcommittee is working to get Michigan up to speed with other states by offering input on legislation

regarding these matters. Rep. Rebecca Warren is the sponsor of this proposed legislation. The bill is drafted and will hopefully be introduced soon.

- K. Alternative Dispute Resolution/Collaborative-Randy Pitler, Chair** – no report.

Judge Van Allsburg reported he attended a conference where on-line ADR is being used for district court matters. Matterhorn ODR (on-line dispute resolution) is the platform being used. Ottawa County has been using Matterhorn for child support enforcement for three years and will start using it for parenting time in January 2020.

- L. QDRO/Taxation. Bob Treat, Chair** – no report.

- M. Technology/Social Media-Liz Sadowski/Peter Kulas-Dominguez, Co-chairs**

Photographs may be sent to Peter Kulas-Dominguez. Peter administers the FLS Facebook page.

- N. Midwinter/Midsummer. Kristen Robinson/Liz Bransdorfer, Chairs**

Midsummer – Liz Bransdorfer reported the conference will be held July 30 – Aug 2, 2020 at Mission Point resort on Mackinac Island. She is currently looking for speakers, topics and sponsors.

Midwinter – Kristen Robinson reported that the airfare is sold out; however, there is a possibility for additional rooms based on availability. Conference will be held in Ochos Rios, Jamaica at the historic Jamaica Inn from January 25 – February 2, 2020.

- O. Membership. Steve Reinheimer, Chair**

The FLS table is ready for Family Law Institute, banners, pens, pins and all.

- P. SCAO Forms – Amy Yu/Gail Towne, Co-Chairs**

Liz Bransdorfer reported that the new disclosure form required by the new discovery court rule is not yet complete. SCAO expects to have it out by December 2019.

- Q. Annual Meeting-Sahera Housey, Chair** – no report.

- R. SCAO Parenting Time Guidelines – Shelley Kester, Chair** – no report.

- S. CLE/ICLE – Shon Cook, Chair** – no report.

IV. LIAISON REPORTS

- A. Children's Law Section (Chris Piatkowski)** – no report

- B. Committee on Civil Procedure & Courts (liaison requested)** – no report

- C.** Law Student Section (inactive per State Bar)
- D.** LGBTQ Committee. Peter Kulas-Dominguez is seeking volunteers to man the table at the Family Law Institute.
- E.** Probate and Estate Planning Section (Patricia Ouelette) – no report
- F.** State Bar Board of Commissioners (Judge Shauna Dunnings) – no report

V. Announcements/NEW BUSINESS

Hon. Tina Yost Johnson discussed ideas for Battle Creek Counsel meeting in June 2020. Possible location Firekeepers Casino.

- VI. Adjournment.** Motion by Sean Blume to adjourn. 2nd by Joe Hohler. Motion approved unanimously. (20-0). The meeting adjourned at 11:25 a.m.

Respectfully Submitted – Kristen Robinson, Recording Secretary