

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: 12/1/2018

Place: Weber's Inn, Ann Arbor, Michigan

I. Administrative matters

A. Call to Order/Quorum and Welcome

The council was called to order by Robert Treat.

The following (19) council members were present:

Sean Blume, Elizabeth Bransdorfer, Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Joe Hohler, Sahera Housey, Shelley Kester, Mathew Kobliska, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Vanessa Moss-Wilson, Anthea Papista, Steven Reinheimer, Liisa Speaker, Amy Spilman, Donald Wheaton and Hon. Tina Yost Johnson. Chair: Robert Treat was also present.

Council members absent: Jennifer Johnson, Randall Pitler

Ex-Officio and former council members present: Kent Weichmann, Randall Velzen, Ross Stancotti

Guests:

Steven Heisler, Stephanie Johnson lobbyist, Mark Crane.

Introduction of Attendees:

Introductions were given by those in attendance.

B. Chair Report:

1. The Chair discussed the Legislature's lame duck session and the need for council members and guests who may be willing to testify to the judiciary committee to respond to proposed legislation. A sign-up sheet for volunteers was circulated. Diana Raimi was thanked for her willingness to provide testimony on the "loser pays" legislation.
2. The Chair asked for articles to the Family Law Journal. Each Council member is required to submit at least one article for publication in the Family Law Journal during their term.

James Chryssikos sent in an article. Chris Harrington is submitting an article. Sahera Housey co-authors a recurring column. Council members encouraged to send in articles.

3. Bob Treat, who did not run for council, does not intend to vote due to ambiguity in the Bylaws.

Motion by Shelley Kester to amend the Bylaws to clarify the voting rights of the Chair if not an elected member and to clarify the application of the attendance policy provision concerning the annual meeting. The motion was seconded.

Motion unanimously passed, 20 in favor. 0 opposed.

Steven Reinheimer will prepare a petition for circulation and review the procedure set forth in Bylaws for amendment.

C. Recording Secretary Report/Minutes.

No report.

D. Treasurer's report:

1. Council members were reminded to submit reimbursement reports within 45 days or risk no reimbursement or issuance of 1099.
2. Council has not yet been provided the State Bar October report. Council has not been provided either the fiscal year-end report for September 30 or the October 31 report.

E. Corresponding Secretary Report

No report.

II. Key Committee Reports

A. Amicus-Ann Argiroff/Gail Towne

Bob Treat advised that a request was made by the Board of Commissioners for the Family Law Council to file an amicus brief on the issue of jurisdiction over minors concerning *In re Churchill/Belinski*, SC: 157991, COA: 337790.

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

Peter Kulas-Dominguez reported for the Committee:

1. **ADM File No. 2002-37.** The Committee is addressing court rule changes related to efilng. Comment period ends January 1, 2019.

Motion by Tina Yost-Johnson to support committee recommendation concerning efilng as proposed by State Bar of Michigan, with committee comments to give input on time frame to respond to withdraw from electronic service, without contradiction to the State Bar's position. Motion was seconded.

Motion passed 19 in favor. 0 opposed. One member not present at time of the vote.

2. The Committee discussed the pending staff report to the Supreme Court to propose a court rule to require each FOC to have an ADR plan.

C. Legislation- James Chryssikos/Randy Velzen

James Chryssikos reported for the committee:

1. **HB 6230, 6231 and 6232.** The group of bills would allow DHSS to refuse to place children with agencies who made placements based upon sincerely held religious beliefs, including private agencies that receive no government funding. The adoption committee opposed the bills as written due to the blanket repeal and would support a more narrowly tailored bill.

James Chryssikos renewed his motion made at the last meeting (and supported) to support the bill with amendments that the bills continue to allow religious principles to be applied for private referrals to private adoption agencies.

Further discussion was held on the motion. Some counties have limited available agencies and the consequence may be fewer agencies available for placement resulting from the blanket repeal.

Motion by James Chryssikos to call the question. Vote in support, 19 in favor, one abstention.

Motion by James Chryssikos to support the bills with amendment to continue to allow religious principles to be applied for private referrals to private adoption agencies.

Vote: 12 in favor of motion, 6 opposed, 2 abstain.
Motion passes.

2. **HB 6553.** This bill would permit the legislature and each house to intervene in any action commenced in any court in this state whenever they deem it necessary. Applies to all matters pending.

Motion by Matt Kobliska to oppose HB 6553. Motion supported.

Vote: Unanimously passed. 19-0.

3. **HB 4691:** Stephanie Johnson, FLS lobbyist, reported that Representative James Runestad has been permitted to survey the Republican caucus to see if there is sufficient support there to bring it to the floor for a vote. Stephanie is communicating with the two lobbyists for the Coalition to End Domestic and Sexual Violence and the Michigan Poverty Law Program, and the lobbyist for the Michigan Judge's Association who are hearing the same information.

The week of 12/3/2018 will be important concerning changes to the status quo during the lame duck session.

The Judge's Association wrote to all legislators explaining why they are opposed to HB 4691 at the beginning of lame duck.

FLC lobbyist recommends circulating the alternate bill at this stage only to other stakeholders and not to anyone at the Legislature, while we undergo the process of garnering support for the alternate bill.

Discussion of identifying and meeting with incoming Governor's Chief of Staff re: HB 4691.

For legislators asking about the status of the alternate bill, explain that it is a complicated issue and the alternate bill is being circulated to stakeholders to obtain support.

Reported that MJA would prefer no change to current act.

Elizabeth Bransdorfer reported that SCAO is working on updating the Parenting Time Guidelines and suggestion that legislators wait to see the final revised SCAO Parenting Time Guidelines before taking up HB 4691.

Motion by Shelley Kester to assign specific individuals to circulate HB 4691 to the following:

Michigan Judge's Association (MJA): Stephanie Johnson

Michigan Coalition to End Domestic and Sexual Violence (MCEDSV): Rebecca Shiemke

Michigan Poverty Law Program (MPLP): Rebecca Shiemke

Michigan Probate Judge's Association (MPJA): Stephanie Johson

Friend of the court Association (FOCA): Sahera Housey

Referee's Association of Michigan (RAM): Sahera Housey

Motion supported.
Discussion.

Motion by Shon Cook to call the questions. Motion supported.
19 in favor of calling the question. 1 abstained.
Motion passed to call the question.

Motion for the individuals identified above to circulate alternate bill to obtain support from identified stakeholders.

Motion passes. 19 in favor. No opposition.

Anyone with an a relationship with the Michigan Catholic Conference please contact Stephanie Johnson.

Kent Weichmann will circulate the final draft of the alternate bill to all council members.

4. James circulated a signup sheet for those interested in serving on the gestational contract bill sub-committee. Four (4) have signed up. A meeting will be scheduled.
5. James Chryssikos recognized for his work as Chair of the very active, hardworking Legislative committee.
6. James reported on two bills introduced by the Senate Majority that impose “loser pays” attorney fees requirements which will impact access to the court system and have other consequences.

Evote was taken between November and December meetings. November 26, 2018, James reported that the motion to oppose the “loser pays” legislation, passed by an evote of 20-0, with one person not voting. James will report the FLC position to the State Bar. Diana Raimi is testifying to the judiciary committee to oppose the bills.

D. Alternate Custody Proposal-Barb Kelly

The Chair confirmed that this Committee has concluded its work.

III. Standing Committee Reports

A. Adoption-Dion Roddy

Dion Roddy submitted a written report.

B. Alternative Dispute Resolution-Gail Towne

No report.

C. Alternative Family-Peter Kulas-Dominguez

1. The Alternative Family committee discussed the Position Statement of the LGBTQA Section of the State Bar of Michigan re: the rule change to restrict G-4 Visas to married persons, ending the previous policy of allowing same-sex domestic partners to qualify.

Motion by Peter Kulas-Dominguez for the Family Law Council to join in the position statement with the LGBTQA Section and the Academy of Family Lawyers and the American Academy of Matrimonial Lawyers.

Motion passed unanimously by voice vote.

D. Annual Meeting-Elizabeth Bransdorfer

No report.

E. CLE/ICLE-Elizabeth Bransdorfer

No report.

F. Collaborative Law-Randy Pitler

No report.

G. Domestic Violence-Rebecca Shiemke

No report.

H. Family Court Forum-Barb Kelly

No report.

I. Family Law Journal-Anthea Papista/Amy Spilman

No report.

J. Family Law Journal Advertising-Sean Blume

Sean Blume reported good progress being made.

K. Family Support-Kent Weichmann:

First meeting to be held Thursday, December 6, 2018 at SCAO.

L. Membership-Steven Reinheimer.

Meeting to be scheduled in the near future.

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

Elizabeth Bransdorfer reported for the committee:

1. The Terrace Inn withdrawn its offer to host the FLS due to space limitations. The Homestead will be the location for the mind-

summer seminar. Those interested in presenting at the mid-summer conference should contact Elizabeth Bransdorfer. Registration Fee is \$175.00, free to presenters.

N. Political Action Committee-Matt Catchick

1. The current PAC balance is \$29,532.
2. Please send your checks for donations to PAC to Matt Catchick.

O. QDRO/Taxation-Bob Treat/Joe Cunningham

No report.

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

No report.

Anyone with a photograph of Hon. Janice Cunningham receiving her award at the annual Family Law Conference is requested to contact the committee or Hon. Janice Cunningham.

IV. Ad Hoc Committees

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

No report.

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

1. Tina Yost reported that they have a large committee. Those interested in joining the Twenty Year Committee are requested to contact Hon. Tina Yost Johnson.
2. Elizabeth Sadowski discussed with the Governor-elect the creation of a subcommittee of members from the Family Law Section to provide input on proposed Governor appointments to the Family Court Bench.
3. Committee is following up on full implementation of One Family/One Court, including judicial training, with goal of a designated family court bench. SB 612. Scott Bassett and Liisa Speaker have spoken with Hon. Cavanaugh regarding the importance of family law to the court.

4. Committee is meeting December 20, 2018 at noon, limited to one hour, via phone conference.

V. Announcement/New Business

- A. Shelley Kester requested each committee chair to email her the names of all Chairs/Co-Chairs to their committee, the meeting schedule and time and call in information.

VII. Adjournment at 12:01 p.m.

Respectfully submitted – Shelley Kester, Recording Secretary

NEXT MEETINGS

Saturday, January 5, 2019, Amway Grand Plaza, Grand Rapids, Breakfast 9:00 a.m., Meeting 9:30 a.m.

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)