

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING
Date: March 2, 2019
Place: Crowne Pointe Plaza, Lansing**

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Chairperson Robert Treat.

The following (19) council members were present: Sean Blume, Elizabeth Bransdorfer, Matt Catchick, Shon Cook, Christopher Harrington, Joe Hohler, Sahera Housey, Jim Chryssikos, Jennifer Johnsen, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Vanessa Moss-Wilson, Anthea Papista, Randall Pitler, Steven Reinheimer, Liisa Speaker, Amy Spilman, Donald Wheaton, and Hon. Tina Yost-Johnson.

Council members absent: Shelley Kester and Mathew Kobliska.

Ex-Officio and former council members: Elizabeth Sadowski, Kent Weichmann, and Randy Velzen.

Guests: Steve Heisler, Dion Roddy, Stephanie Johnson, and Jessica Larson.

B. Introductions.

C. Chair Report:

1. The Family Law Lifetime Achievement Award is going to be renamed in the name of Norman Robbins who passed away earlier this year. A motion was made and unanimously supported.

D. Approval of Minutes

Chris Harrington made a motion to approve the January 5, 2019 minutes. The motion was seconded and was passed.

E. Treasurer's Report/Finance Committee

A motion was made to approve the Treasurer's Summary Report. The motion passed. There was a question on the reimbursement of non-Council members, but no formal motion was made to approve a policy on this issue. After discussion, it was resolved that the Executive Board will put this issue

on the agenda for the next executive meeting, and if any changes are felt necessary, the Executive Board will make a recommendation to Council and request a vote.

F. Corresponding Secretary

No report.

II. Key Committee Reports

A. Amicus – Three cases were mentioned: (1) an Amicus Brief has been filed on *Dorko v. Dorko*; (2) regarding *Foster v. Foster*, the committee is not recommending any action yet – the parties in that case are still in the “briefing” stage; and (3) the committee is working on the *Churchill v. Belinski* case after Council’s recent e-vote approving the committee to prepare a brief on this case. The e-vote result was 17-1-3.

B. Court Rules – The committee had no action items for Council but appreciated the quick attention to an e-vote on the Discovery proposals. The e-vote result was 15-0-6.

C. Legislation –

1. HBs 4003, 4004, and 4005 – Child Marriage Law

These bills collectively amend MCL 551.103, .201, and .51, establishing 18 years old as the minimum age to marry, without exception. The Committee recommended that Council support these bills. After lengthy discussion on the issues, a motion made to support these bills *as drafted*, the motion failed. There were a number of concerns that there is no exception to the age requirement of 18, including no exception for emancipated minors or no exceptions with a “judicial bypass” whereby the court could interview the minor.

The consensus that did not support the motion was concerned that the proposal was too restrictive.

A second motion was made to support the bill with an exception for emancipated minors or judicial bypass as outlined under MCL 722.904. This motion also failed.

A third motion was made to set the minimum age to 16, with other exceptions for emancipated minor and/or judicial bypass. This motion also failed.

A fourth motion was made to set the minimum age to 17, with other exceptions for emancipated minor and/or judicial bypass. This motion also failed.

A final motion was made to set only an exception for emancipated minors. This motion also failed.

As a result, Council does not have a formal position on the proposed legislation, other than it does not support the bills as currently drafted. It is possible that the Legislative Committee will revisit the issue in the future with other possible exceptions to be considered.

2. **HB 4074.** This is a bill to amend MCL 722.25 and .27a. Currently the act provides that custody disputes involving a child conceived as a result of CSC for which a parent was convicted, or is found by clear and convincing evidence to have committed acts of nonconsensual sexual penetration, the court shall not award custody to that parent. The bill would also delete an exception to the rule and prohibit the court from granting custody to a father in the event of a statutory rape (i.e. the crime is perpetrated against a 13-16 year old). The exception could also preclude minor father's from pursuing custody claims. The Committee recommended that Council oppose this bill and that the Court should retain discretion to make a best interest determination at least for situations that fall within the aforementioned exception. Council voted 16-0-3 to oppose this bill.
3. **HB 4128.** This bill seeks to eliminate the need for "Parent A" to obtain consent from "Parent B" for the name change of a minor child when "Parent B" has been convicted of first or

second degree murder. Council voted to support this bill 11-5-3.

4. **SB 72.** This bill is an address confidentiality proposal which would prohibit disclosure of a child's address under certain situations where a child has obtained a participation card in the address confidentiality program. Council voted to support this bill 13-1-5.

III. Standing Committee Reports

A. Adoption

Brief discussion on the status of a potential surrogacy bill, but nothing has been introduced yet.

B. Alternative Dispute Resolution

No report.

C. Alternative Family

No action items; committee is open to suggestions on potentially re-naming the committee.

D. Annual Meeting

No action items. Details on annual meeting will be forthcoming.

E. CLE/ICLE

No report.

F. Collaborative Law

Written report adopted after motion. No other action items.

G. Domestic Violence

A motion was made for Council to support a "confidential address" program to further protect survivors of domestic violence. A specific proposal on language was not presented to Council. However, the concept and discussion by the D/V

Committee would include a “State ID #” for service of court pleadings, in lieu of an address for personal service. A state-registry would accept court pleadings (or other documents requiring personal service), and then route these documents to the person with the “State ID#”. Council voted to support establishing a program, but did not vote on any final language or specifics regarding such a program. The vote passed 12-0-6.

H. Family Court Forum

No report.

I. Family Law Journal

Thanks given to those who continue to contribute articles; quality of the Journal has been improving with new contributors.

J. Family Law Journal Advertising

No report; status quo on advertisers.

K. Family Support

Kent Weichmann reported that the new Child Support Formula will likely implement the capital gains and depreciation issues, along with being able to opt out of the OHC designation. There may also be a restatement on the general purpose of child support.

L. Membership

There will be a student organization event/fair at UDM Law School on 3/5/19 from 1:00pm to 2:00pm; hoping to bring in some new members.

A motion was made to approve a sponsorship expense of \$350 for the Young Lawyers Summit, which will be held in Detroit this year. The motion passed 17-0-1.

Steve Reinheimer reviewed some of the new members that have joined the Section.

M. Mid-Winter/Mid-Summer Seminars

Mid-Winter: Costa Rica trip was a huge success this year.

Mid-Summer: will be 7/11-7/14 at Crystal Mountain. Most speakers are lined up, but the schedule is not official yet. The Committee welcomes any new ideas on sponsorships for events at the conference to help improve the experience for everyone involved. QDRO Express will be sponsoring a new event this year.

N. Political Action Committee

The Family Law PAC reported its balance and encouraged more donations.

O. QDRO/Taxation

No report.

P. Technology/Social Media

No report.

IV. Ad Hoc Committees

A. SCAO Forms Committee

No report.

B. Twenty Year Review

The committee is looking to create a “survey monkey” to try and gather information on how much support there is for a dedicated family law bench. This could be circulated through the listserv. The two main issues of focus for the committee are: (1) what should be the minimum criteria to sit on the bench in a family law judge; and (2) what are the barriers to success for changing the rules? Statute? SCAO?

The Committee is also looking to get the attention of the judicial appointment committee to communicate the importance of appointments to the family law bench. There is also the hope to have more dedicated family law training that is required after a judicial seat is filled.

The next committee meeting will be 3/21/19 from 12pm to 1pm. Please contact Tina Yost-Johnson and join the call if interested.

V. Announcements/NEW BUSINESS

VI. Future Meetings

2018-19 Council Meeting schedule for remainder of the year:

April 6, 2019, Weber’s Inn, Ann Arbor, Breakfast 9:00am, Meeting 9:30am
May 4, 2019, Double Tree Hotel, Novi, Breakfast 9:00am, Meeting 9:30am
June 8, 2019, Weber’s Inn, Ann Arbor, Breakfast 9:00am, Meeting 9:30am

September 2019 – Annual meeting, TBD

VII. Adjournment at 12:23pm

Respectfully submitted – Christopher Harrington