

**STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL**

MINUTES

Date: March 6, 2021
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 9:35 a.m.

B. Introduction of Council Members

The following (21) council members were present: Sean Blume, Matt Catchick, James Chryssikos, Shon Cook, Christopher Harrington, Steven Heisler, Joe Hohler, III, Jennifer Johnsen, Shelley Kester, Viola King, Peter Kulas-Dominguez, Michelle Letourneau-McAvoy, Anthea Papista, Randall Pitler, Kristen Robinson, Liisa Speaker, Amy Spilman, Gail Towne, Randy Velzen, Donald Wheaton, and Hon. Tina Yost Johnson.

The following council members were absent: None.

Ex-Officio, former council members, liaisons, non-council member committee chairs, and lobbyists present: Anne Argiroff, Kristina Bilowus, Elizabeth Bransdorfer, Stephanie Johnson, Mathew Kobliska, Joshua Pease, Steve Reinheimer, Dion Roddy, Elizabeth Sadowski and Amy Yu.

Guests present: Peter Conway, Scott Bassett, Alicia Bianchi, Keela Johnson, Melissa Kelleigh, Susan Murphy, Katelyn Schaffer, Simone Sprague, Stephanie Witucki, Kristen Wolfram, Erin Magley, Hon. Lisa Nielson, Maria Hoebeke, Chris Piatkowski and Alicia Storm.

C. Chair Report (Sahera Housey)

- Sahera Housey and Stephanie Johnson met with Justice McCormack to discuss Dedicated Family, SB 790, and Justice for All Commission. The FLS wants a seat at the table. We were directed to reach out to SCAO Director, Tom Boyd.
- We are in process of revamping the website.
- We are hosting a webinar on March 16, 2021 regarding Covid-19

Provisions.

- We hope that Council can hold an in-person meeting in June in Novi.

D. Recording Secretary Report/Approval of Minutes (Liisa Speaker). Liisa circulated council meeting minutes for the January 9, 2021 meeting. Tina Yost-Johnson moved to approve, seconded by Randy Velzen. **Passed unanimously. 20-0-0.**

E. Corresponding Secretary. (Kristen Robinson). No report.

F. Treasurer's Report (Shelley Kester). She circulated the four-month ending report as of January 31, 2021. Expenses and revenue are down, but the ending balance is higher. Shelley Kester moved to approve the report, and Chris Harrington seconded. **Passed unanimously 20-0-0.**

II. Key Committee Reports

A. Amicus – Anne Argiroff/Gail Towne. Reported that there are 6 pending cases that FLS is participating in as Amicus.

1. The Committee is working on amicus briefs for *Pohlman*, *O'Brien*, and *Foster*. The Section already filed its amicus brief in *Orta*.
2. Scott Bassett filed an amicus brief in *Veritas* on March 2, 2021 on behalf of the AAML and FLS.
3. *Perry v DHHS* – Central registry expungement issue is on delayed application at the Court of Appeals. Amicus Committee recommended that we file a joint brief with Children's Law Section if CLS agrees with the Amicus Committee's recommendation to support the mother getting off the central registry. If not, Amicus Committee recommends we write our own amicus brief. Gail Towne moved and Shon Cook seconded the recommendation of the Amicus Committee. Discussion to look at the central registry process from all sides. **Passed Unanimously 21-0-0.**

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

- **Proposed MCR 2.226 for change of venue.** The Court rule has been adopted.
- **Proposed amendment to MCR 3.906 on the use of restraints on juveniles in court proceedings.** The court rule is scheduled for public hearing on March 24, 2021.

C. Legislation –Jim Chryssikos/Randy Velzen. Jim Chryssikos reported.

- Child marriage bills, repealing the secret marriage act, and banning all marriage under the age of 18 under all circumstances. Legislation Committee recommended that FLS adopt the under 18 ban, but request modification for minors between the ages of 16-18, so that a family court judge could authorize the marriage if there was a compelling reason to do so, have an LGAL do fact finding and report to court, and have the family court determine if the request to marry is free of coercion and compelling necessity, except for emancipated minors. Jim Chryssikos moved and Randy Velzen seconded that FLS adopt the Legislation Committee recommendation. Lengthy discussion ensued on all aspects of the proposed bill and Committee recommendation, including LGAL vs GAL, the compelling necessity standard, and the absolute bar or general bar with exceptions.
 - a. Friendly Amendment by Steve Heisler regarding appointment of a GAL or LGAL. More discussion on compelling necessity versus best interest standards. Discussion about clear and convincing evidence standard. Friendly amendment declined.
 - b. Friendly amendment by Randy Pitler to require that minor is mature and well informed enough to make decision. Friendly amendment denied.
 - c. Friendly amendment by Chris Harrington to employ a clear and convincing evidence standard for the best interest of the minor. Friendly amendment accepted, seconded. More discussion about compelling reason and presumption is against marriage under 18. Discussion of census data, judicial bypass language from MCL 722.904(3).
 - d. Friendly amendment by Kristen Robinson that the statute allow an LGAL and/or GAL. Amendment accepted and seconded.
 - e. Friendly amendment by Steve Heisler that if a GAL is appointed, the GAL must be an attorney. Friendly amendment accepted and seconded.

Council voted on the Legislation Committee recommendation with 4 friendly amendments. **Motion fails 8-13-0.**

Don Wheaton moved to support bill as written, Shelley Kester seconded (absolute ban under 18 with no exceptions). **Motion fails 4-16-1.**

Don Wheaton moved to refer the issue back to Legislation Committee. Shelley Kester seconded. Discussion about the topics we want the Committee to consider the following: who has standing to request and object, the showing required to obtain permission to marry, the burden of proof, the standard of proof, and the LGAL/GAL aspect.

- Anti-trolling bill. Adjourn until next month.

1. **Surrogacy Subcommittee.** Stephanie Johnson reported on surrogacy bill. The Grand Rapids case has generated legislative interest. Stephanie Johnson wants to obtain the right bill sponsor. Bipartisan and bicameral intent to take this issue on. There will also be considerable opposition. The bill will be introduced within the next month. Elizabeth Sadowski reported that there is an amazing cadre of grass roots supporters, but we want to time their participation to maximize the chances of the bill passing.
2. **Post-Minority Support** – Jim Chryssikos adjourned report until next meeting.

III. Standing Committee Reports

- A. **Adoption** – Dion Roddy. Dion reported about ongoing revisions to Section 45.
- B. **ADR/Collaborative** – Randy Pitler. Randy reported working with Domestic Violence Committee on new FOC protocols. There is inconsistency with FOC's on domestic violence screening and we are trying to develop recommendations for consistent standards.
- C. **Annual Meeting** – Chris Harrington reported. The annual meeting is scheduled for 9/18/21, and we hope it will be in-person.
- D. **CLE/ICLE** – Shon Cook/Liz Bransdorfer. Shon reported that planning for the 2021 FLI is underway. Save the date for November 18-19, 2021. There will be a plenary session on parenting time guidelines. ICLE is planning for FLI to be in-person with a recording. ICLE requests that FLS sponsor new lawyer attendance at \$2,500 (which secures a vendor table for FLS) and also sponsor an additional \$2500 for 13 legal service scholarships.
 - Shon moved to sponsor new lawyer attendance \$2500 and Tina Yost-Johnson seconded. Discussion. **21-0-0 Motion carries.**
 - Shon moved to offer \$2500 legal services scholarships. Seconded by Tina Yost-Johnson. **21-0-0 Motion carries.**
- E. **Dedicated Family Court** – Tina Yost-Johnson/Liz Bransdorfer. Tina Yost-Johnson reported on Scott Bassett's letter to the Supreme Court about the Justice for All Commission not including family law attorneys.
- F. **Domestic Violence** – Rebecca Shiemke. No report.
- G. **Family Court Forum** – Sahera Housey. No report.

- H. Family Law Journal** – Anthea Papista/Amy Spilman. No report.
- I. Family Law Journal Advertising** – Sean Blume. No report.
- J. Member Education and Public Relations** – Shelley Kester/Liisa Speaker. No report.
- K. Membership** – Steve Reinheimer/Steve Heisler. No report.
- L. Midwinter/Midsummer** – Kristen Robinson/Liz Bransdorfer/Steve Reinheimer. Steve Reinheimer reported that he is working on the contract with Crystal Mountain for the July 29 - August 1, 2021. March 29-30 is first day to reserve room, and by mid-April we can start registering with SBM. Kristen Robinson reported that she is in the process of sending out proposal for Virgin Islands for the mid-winter seminar 2022.
- M. Political Action Committee** – Matt Catchick reported on fund balance.
- N. QDRO/Taxation** - Bob Treat. No report.
- O. Listserv/Website** - Elizabeth Sadowski/Steve Heisler. Steve reported on updates to the website and we will now include a subpage for each committee. Committee chairs are asked to fill in the template for this update.

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. Shelley reported that Supreme Court promulgated parenting time guidelines.
- D. Children’s Law Section** - Josh Pease. Josh reported April 22, 2021 webinar on central registry.
- E. LGBTQA Section** - Peter Kulas-Dominguez. Peter reported MJJ Conference May 6-7, 2021 LGBTQA selected as presenter on cultural competency.
- F. Probate and Estate Planning Section** - Anthea Papista. No report.
- G. State Bar Board of Commissioners** - Kristina Bilowus. Kristina reported (in absentia) BOC wants to meet in person by June meeting. BOC still has not taken up approval of our bylaws proposals from 2020.
- H. Young Lawyers.** Kristina reported that they are preparing for their conference

in the Fall.

V. Announcements/New Business.

- Steve Reinheimer reported Carlo Martina's father is in the hospital and not doing well.

VI. Adjournment.

Motion to adjourn by Chris Harrington seconded by Randy Velzen. Motion approved unanimously **21-0-0**. The meeting concluded at 12:00p.m.

Respectfully submitted,

Liisa Speaker,
Recording Secretary.