

**STATE BAR OF MICHIGAN
FAMILY LAW COUNCIL**

MINUTES

Date: April 10, 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 9:33 a.m.

B. Introduction of Council Members

The following (20) council members were present: Sean Blume, Matt Catchick, James Chryssikos, 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: Shon Cook.

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, Christine Piatkowski, Elizabeth Sadowski, Ross Stancati and Kent Weichman.

Guests present: Jason Blevins, Peter Conway, Roquia Draper, Jade Edwards, Jordan Heeld, Melissa Kelleigh, Kay Schwarzeberg, Casey Stiteler, Pamela Wall, Stephanie Witucki, Keela Johnson, and Jeff Kirkey.

C. Chair Report (Sahera Housey)

- Sahera Housey reported that we will not be able to hold an in-person meeting for June.
- Sahera and Stephanie Johnson met with Tom Boyd and he was very encouraging and willing to include our section at the table.
- We hosted a webinar on March 16, 2021 regarding Covid-19 Provisions, and it was a success.

D. Recording Secretary Report/Approval of Minutes (Liisa Speaker). Liisa circulated council meeting minutes for the March 6, 2021 meeting. Tina Yost-Johnson moved to approve, seconded by Kristen Robinson. **Passed unanimously 20-0-0.**

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

F. Treasurer's Report (Shelley Kester). Shelley circulated the February 2021 report. Shelley Kester moved to approve the report, and Don Wheaton seconded. **Passed unanimously 20-0-0.** Shelley Kester moved to approve the March 2021 report, and Don Wheaton seconded. **Passed unanimously 20-0-0.**

II. Key Committee Reports

A. Amicus – Anne Argiroff/Gail Towne. Gail reported there are no action items.

1. Gail reported that *O'Brien v D'Annunzio* is scheduled for oral argument in May.
2. Anne reported about the *In re Orta* oral argument in April. It looks favorable to treat guardianships as a continuous proceeding.
3. Christine Piatkowski reported that the Children's Law Section had not developed a position yet for *Perry v DHHS*.

Court Rules – Jenny Johnsen/Peter Kulas-Dominguez. Peter and Jenny reported about committee meeting. Several ADMs that were more appropriate for Children's Law Section. ADM 2019-09 had housekeeping changes but had already been adopted.

- **ADM 2020-37 regarding MCR 1.109 for e-filing to keep email address updated.** Peter moved that Council support the Committee recommendation to support ADM 2020-37. Peter moved and Don Wheaton seconded. **Passed unanimously 20-0-0.**
- **Proposed letter regarding amendment to MCR 3.613 related to name change for transgender individuals.** The rule requires public notice, which may exist to protect creditors, but could also be used negatively by employers, hate crimes and so on. Jenny moved to sign on to the letter, Tina seconded. **Passed unanimously 20-0-0.**
- MiFile system for e-filing and notification of items being filed years later. The committee wants to do more investigation on this issue. Rebecca Shiemke met

with Angela Tripp to proposed changes to MiFile. Anyone can add themselves to MiFile and obtain access to file.

- Case codes for certain cases. New case code needed for UCCJEA cases. The committee proposed requesting SCAO to create a new case code for UCCJEA cases. Jenny moved, and Sean Blume seconded. **Passed unanimously 20-0-0.**
- Filing multiple count domestic action with a jury demand. Keela Johnson had some problems with the jury demand being rejected. A new case code may be in order for this situation and the committee wants to work with SCAO to solve the problem. Jenny moved, and Sean Blume seconded. **Passed unanimously 20-0-0.**

B. Legislation –Jim Chryssikos/Randy Velzen. Jim Chryssikos reported on child marriage and HB 4194. Randy reported on central registry.

- **Child marriage bills**, repealing the secret marriage act, and banning all marriage under the age of 18 under all circumstances. Legislative Committee reconvened to discuss Council's informal position that we wanted a judge to be able to approve the child marriage in certain circumstances. The Legislative Committee recommended that the child should have the burden of proof. As to the standard of proof, the committee recommended that an emancipated child would meet the standard, and a child who also met the emancipation standard would qualify for child marriage, including that the child is financially self-sufficient (which does not include the financial support of the proposed spouse). The child should also have to demonstrate why there is a compelling reason the child cannot wait until he/she is 18 years old. The Committee also discussed whether a court should appoint an LGAL or GAL. The Committee preferred a GAL who could investigate and make a recommendation to the court, for example, to ensure that the child is free of coercion. The Committee also recommended that the GAL be an attorney licensed in Michigan. Jim moved to adopt the slate of committee recommendations, and Don Wheaton seconded the committee recommendation. Kristen Robinson made a friendly amendment for a judge to find that the child is free of coercion. Jim accepted and Don seconded the friendly amendment. Council discussed the proposal. **Motion passed 19-0-1.**
- **HB 4195. Anti-trolling legislation.** The court will not make public a divorce filing until a proof of service has been filed with the court. The Committee suggested amendments to the bill: the bill should apply to all domestic cases, not just divorce filings. The bill should include a suppression of all case-initiation documents, not just the complaint for divorce. The suppression should continue for 42 days or until a proof of service is filed with the court, whichever is earlier. Jim moved, and Don Wheaton seconded the Committee recommendation. Discussion on the impact of ex parte orders. Orders cannot be suppressed, only party filings. **Motion passed**

18-1-1.

- **Draft Central Registry bill.** The Committee discussed what the central registry bill should look like. Josh Pease reported his personal position is that the central registry legislation is good, and if anything does not go far enough. But it is a definite improvement to the current proposal. There is nothing for Council to vote on today. The Committee plans to contact the bill sponsor, David LeGrand. Sahera appointed Josh Pease to join that work group for the Section. Stephanie Johnson will also look into whether additional council members Viola King and Sean Blume could participate as well.
- Premarital and post marital agreements. Randy reported a proposed bill on post marital agreements. Jim and Elizabeth Sadowski agreed to meet with the bill sponsor. There are uniform acts for both premarital and post marital agreements.
- 1. **Surrogacy Subcommittee.** Elizabeth Sadowski recapped the status of Michigan law. Stephanie Johnson reported on the surrogacy bill. There has been a lot of work done on this issue. We are working on trying to select which legislators will be the best sponsors for this bill in both the House and Senate.
- 2. **Post-Minority Support Subcommittee – No report.**

III. Standing Committee Reports

- A. **Adoption** – Dion Roddy. Report in agenda packet.
- B. **ADR/Collaborative** – Randy Pitler. Randy reported working with Domestic Violence Committee on new FOC protocols. Randy and Rebecca Shiemke had a good meeting with Tim Cole from FOCB. The committee also discussed the fact that most family law attorneys have not had domestic violence training. The committee suggested that the Section host a webinar on the topic.
- C. **Annual Meeting** – Chris Harrington reported. The annual meeting is scheduled for 9/18/21. Marcy Lay recommended that we not reserve space at this time.
- D. **CLE/ICLE** – Shon Cook/Liz Bransdorfer/Steve Reinheimer. Jeff Kirkey reported that work continues for the 20th annual family law institute. We are on track for an in-person meeting with recordings for those who cannot attend in person. Save the date for November 18-19, 2021.
- 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. Scott did not receive a response to his letter. 80% of self-represented persons are

in family law cases. Judge McCarthy volunteered to serve on the Justice For All Commission. Some of the current seats are expiring in December. Tina moved that council to write letter to Justice McCormack nominating and recommending Judge McCarthy to the commission, and Shelley Kester seconded. Steve Heisler made a friendly amendment that the request come as soon as an opening comes available. Tina accepted, and Shelley seconded the friendly amendment. **Motion passed 19-0-0.**

- Tina reported on the judicial qualifications committee and the lack of family law representation. Request that the Chair establish a judicial qualifications nominating committee to recruit and recommend members for the State Bar Judicial Qualifications Committee and send recommendation to the incoming State Bar President and further that not less than 3 members of family law section and one of which must also be a member of the Children's Law Section. The committee could be expanded down the road to make recommendations for other state bar committees and governor task forces. Sahera approves the formation of the committee. Liz Bransdorfer proposed that we send e-blasts when new volunteer opportunities arise.

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. Sean reported that advertising dollars have increased.

J. Member Education and Public Relations – Shelley Kester/Liisa Speaker. Shelley reported that our committee will meeting the third Friday of the month. The committee will also work with Randy Pitler on domestic violence training.

K. Membership – Steve Reinheimer/Steve Heisler. No report.

L. Midwinter/Midsummer – Kristen Robinson/Liz Bransdorfer/Steve Reinheimer. Liz Bransdorfer reported that we have a signed contract with Crystal Mountain and registration will go live next week, along with the room reservation link. The committee would like to send several e-blasts between now and the conference. The conference is July 29 - August 1, 2021. Kristen Robinson reported that she is experiencing challenges with the mid-winter 2022 seminar for U.S. Virgin Islands and other possible locations with refundability or cancellation policy.

M. Political Action Committee – Matt Catchick reported on fund balance.

N. QDRO/Taxation - Jenny Johnsen. No report.

O. Listserv/Website - Elizabeth Sadowski/Steve Heisler. Steve reported on website updates. He needs an email list of committee chairs so he can request information for the website.

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. No report.

D. Children’s Law Section - Josh Pease. No report.

E. LGBTQA Section - Peter Kulas-Dominguez. No report.

F. Probate and Estate Planning Section - Anthea Papista. No report.

G. State Bar Board of Commissioners - Kristina Bilowus. We are still waiting for the bylaws to be voted on.

H. Young Lawyers. Kristina Bilowus. No report.

V. Announcements/New Business.

- Elizabeth Sadowski proposed that we reach out to legislators who are attorney. Stephanie Johnson said she can make sure attorney legislators receive any letter drafted by Council that we are here to help and create a relationship with them. Council members should feel free to reach out to any attorney legislators they know.

VI. Adjournment.

Motion to adjourn by Steve Heisler, seconded by Gail Towne. Motion approved unanimously **20-0-0**. The meeting concluded at 11:24 a.m.

Respectfully submitted,

Liisa Speaker,
Recording Secretary.