

**MINUTES – FAMILY LAW SECTION
COUNCIL MEETING**

Date: May 5, 2018

Place: University Club, Lansing

I. Administrative matters

A. Call to Order and Welcome

The council was called to order by Kent Weichmann.

The following (18) council members were present: Sean Blume, Elizabeth Bransdorfer, Matt Catchick, Shon Cook, Mike Golematis , Christopher Harrington, Sahera Housey, Jim Chryssikos, Jennifer Johnsen, Shelley Kester, Vanessa Moss -Wilson, Anthea Papista, Steven Reinheimer, Kristen Robinson, Amy Spilman, Randy Velzen, Kent Weichmann, and Hon. Tina Yost-Johnson.

Council members absent: Mathew Kobliska, Peter Kulas -Dominguez, and Robert Treat.

Ex-Officio and former council members: Elizabeth Sadowski, Ross Stancati, Carlo Martina, Karen Sendelbach, and Barb Kelly.

Guests: Steve Heisler, Zach Meza, Kanika Ferency, Emily Calabrese, Dion Roddy, Stephanie Johnson, Kristina Bilowus, and Joe Hohler.

B. Introductions.

C. Chair Report:

1. There will be a presentation at the NEXT Conference Annual Meeting addressing the intersection of Family Law and Immigration. This will be a special presentation during the annual Family Law Section meeting on Thursday morning, September 27, 2018.
2. The conference call lines are being switched by the State Bar to save costs. Committees should be updating their contact information to reflect the new conference call number: 877-352-9775 and the conference code is 1484302637#.

D. Approval of Minutes

Chris Harrington made a motion to approve the April 7, 2018 minutes. The motion was seconded and was passed.

E. Treasurer's Report/Finance Committee

A motion was made to approve the Treasurer's Report. The motion passed.

F. Corresponding Secretary

No report.

II. Key Committee Reports

A. Amicus – no report

B. Court Rules –

1. **ADM File No. 2017 -20.** This proposal seeks to clarify what constitutes a final post-judgment order in a domestic relations case for purposes of appeal by right. This would modify MCR 7.202(6)(a)(iii) so that a “final order” includes: “a postjudgment order that, as to a minor, grants or denies a motion to change legal custody, physical custody, domicile, parenting time, grandparenting time, school enrollment or religious affiliation; or authorizes or denies medical or mental health treatment.” The current law only allows an appeal of right for cases that “affect custody.”

This is a proposal that family law appellate practitioners have been seeking for a number of years. It was stated at the Committee meeting that the proposal is effectively how the appellate rules used to be written. There is excessive litigation and costs spent on what issues “affect custody.” This rule would seem to clear that up.

Recommendation to Council: Council voted 18 -0 to support the amendment as written.

2. **Court Rules Co -Chair.** Jennifer Johnsen has been appointed Co -Chair of the Court Rules Committee.

C. Legislation –

1. **HB 4891 .** This proposal would decriminalize eavesdropping by a parent against their minor children, with some specific exceptions. The Committee recommended that the bill be

supported with some adjustments to one of the exceptions. After a friendly amendment was made, but not accepted, council voted to “table” this to the next meeting to work on some amendments to the proposal and bring it back to Council for a new vote.

2. **SB 937.** This bill creates a new act to be known as the “extreme risk protection order act” allowing seizure of a defendant’s firearms on an expedited (*ex parte*) basis. The Legislative Committee recommends that Council support this bill. After discussion and a vote, Council did not support this bill, with a vote of 4 in favor, 11 opposed, and 1 abstention.

D. Shared Parenting Bill

1. Barb Kelly provided an update on the status of this Committee, which has evolved into two competing approaches for a custody/shared parenting bill which would serve as an alternative to HB 4691. For purposes of the vote at this Council meeting, and to provide a reference label to these two tracks, the first track is labeled the “Comprehensive bill” and the second track is labeled the “Simple bill.

Barb Kelly requested a vote from Council to give a recommendation on which track should be pursued, drafted in final, and brought to Council for a vote.

There was an extensive discussion on the pros and cons of each track. A majority of Council members and guests provided input and comments on what may be the best approach.

Council voted to 12 -6 to direct the Committee to pursue the “Simple” bill option. Barb Kelly hopes to have the Committee prepare a draft for Council review at the next meeting.

III. Standing Committee Reports

A. Adoption

A written report was submitted by Dion Roddy. Also, there is an amendment to the adoption code in the form of SB 911 which address 2nd parent adoption for non-married couples. The Committee is discussing this amendment and may be bringing it to Council in the near future.

B. Alternative Dispute Resolution

No report.

C. Alternative Family

No report.

D. Annual Meeting

No report. Reserve your rooms now because this is Art Prize weekend.

E. CLE/ICLE

The Family Law Institute is in the planning stages for FLI 2018.

F. Collaborative Law

No report.

G. Domestic Violence

No report.

H. Family Court Forum

Reminder: It will be 6/8/2018 at Travis Pointe Country Club. Topic will be: “Children Who Resist Parenting”

I. Family Law Journal

J. Family Law Journal Advertising

Journal is offering a 5% discount for advertisers who pre-pay for a full year.

K. Family Support

No report.

L. Membership

Young Lawyers Summit is scheduled for 6/15 – 6/17 at Boyne Highlands; the FLS will be a “silver” sponsor this year. Shelly Kester will be presenting on the “ABC’s” of Divorce.

M. Mid-Winter/Mid-Summer Seminars

Mid-Winter: Kristen Robinson is working on online registration issues for 2019 conference. There are a limited number of spots and online registration process will need to coordinate this.

Mid-Summer: Reminder: will be 7/19 -7/22 at Boyne Mountain. Online registration is available.

N. Political Action Committee

Credit card payments can now be accepted.

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

There is a legislative proposal by Rep Runestad to have a dedicated family law court.

C. Public Relations Committee

No report.

D. Judicial Response Committee

No Report

E. Self-Represented Litigants

No Report

V. Announcements/NEW BUSINESS

VI. Future Meetings

2017-18 Council Meeting schedule for remainder of the year:

June 2, 2018 – Lansing

September 27, 2018 – Grand Rapids

VII. Adjournment at 11:38am

Respectfully submitted – Christopher Harrington & Sahera Housey