

**MINUTES – FAMILY LAW SECTION  
COUNCIL MEETING**

**Date: June 4, 2016**

**Place: Weber's Inn, Ann Arbor**

**I. Administrative matters**

**A. Call to Order and Welcome**

Chair Carol Breitmeyer welcomed everyone and called the meeting to order at 9:30 am. Fifteen council members were present: Dan Bates, Liz Bransdorfer, Carol Breitmeyer, Jim Chryssikos, Chris Harrington, Sahera Housey, Matt Kobliska, Peter Kulas, Vanessa Moss-Wilson, Anthea Papista, Amy Spilman, Bob Treat, Randy Velzen, Kent Weichmann and Tina Yost.

Matt Catchick and Steve Reinheimer were excused because they were attending the Young Lawyers Summit as representatives of Council.

Ex-Officio and former council members: Anne Argiroff, Barb Kelly, Rebecca Shiemke and Ross Stancati.

Guests: Stephanie Benedict, Stephanie Johnson, KRKM Pat Ouillette and Justine Sylvester.

**B. Chair Report**

Carol reported that she had appointed Matt Kobliska to a SCAO work group that will be looking at amending the Court Rules, Rules of Professional Conduct and Rules of Evidence in light of the Collaborative Law Act. They have had one meeting so far, two more are planned, and it could be a big overhaul of these rules. Also, there is no activity in the Dower workgroup, where Council is represented by Randy Velzen.

**C. Approval of Minutes**

Liz Bransdorfer moved for approval of the minutes of the May, 2016, meeting as circulated. Sahera Housey seconded and the motion carried.

**D. Treasurer's Report/Finance Committee**

Kent had circulated the reports from the State Bar through the end of April. He added the oral highlight that the Section account balance is at about \$182,000.

## II. Key Committee Reports

### A. Legislation

Senate Bill 925 would limit advertising for adoption services. It is aimed at situations where adoptive parents want to re-place an adopted child without court involvement. It was written too broadly and would also apply to initial adoptions and limits access to common adoption web-based profile sites. The Legislative Committee recommends that Council oppose the bill as written and offer to work with the sponsor to revise it. Kent Weichmann moved adoption of the Committee recommendation. Bob Treat seconded and the motion carried 14-0.

Substitute for Senate Bill 858 would amend ROPA to allow a mother to revoke paternity of the father of a child conceived by a non-consensual sex act, unless the parents cohabit with the child and establish a mutual custodial environment. This is an improvement from the original bill but still does not address why a rapist should be able to avoid child support. Kent reported that the substitute bill has been passed and is awaiting the Governor's signature.

Substitute for House Bill 5536, concerning the assignment of parenting time while a parent is unavailable due to active duty, addresses many of the issues Council raised. It gives the Court authority to award all or part of the parenting time to a family member, rather than the prior all or nothing approach, and requires a showing that the assigned family member would support a continuing relationship with the absent parent and their family. It also provides for termination or modification of the order. The Committee believed that these changes did not overcome the basic problem with placing a child with a non-parent rather than a parent and recommended continues opposition. Kent Weichmann moved adoption of the Committee recommendation. Dan Bates seconded and the motion carried 13-1-0.

Carol Breitmeyer reported that the Michigan Law Revision Commission is continuing to work on changes necessitated by Obergefell. Richard McClelland is in charge and Peter Cunningham indicated that they want our input on the draft. Part 1 concerns statutes that need to become gender neutral, but no other changes. Part 2 has a policy aspect, has the Commission identified all of the statutes (probably not) and is their "fix" appropriate. The proposal is to expand the work group to go over the report and propose improvements. Carol reached out to Meredith Cohen, Mr. Katz's (**is this the right name**) assistant. One specific topic is the discussion of who owes child support as a parent in a same sex unmarried situation.

### B. Court Rules

Chris Harrington submitted a written committee report, which included the Supreme Court's approval of amendments to MCR 2.305 and 2.306 following the public hearing. Amendments are effective September 1, 2016.

ADM 2013-18 would expand video conferencing for additional types of hearings including PPOs. Since there is a consent requirement, procedural protections in case of contempt findings would be in place. The Committee recommended approval. Chris Harrington moved adoption of the recommendation to support the amendments. Kent Weichmann seconded and the motion carried 14-1-0.

### **C. Amicus**

Anne Argiroff reported that the Supreme Court decided to remand two key issues in Allard – whether the parties may waive the court’s statutory power to order invasion of separate property and, if so, whether the parties did that in this case. The Court also affirmed on the LLC issue, but the scope of precedent is unclear. The power of the parties to waive the court’s statutory power to set spousal support in a prenuptial agreement was not addressed.

The Section was invited to brief the remanded issues on remand and will do so, taking the same position that Council previously approved.

## **III. Standing Committee Reports**

### **A. Adoption**

Stephanie Benedict reported that the Committee met on May 18, but she was unable to attend that meeting. They discussed SB 925 and that it is important that individual families, not just agencies, be available options. This is consistent with the position Council took on the Legislation.

Dick Halloran also noted HB 4911, which has passed the House and is awaiting action in the Senate. It would give courts the right to call in the mother if there was insufficient information in the verified declaration to identify the putative father.

### **B. Alternative Dispute Resolution**

Randy Velzen submitted a written report and highlighted that the Committee is working on ways to encourage mediators to use domestic violence screening protocols – including a statute to make it mandatory. He asked Council members to help spread the word.

### **C. Alternative Family**

Peter Kulas reported that there has been no committee meeting since the last Council meeting. He has looked at the Michigan Law Revision Commission Special Report. The Committee will review to identify any needed changes.

**D. Annual Meeting**

Annual meeting is still September 22, in Grand Rapids, with the dinner on the 21st. Dinner is at the Amway. Carol encouraged people to make their reservations early.

**E. CLE/ICLE**

No report

**F. Domestic Violence**

Dan Bates reported that there is an issue of potential liability with the domestic violence screening requirement if there is post-screening injury such as a settlement based on coercion. The Committee is looking at what options are available where there is domestic violence or a power imbalance happens, to help the victim and protect mediators (while retaining neutrality) and there will be a session on this at the Family Law Institute.

**G. Family Court Forum**

Barb Kelly reported that 223 signed up for the Forum, on the topic of Never-married parents. There is some money left due to their sponsors.

**H. Family Law Journal**

The Journal has come a long way with the transition to electronic format. The possibility of doing fewer issues was introduced. It would allow for more structure and the ability to not take everything that comes in. The effect on advertisers and revenue needs to be considered. The ability to do a mid-term eBlast or a resource guide and advertiser index were also mentions.

**I. Family Law Journal Advertising**

No report

**J. Family Support**

Friends of the Court are now required to use the child support calculator imbedded in MiCSES, called MiChildSupportCalculator. The state is working on making a version of MiChildSupportCalculator available to the public to allow parties and attorneys to use the same calculator that the Friend of the Court uses.

**K. Membership**

Steve Reinheimer was excused due to the Young Lawyers event. He has already posed a photo on the Section Facebook page from that event.

**L. Political Action Committee**

Ross Stancati reported that there is just under \$27,000 in the account and there have been no requests for funds in the past month. There is a proposal coming soon on events and expenditures. They are looking at using “Shopify” to allow payment to PAC through Facebook.

**M. QDRO/Taxation**

No report. Bob Treat noted that the pro bono QDROs are still being done at about the same rate.

**N. Technology/Social Media**

No report.

**O. Mid-Winter/Mid-Summer Seminars**

Mid-Winter – no report.

Mid-Summer – at Grand Traverse Resort July 28-31. Space still available.

**IV. Ad Hoc Committees**

**A. SCAO Forms Committee**

No report.

**B. Comments from Rep Assembly, SBM/ICLE attendee**

No report.

**C. Ad Hoc Committees: PR Committee “Mandatory 50/50 Update**

No report.

#### **D. “ART” Committee of Probate Section**

Pat Ouellette reported that this committee is looking at the issue of children born after the death on 1 bio-parent. They would like the Family Law Section/Council to be involved in the meetings/discussion. There is a work group headed by chair Nancy Wagner, with Prof Wagner and others. Anyone interested can email Pat at [pouellette@borpc.com](mailto:pouellette@borpc.com)

#### **V. Announcements**

Carol Breitmeyer noted there is a volunteer opportunity to participate in the unbundling summit on June 20. Contact her if you are interested and willing.

Tina Yost reported that she is running for Circuit Court Judge in Calhoun Count and encouraged everyone to spread the word why it is important to have judges with experience in family law.

#### **VI. Future Meetings**

2016-17 Council year meeting schedule

September 21, 2016, annual dinner for council members and past chairs, Amway Grand Plaza, Grand Rapids

September 22, 2016, annual meeting and elections, brief council meeting, DeVos Place, Grand Rapids

October 8, 2016, Weber’s Inn, Ann Arbor

November 11, 2016, Suburban Collection Showplace, Novi (following FLI)

December 10, 2016, Doubletree, Novi

January 21, 2017, University Club, Lansing

February 4-11, 2017 Mid-winter, no council meeting

March 4, 2017, Doubletree, Novi

April 1, 2017, Amway Grand Plaza, Grand Rapids

May 6, 2017, Weber’s Inn, Ann Arbor

June 3, 2017, University Club, Lansing

#### **VII. Adjournment**

The meeting adjourned at 11 a.m.

Respectfully submitted – Liz Bransdorfer