

**MINUTES - FAMILY LAW SECTION
ANNUAL MEETING
Date: September 18, 2014
Place: DeVos Center, Grand Rapids**

I. Administrative Matters

- A. Call to Order - Outgoing Chair James Harrington III called the annual meeting to order at 9:00 a.m., and asked for nominations for Council membership.
- B. Each nominated candidate was allowed a three minute presentation.
- C. Annual Elections - Nine candidates stood for eight council positions; seven three-year terms and one one-year term.

II. Key Committee Reports/Review of 2013-14 and Current Issues

- A. Council Chair Report – Jim Harrington reviewed the many accomplishments of the Section over the past year, and noted the challenges to the Section's first amendment right to present its views on legislation and court rules.
- B. Legislation – Kent Weichmann reviewed legislative activity during the past term, including several council initiatives.
- C. Court Rules – Matthew Kobliska gave a brief overview of court rule activity in the past term.
- D. Amicus – Anne Argiroff reviewed the amicus briefs filed on council's behalf during the last term.

III. Election Results

Terms ending 9/2017:

Carol Breitmeyer
Dick Halloran
Matthew Kobliska
Stephen Reinheimer
Rebecca Shiemke
Amy Spilman
Vanessa Moss-Wilson

Term ending 9/2015:

Colleen Markou

Liz Sadowski sadowski@mindspring.com reminded council members to provide her with their email addresses so that she can update the Council email group.

IV. Adjournment of Annual Meeting

New Chair Rebecca Shiemke thanked Jim Harrington for his outstanding service to council. Annual meeting adjourned and council meeting called to order.

**MINUTES - FAMILY LAW COUNCIL
COUNCIL MEETING**

Date: September 18, 2014

Place: DeVos Center, Grand Rapids

I. Call to Order

A. Incoming Chair Rebecca Shiemke called Council to order.

19 council members were present: Rebecca Shiemke, Carol Breitmeyer, Dick Halloran, Kent Weichmann, Daniel Bates, Elizabeth Bransdorfer, J. Matthew Catchik, Jr., Christopher J. Harrington, Sahera Housey, Mathew Kobliska, Vanessa Moss-Wilson, Colleen Markou, Anthea Papista, Steven Reinheimer, Kristen Robinson, Amy Spilman, Gail Towne, Robert Treat, Randall Velzen

Guests: Elizabeth Sadowski, Ross Stancati

II. Election of Officers

A. Recording Secretary

Bob Treat was the sole candidate, and was elected unanimously.

B. Corresponding Secretary

Former Recording Secretary Kent Weichmann was the sole candidate, and was elected unanimously.

C. Treasurer

Former Corresponding Secretary Dick Halloran was the sole candidate, and was elected unanimously.

D. Chairperson-Elect

Former Treasurer Carol Breitmeyer was the sole candidate, and was elected unanimously.

E. Chairperson

In accordance with bylaw 4.3, Chairperson-Elect Rebecca Shiemke ascended to Chairperson of the Family Law Section.

III. Committee Report

A. Legislative Committee

Kent Weichmann asked Council to take positions on the following bills:

SB 980 is part of a package of bills designed to combat domestic violence. This bill seeks to prevent disclosure of a protected party's address on appeal by requiring the other party to provide extra copies of pleadings to the appellate court with a request that the appellate court serve the other party. The bill states that the court will serve the protected party as provided by court rule, but doesn't specify the rule, or how the appellate court will know how to serve the protected party. **The committee recommends that Council support the principle of this bill, but to oppose this version until it is modified to specify the mechanism of service. Council adopted the recommendation 19-0.**

SB 981 is a bill that protects victims of domestic violence by preventing direct solicitations of legal service until 30 days after proof of service is filed in a divorce complaint. The committee felt that solicitation need not be forbidden after the defendant is served, and that 28 days from the date of filing was a reasonable window to allow the entry of protective orders and to allow service in an appropriate manner. We also felt that the penalties should be more moderate; up to \$1,000 for the first offense, and up to \$2,500 for subsequent offenses **The committee recommends that Council support this bill with those amendments. Council adopted the recommendation 19-0.**

SB 1015 expands the protections of the Service Members Civil Relief Act of 2003 in custody and parenting time actions to remove any discretion from the trial judge. Although the bill seems to allow temporary modifications of custody and parenting time, in practice these would not be available because a stay is mandated in all cases (unlike the balancing test of the SCRA). The stay would prevent any action by the court. The effect of this act would be to allow third parties to take custody of children instead of a parent. The act also requires trial courts to request a review by the State Court Administrative Office any time a stay is denied. This is not an appropriate role for the SCAO.

The committee thought this bill would compel unfair results for children in many cases and unconstitutionally elevates third party rights to children over parental rights. We believed that the Uniform Deployed Parents Custody and Visitation Act provided a more balanced approach, and should be considered as an alternative. **The committee recommends that Council oppose this bill. Council adopted the recommendation 19-0.**

HB 5652 prevents the court from ordering mediation in domestic violence cases unless the parties stipulate to mediation. The act further provides that the PPO itself may not be mediated, even if the parties agree. **The committee recommends that Council support this bill. Council adopted the recommendation 19-0.**

HB 5654 creates an address confidentiality program within the attorney general's office. A party in need of protection as defined in the act could apply to participate in the program, which would require the individual to be served through the attorney general's office. This would provide a useful remedy for individuals who have no other means to furnish an alternative address for service. The committee was concerned that this process may delay the individual actually receiving pleadings, and we recommend that the act provide for an additional five days for service under this act.

The committee recommends that Council support the bill with that amendment. Council adopted the recommendation 19-0.

HB 5655 provides that an employee is not disqualified from unemployment benefits if they can establish that the reason for leaving work is due to domestic violence. This helps victims of domestic violence escape their abusers. The opposing concern is the cost to an employer who has no role in the domestic violence. A study by the National Employment Law Project showed that in the 26 states (plus the District of Columbia) which have enacted this legislation, the costs have been minimal. States with domestic violence unemployment insurance laws include AZ, CA, CO, CT, DC, DE, KS, IL, IN, ME, MA, MN, MT, NE, NH, NJ, NM, NY, NC, OK, OR, RI, SD, TX, WA, WI, WY. Out of all unemployment claims, DV claims were less than 1/10% and often much less than that. The bill provides that the claims are made to the "nonchargeable benefits account" so that an individual employer is not held responsible for these claims, and the costs are spread throughout the entire employer pool. **The Legislative Committee recommends that Council support this bill. Council adopted the recommendation 19-0.**

HB 5656 bars housing discrimination against victims of domestic violence.

The Legislative Committee recommends that Council support this bill. Council adopted the recommendation 19-0.

HB 5658 would amend the PPO act to allow the court to put provisions in a PPO protecting the petitioner's pets from hostile acts by the respondent. This is one of the methods used by abusers to control and intimidate their victims, and this dynamic is not addressed by animal cruelty statutes. **The committee recommends that Council support this bill. Council adopted the recommendation 18-1.**

HB 5659 allows a law enforcement officer to remove weapons and ammunition from the premises where a domestic violence incident has occurred if the officer believes the items will expose the victim to a risk of bodily injury. The items shall be returned to the owner after seven days unless a PPO is entered prohibiting the return. **The committee recommends that Council support this bill. Council adopted the recommendation 14-4-1.**

IV. Future Council Meetings

The Chair provided the schedule for this term's council meetings. All council meetings will begin at 9:30 a.m., with a breakfast buffet starting at 9:00 a.m..

October 4, 2014	Grand Rapids – Amway Hotel
November 1, 2014	Novi – Double Tree Hilton Hotel
December 6, 2014	East Lansing - Kellogg Center
January 24, 2015	East Lansing - Kellogg Center
March 7, 2015	Ann Arbor - Weber's Inn
April 11, 2015	Novi – Double Tree Hilton Hotel
May 2, 2015	Grand Rapids – Amway Hotel
June 6, 2015	Ann Arbor - Weber's Inn

V. Committee Sign-ups

The chair passed around sign-up sheets for committee assignments. If you missed an opportunity to sign up for a committee, please email your wish for committee assignment to rshiemke@lsscm.org

VI. Adjournment

Respectfully submitted,

Kent Weichmann, Recording Secretary
September 22, 2014