

**STATE BAR OF MICHIGAN
FAMILY LAW SECTION
MEETING MINUTES**

DATE: December 1, 2007

PLACE: The University Club, Lansing

TIME: 9:30 am

Administrative Matters

A. Call to order:

Karen Sendelbach called the meeting to order and indicated that the agenda for the meeting was posted and will continue to be posted on our Family Law website for the State Bar. She further indicated that she was able to forward an eblast to all of our members regarding the agenda.

B. Recording Secretary's Report:

The minutes from the prior meeting of November 3, 2007, at the Weber's Hotel in Ann Arbor were approved with the exception of the spelling of Kent Weichman's last name on page 2 of the minutes. A motion was offered to adopt the minutes and the motion received support. There was no further discussion and the motion carried.

C. Treasurer's Report:

Barb Kelly indicated that we received \$76,000 in dues and that the Section is currently in the black. She further indicated that we received the ICLE \$4,000 check, which was deposited. A motion was offered to adopt the Treasurer's report and the motion received support. There was no further discussion and the motion carried.

D. Committee Reports:

Adoption Committee: No report

ADR:

Kent Weichman reported that the Committee continues to meet and is working on various issues that will later be presented to the Council.

Alternative Family Committee:

Traci Rink reported that she has taken over as the Chairperson of the Committee and that although the Committee did not have an official monthly meeting, the Committee is in the process of communicating via email regarding Committee members and Committee topics.

Amicus Committee:

Liisa Speaker reported for the Committee and indicated that the Committee was asked to provide an amicus brief in the case of *Yount v. Yount*. The Committee agreed not to provide an amicus brief as the Committee did not want to begin the precedence of preparing amicus briefs during the trial stages of the proceedings. If, however, the case moves up the chain, then perhaps the Committee may consider preparation of an amicus brief.

Annual Meeting:

Karen Sendelbach reported that she and Carlo are working on the dinner site for the meeting.

ICLE:

No report.

Court Rules:

No report. However, individuals from the Committee indicated that we are required to submit to the State Bar our position on various amendments or modifications to court rules as well as our position with respect to amicus requests.

Domestic Violence:

Rebecca Shimke reported that the Committee conducted a monthly meeting and they are in the process of gathering various domestic violence websites and links so that individuals may obtain information regarding domestic violence. She further indicated that the Committee intends to review any legislation forwarded to it from the Legislation Committee regarding domestic violence issues.

Family Court Forum:

No report.

Family Journal:

Lorne Gold, chairperson of the Committee, reported that the January issues are due now. He also indicated that the 2008 special issue regarding discovery is in its first draft.

Family Support:

Carlo Martina, Chairperson of the Committee, reported that the new child support manual will take effect October, 2008. Carlo provided accolades for the members of the Committee and others who have assisted with the new child support manual. Council discussed that an email or report should be sent to all of the members providing the history of the requested modifications of the manual and the Council's involvement so that our members can appreciate the work and effort by the Council and the Committee. Lorne Gold suggested that we consider a seminar regarding the changes and that we should post the manual to our website as soon as possible.

Journal Advertising:

Todd Selin reported that he was officially passing off his duties as Chairperson of the Committee to Mark Snover and that he and Mark would be having a meeting after the official meeting to discuss the details associated with the collection efforts. Todd indicated that the Journal is currently receiving 99% collection of its advertising dollars.

Legislation:

Kent Weichman reported that the Legislation Committee considered Senate Bill 645, House Bill 5050 and House Bill 5464.

He indicated that Senate Bill 645 involves service of process in family support actions and non-resident defendants by publication, posting in the courthouse or any other method reasonably calculated to give the defendant actual notice. The Committee felt that these methods would not assure the Court of the in personam jurisdiction over the defendant necessary to sustain an order for child support, and would be an assertion of jurisdiction deemed unconstitutional under the various jurisdictional cases. The Committee recommended that the Council oppose the bill. A motion was offered to adopt the proposal of the Committee with respect to

Senate Bill 645. The motion received support and was carried by a unanimous vote of 18 Council members.

House Bill 5050 would require a payer with no source of income to provide the Friend of the Court with information regarding their financial account information. If an arrears of two months or greater occurred, the FOC would be able to request the financial institutions holding the accounts to provide information regarding the amount of money and ownership of the accounts. The Committee recommended that Council support the bill in principle, but requested that it be amended to refer to self-employed and unemployed payers and that only limited information be available regarding IOLTA and similar accounts.

Barb Kelly indicated that much of the information sought through this bill is already available electronically in the Federal Institute Data Match regarding those institutions that participate in the service. She indicated that, under the program, a lien is placed without notice and notice is given and process applied when the FOC attempts to capture the money from the institution. A motion was offered to adopt the proposal of the Committee with respect to House Bill 5050. The motion received support and the motion carried by a vote of 17 to 2.

House Bill 5464 would require that in a termination proceeding, a purported father's disclaimer for paternity or waiver of interest in the termination proceedings be notarized. This would make it more difficult to present a forged or fraudulent waiver and greater finality to termination decisions. The Committee recommended that Council support the Bill. A motion was offered to adopt the proposal of the Committee with respect to House Bill 5464. The motion received support and the motion carried.

Membership/Mentor Roundtables:

Karen Sendelbach indicated that Amy Yu and Traci Rink are currently active in the mentor roundtables in Oakland County. She indicated that she would like to have a roundtable established in every county on a monthly basis.

Mid-Winter/Mid-Summer Seminars:

Judith O'Donnell reported that there are still some rooms available for the winter seminar. However, due to the exorbitant cost of the airfare, that the seminar is essentially closed. She indicated that she does want to add the seminar information to the website and the form to be completed by individuals who would like to participate in the seminars. She further indicated that she is in need of one additional speaker for the winter seminar and Carlo Martina volunteered to speak.

Lorne Gold and Traci Rink indicated that they are going to be working together regarding the summer seminar, which will be held in July at the Homestead. Apparently, our travel agent was able to get us a good rate for the Homestead accommodations.

PAC:

Neil Colman, Chairperson of the PAC, indicated that he received his first check from Ross Stancati which included additional dollars from other attorneys in the Kalamazoo area. He is asking that Council members provide 100% support to the PACs, especially with the upcoming election year.

QDRO:

No report.

Technology:

No report.

E. Standing Committees:

FOC Advisory Committee:

Jules Hanslovski reported for the Advisory Committee and indicated that it continues to meet monthly and it will now be looking at potential modification of the parenting time guidelines. All of the Council members agreed that it is important for us to continue our participation with the Advisory Committee, particularly in light of our involvement with respect to the Child Support Manual modifications.

F. New Business:

Karen Sendelbach indicated that we received a letter from Ron Bookholder regarding potentially establishing a committee to correct the EDRO and the social security number issues. Karen indicated that she needed Council support and a vote to establish such a committee and offered the motion that the Council establish the committee. The motion received support. There was no further discussion and the motion carried by a vote of 19 Council members.

Barb Kelly indicated that Rebecca Shiemke was awarded the annual Mary Foster Award from the Women's Lawyers Association of the Washtenaw Chapter.

Bill Chandler indicated that the Senate passed a bill to repeal the service tax and he indicated that the House would be meeting today at 3:30 for its vote. He also reported that the sponsor of the previously discussed mutual ppo House Bill understood our position and indicated that he would not be going forward with the House Bill.

H. Next Meeting:

Saturday, February 2, 2008
Weber's Inn, Ann Arbor
9:00 am Breakfast
9:30 Meeting