

Minutes - Family Law Council, Family Law Section
Family Law Section Meeting, Saturday, March 6, 2010
Location: University Club, E. Lansing, MI

Attendance:

- ° **Council Members Present:** Anne Argiroff; Carol Breitmeyer, Neil Colman; Hon. Richard Halloran, Jules Hanslovsky, James J. Harrington, III; Barbara Kelly; Donna Mobilia; Philip Navarre; Antoinette Raheem; Kristen Robinson; Erika Salerno; Rebecca Shiemke; Liisa Speaker; Connie Thacker; Robert Treat; Elizabeth Kitchen-Troop; Kent Weichmann; Amy Yu. (19) Council members present.
- ° **Ex Officio & prior Council members:** Todd Selin;
- ° **Guests:** Gail Towne; Patricia Ouellette; William Kandler;

I. Administrative matters:

- A. Call to Order: 9:35 a.m. Introduction of Council Members & Guests.
- B. Chairperson Person Report - **Barbara Kelly**:
 - 1. **"Bottoms Up"**: Per the suggestion at the last Council meeting Committee Reports will be taken from the "bottom up". Except for the Legislation Committee Report which will be taken first.
 - 2. **Court of Appeals Committee Representative.** Ed Gold will assist in this regard. (Thanks, Ed.)
 - 3. **Kalamazoo Member Forum.** Barb Kelly and Erika Salerno represented Council at the Member Forum which was a great session
- C. Recording Secretary report:
James J. Harrington, III: By Motion, with second, the minutes from the February 6, 2010 meeting were approved 19-0.
- D. Treasurer's Report: **Connie Thacker.** Summary report. The account has a positive balance of \$196,000.00 at the end of January, 2010.

II. Standing Committee Reports:

- M. **Legislation: Kent Weichmann:** A comprehensive and thorough Legislative Report was presented to Council, which took the following actions:
 - 1. **SB #1119, 1119, 1120, "Safe Delivery of Newborns Act";** Council voted 19-0 to support this legislation, and #727 was tabled.
 - 2. **SB #1127** was the *quirkily written* proposal to require proving of "fault" on certain enumerated grounds to obtain a Divorce. Council voted 19-0 to oppose this legislation.
 - 3. **SB #1176** would involve the legislative determination as to what are "valid religious denominations" for persons solemnizing marriages. Council voted to oppose this legislation 19-0.
 - 4. **HB #4015** would change existing law and specifically permit release of birth/adoption information unless the parents signed forms prohibiting release. Council voted 19-0 to oppose this bill.

5. **HB #5114** would mandate “equal physical custody” and essentially replace the “best interests of the minor children” as the custody criteria. Council voted 19-0 to oppose this bill.
 6. **FOCA 2010 Legislative Action Plan:** Council voted 19-0 to adopt the recommendations of the Legislative Committee regarding #1 through #9 (attached and incorporated by reference), except for the “top secret” #8 which is still “top secret”. Council voted 19-0 to adopt the recommendations of the Legislative Committee as to #1 and #2 of the “revisions to FOCA legislation (attached and incorporated by reference). Council voted 19-0 to adopt the recommendations of the Legislative Committee regarding the Federal Legislative Initiatives (attached and incorporated by reference.)
- R. **Technology - E. Sadowski:** No report.
- Q. **QDRO/Taxation. R. Treat:** Report presented to Council. We will continue training of Legal Aid attorneys on April 29, 2010. **R. Schiemke:** We continue to need more private attorneys to assist with training and drafting of QDROs.
- P. **Political Action Committee: Neil M. Colman.** Keep the \$\$\$\$ coming ! You know where to send the checks. You know who you are ! The “good news” is that we are receiving contributions, the “bad news” is that this is probably .05% of Section Members.
- O. **Midwinter/MidSummer Meetings:**
MidWinter Seminar. B. Kelly. The very small “profit” for the mid-Winter seminar will be returned to the Section, and will assist in offsetting the costs from 2 years ago.
MidSummer. No Report.
- N. **Membership/Mentor Roundtables:** No report.
- L. **Journal Advertising: N. Colman.** Discussion regarding terminating advertisers for non-payment. By Motion and 2nd, advertisers will be “cut off” after 2 months in arrears on payments.
- K. **Family Support:** No report.
- J. **Family Law Journal:** No report.
- I. **Family Court Forum:** No report.
- H. **Domestic Violence:** No report.
- G. **Court Rules/Ethics Committee - J. Harrington:** The CR/E report was presented to Council.
1. **Attorney Solicitation Proposal:** The meeting of the Representative Assembly will be in Lansing on March 27, 2010 and Council will be represented by Representative Assembly member Elizabeth Sadowski, Carlo Martina, and Jim Harrington. The “package” contained in the CR/E Report has been circulated to the Representative Assembly.
 2. **ADM 2009-06: MRPC Amendments re: Attorney fees and other issues.** The correspondence from Chair Barbara Kelly has been submitted to the Clerk of the Supreme Court, and we await their

further consideration in this regard.

3. **Default Judgment Court Rule:** The Supreme Court declined to adopt any amendments or revisions and closed this matter administratively.
 - F. **CLE/ICLE - R. Halloran:** Was extremely impressed with a Wayne County presentation on Islamic Law and Family Law. Will suggest this as a possible Family Law Institute topic to ICLE; possibly a joint presentation with Judge Elder.
 - E. **Annual Meeting - No report.**
 - D. **Amicus Committee : Erica Salerno/ Liisa Speaker.** Brief update.
 - C. **Alternative Family - Carol Breitmeyer.** A meeting of the Alternative Family Committee preceded the Council meeting. Significant progress made toward goals. Specific suggestions and recommendations to follow at the April, 2010 Council meeting.
 - B. **Alternative Dispute Resolution - Antoinette Raheem.** The March 6, 2010 Report presented to Council (thank you Toni). The Committee continues to review the U.C.L.A. (*Uniform Collaborative Law Act*) . The proposed ADR training at the Family Law Institute continues under discussion, and several suggestions have been incorporated into the F.L.I. A committee member will be present at the April 1, 2010 meeting re: Mediation Competition.
 - A. **Adoption - No report.**
- III. **Ad Hoc Committees**
- A. **Parenting Coordination. Richard Halloran.** No report.
- IV. **New Business - none.**

By Motion & 2nd , the March 6, 2010 meeting concluded at 10:20 a.m. (Great job, Barb K.)

The Next Family Law Council meeting is scheduled for Saturday, April 10, 2010 at the Meijer Gardens, Grand Rapids, MI; breakfast at 9:00 a.m. and the meeting immediately thereafter at 9:30 a.m.

James J. Harrington, III
Recording Secretary

April 10, 2010

The legislative committee recommends that Council oppose this bill, and take steps to oppose the ballot initiative.

The FOCA 2010 Legislative action plan is not legislation, but it will be helpful to have a Council position in negotiating on their proposals.

Recommended state legislation:

1) Change the Paternity Act and the Family Support Act to allow the prosecuting attorney's duties to be done within the FOC.

Recommend opposition

2) Authorize intercept of Casino winnings.

Recommend support

3) Amend the LEIN act to allow the FOC access to the LEIN system in conducting custody investigations.

Recommend support

4) Implement a user-pay system of funding spousal support enforcement.

Recommend opposition

Explore alternative methods of funding spousal support enforcement.

Recommend support

5) Codify a process for dis-establishment of paternity.

Recommend no position until we see a proposal

6) Revise the RJA fee provision to make the \$80, \$40, and \$20 fees due at filing.

Recommend support

7) Allow assignment of support when a minor is committed to a delinquency facility for 60 days or more.

Recommend no position until we see a proposal

8) Top secret proposal?

9) Adopt 2008 UIFSA with amendments to identify FOC as the tribunal that receives filings from other states.

Recommend support

Revisions to FOCA legislation:

1) Eliminate duplicative RURES fee

Recommend support

2) Revise MCL 552.515 to remove restrictions on staff performing alternative dispute resolution.

Recommend no position until we see a proposal

Federal Legislative initiatives:

1) Restore cuts imposed by Deficit Reduction Act of 2006 and eliminate \$25 fee imposed by act.

Recommend support

2) Allow custody and parenting time activities to be funded under Title IV-D.

Recommend support

3) Reduce restrictions on program income, such as user fees

Recommend no position until we see a proposal

4) Require pension plan administrators to treat Income Withholding Notices as QDROs.

Recommend support