

Minutes
Friend of the Court Bureau
Advisory Committee Meeting
State Court Administrative Office, Lansing, MI
Friday, May 8, 2009

MEMBERS PRESENT: Dough Howard, Anita Bilek, Lynn Ann Bullard, Peter Dever, Shauna Dunnings, Kelleen Walters, Zenell Brown, Amy Yu

MEMBERS ABSENT: Karyn Ferrick, Shawn Perry, Lisa Truscott

STAFF PRESENT: Dan Bauer

1. Call Meeting to Order

The meeting came to order at 1:00 p.m.

2. Administrative Matters

- a. Approval of minutes from January 29, 2009. A motion made by Doug Howard to approve the minutes as submitted. Seconded by Peter Dever. Motion passes unanimously.

3. Opening Public Comment

- a. Mr. Kerr provided and discussed a report filed from the Washington State Center for Court Research. Mr. Kerr expressed particular interest in the portion of the report that addressed the impact of legal representation on client outcomes. Mr. Kerr suggested that the National Organization for Women (NOW) was selectively using data in the report and not providing the whole story.

4. Correspondence – Since January 29, 2009

- a. Letter to all FOCB A/C members – received
 - i. The letter contained case and family specific information and therefore will not be made public.
 - ii. The letter was forwarded to the Customer Service division of the FOCB, who provided aid in drafting the response. Wayne County FOC also responded directly to the author.
- b. “Star of Detroit” – email correspondence
 - i. Mr. Bauer personally responded to this email and stated the lack of this committee’s ability to address the email. The e-mail provided the constituent with statutory law for other avenues of help for the constituent to explore. This email contained case-specific information and will not be made public.
- c. J.A. – email correspondence. Same as “Star of Detroit”
- d. N.O.W. caller – mentioned a study in the State of Washington that fathers with attorney representation were more likely to “win” custody in court battles than unrepresented fathers.

- i. Mr. Bauer was unable to locate the study that the caller was referring to. However, it is likely that the study referred to in this phone call is the same study Mr. Kerr provided to the committee and spoke of.
- ii. The caller wanted SCAO to recommend a similar investigation into *in pro per* proceedings to determine whether both parties are given a fair try at their case when one party has legal representation and the other does not.
- iii. At the request of the committee, Mr. Bauer will review the Washington study and report back to the committee if the FOCB would like any recommendation for future action.
 1. **Action Item:** Mr. Bauer to review the Washington Study provided by Mr. Kerr for possible action and to report back to the committee at the FOCB's discretion.
- e. G.M. – e-mail correspondence
 - i. The email contained case specific information dealing with a practice where health insurance is being ordered to be complied with. The response to the email included options to seek the relief they sought and proper contact information.
- f. The committee confirmed with Mr. Bauer that no systemic concerns were identified by any of the e-mails. The committee members generally agreed that if there were no systemic issues raised, then there was nothing for the committee to discuss.

5. Old Business

- a. Divorce Orientation Video
 - i. Dan Bauer provided the committee with an example of a similar video project produced by the Attorney General of Texas. The committee viewed the video together to determine if something similar from the video should be included in Michigan's divorce orientation video.
 - http://www.oag.state.tx.us/media/videos/play.php?image=understanding_court_process&id=334
 - ii. Committee discussion: Many of the members found the video effective and indicated that they would like to incorporate some similar ideas from into Michigan's. All committee members expressed dismay at Texas's use of the term "possession and control" when talking about "custody and visitation" – and encouraged the FOCB to not switch to the Texas language.
 - Parties should not bring their child to court.
 - Support is set by guidelines and includes medical support.
 - Payments must be made to MiSDU, not the other parent.
 - Promote a positive attitude.
 - Utilize interviews in addition to scenario skits.
 - Include custody and parenting time provisions: Video may primarily address support and enforcement but should include discussion of the various roles of the FOC. The committee strongly believes that there is a perception that the FOC is only interested in support – which sets people into an adversarial mood on entering the office. The video

could alleviate that impression if more time was spent on custody and visitation enforcement provided by the FOC.

iii. Projected timeline for completion of this project is the next fiscal year.

6. New Business

- a. “Order the parties not to incur additional debt that would bind the other party or the parties’ assets.” Reiteration of August, 2008, agenda item reviewing a form presented by the Michigan State Bar Association.
 - i. The committee repeated its recommendation of the form, without commenting on the substance of the form. Committee recommends that the form not have to be approved by justices on the court, but could be developed by SCAO. Motion by Dever. Seconded by Yu. Passed unanimously.
 - ii. The committee also determined that the issue of whether to mandate this form statutorily to be included in every divorce proceeding is beyond the scope of the FOCB (as form relates to property division) and should be referred to the Judges’ Association for further consideration.

7. Closing Public Comment

8. Closing

- a. The FOCB is in the early stages of a mission re-visioning process. This topic to be included on the next meeting agenda.
- b. Members closing comments:
 - i. Ms. Bullard is willing to assist Mr. Bauer with review of the script for the domestic relations video.
- c. Final public comment – Phillip Wurm.
 - i. Mr. Wurm shared his genuine frustration with his FOC office, as he evidenced by referencing the fact that he’s filed 30+ grievances over the past five years. He argued that the FOC’s should be equally concerned with parenting time and custody issues as they are with child support collection and enforcement. Mr. Wurm would like less government control over private citizens’ lives.
- d. Adjourn – meeting adjourned at 2:30 pm.
- e. Next meeting is TBD – Dan Bauer to coordinate with committee members through email.

Meeting adjourned.