The Child Welfare Services division of the State Court Administrative Office works with local courts to improve court processes and policy in child welfare cases. Using a Federal Court Improvement Program (CIP) Grant, this division of SCAO created the Quality of Representation Committee (QR) to improve the quality of legal representation for all parties in child welfare proceedings. While the QR committee was originally created to address issues identified in the CIP Re-Assessment Report of 2005, in 2008, the committee narrowed its focus to parent representation in child welfare cases.

The focus on parent representation was spearheaded by the ABA which had formed a national steering committee to study this vital issue. The ABA then partnered with Michigan to assess the strengths and weaknesses of parent representation in Michigan’s judicial processes. Based on the final report of the 2008 ABA study on Parent Representation in Michigan, a committee was formed to implement recommendations from the final report to improve the quality of representation for parents in child welfare proceedings. The committee developed recommendations for a statutory amendment and two court rule changes.

HB 4078, introduced by Rep. Slavens in January 2011, will amend MCL 712A.19(11) and 19a(12) to include parents
and their attorneys in the distribution and notice of documentation that is currently provided only to the L-GAL. The language mirrors that of the paragraph pertaining to documents that must be provided to the L-GAL. It also provides that the documents must be provided 5 business days before the court hearing. The goal of this recommendation is to provide all parties with the necessary reports and supporting documentation to ensure effective and thorough representation at each hearing.

Additionally, changes to MCR 3.911 and MCR 3.915 are currently published for comment. MCR 3.911 controls jury trials. The committee found that under the current time frames, respondents often lose their right to a jury trial due to delays in the appointment of counsel for respondents in child welfare cases. Several counties allow this time frame to be regularly extended; however, several other counties strictly enforce it. As comments to the proposed rule change have identified several scheduling concerns in the proposed language, the committee is working on language that will consider each issue and balance the protection of the respondent’s right to a trial by jury with the courts interest in the efficient scheduling of jury trials.

MCR 3.915 controls appointment of counsel for respondent parents. The 2008 ABA study found that the intentions of this court rule have been misinterpreted in several counties. The recommended changes are aimed at clarifying the intent that at every hearing, including the preliminary hearing, respondents have a right to an attorney. These changes will ensure that respondents are receiving similar treatment regardless of the county in which their case is filed.

The committee is currently working on recommendations to adopt certain civil procedures into the child welfare court rules. Both the ABA study and discussions on the Children’s Law Section of the State Bar of Michigan and Parent Attorney list serves have identified disparities in motion practices and discovery in jurisdictions across the state. The committee plans to make recommendations that would make the best practice in various jurisdictions available in every jurisdiction. Specifically, the committee is looking into clarifying discovery rules as this problem has been recognized in some recent Court of Appeals cases.

The SCAO/CWS Court Improvement Program continues to work hard to improve collaboration with the various child welfare stakeholders, and recommend improvements and best practices for court processes. SCAO/CWS always welcomes the participation and input of courts, referees and attorneys.
RAM Responds to Proposed Court Rule Changes

On May 24, 2011 RAM submitted the following letter to the Clerk of the Michigan Supreme Court regarding proposed amendments to MCR 3.911 and 3.915:

At its April 14th 2011 meeting, the Board of Directors of the Referees Association of Michigan considered the proposed amendments to MCR 3.911 and MCR 3.915. While the Board voted to table a vote on the amendments to MCR 3.911 due to concerns regarding scheduling of trials; the Board unanimously voted to support the amendments to MCR 3.915.

In its 2009 Report on the Legal Representation for Parents in Child Welfare Proceedings, the American Bar Association’s Center on Children and the Law included amongst its ten recommendations that “Michigan should establish a Rule of Court requiring appointment of counsel before the first court hearing for all parents, including non-respondent parents.” This recommendation, as well as other recommendations included within the study, was based both on the 14th Amendment protection of parents’ fundamental liberty interest in the care and custody of their children, as well as a growing body of research clearly demonstrating that quality representation of parents improves outcomes for children.

The Preliminary Hearing is a, if not the, most critical stage of a child welfare proceeding. It is the stage at which most children are removed and where parents first encounter the judicial system. It is a setting in which the majority of parents who come before the courts lack not only the means with which to hire an attorney, but the education and ability to fully understand the proceedings and to articulate the facts necessary for the judge or referee to make an informed decision on whether or not to remove a child from the parent’s custody. It is a stage of the proceedings that can have enormous consequences for both parents and children as the initial decision to authorize a petition or to remove a child sets the stage for what all too often leads to a termination of the parent-child relationship.

While many counties appoint attorneys for respondents at the preliminary hearing, the practice is not uniform throughout the state. The language contained in the current court rules is ambiguous and does not clearly obligate the court to appoint an attorney for an indigent respondent at the preliminary hearing. The language in the proposed court rule amendment clarifies this ambiguity; giving clear direction to the court of its obligation.

As the organization representing referees, who conduct many of the preliminary hearings throughout the state, RAM urges the Michigan Supreme Court to adopt the proposed amendment to MCR 3.915.

Thank you
Paul Jacokes, President RAM
Shelley R. Spivack, Vice-President RAM
In a 5-4 decision, J.D.B. v North Carolina, the Supreme Court ruled that “a child’s age properly informs the Miranda custody decision.” Writing for the majority, Justice Sotomayer, citing the recent cases of Graham v Florida and Roper v Simmons, reaffirmed the conclusion that “children are not adults.” The specifics of the case involved the questioning of a 13-year-old seventh grade student by a uniformed police officer in a school setting. After being told by the officer that he might be sent to secure detention, the child confessed. The Supreme Court remanded the case to the state court to address the question of whether J.D.B. was in custody, “taking account of all of the relevant circumstances of the interrogation, including J.D.B.’s age at the time.”

In re Morris Mich_ (2011) #142759 4/22/11
The Court of Appeals upheld the trial court’s termination of respondents’ parental rights in an unpublished opinion, In re Morris CoA #299471 2/17/11. The Supreme Court retained jurisdiction; vacating the Court of Appeals judgment and remanding the case back to the Court of Appeals based on the confession of error by DHS and Family Division that they failed to comply with the notice requirements of the Indian Child Welfare Act (ICWA), 25 USC 1901 et seq. Upon remand, the Court of Appeals in an unpublished case, In re Morris CoA #29947 & 299471 5/19/11, conditionally affirmed the order terminating parental rights, but remanded so that the court and DHS may provide proper notice to any interested tribe. The Court noted that the ICWA provides that “an Indian child’s tribe may petition any court of competent jurisdiction to invalidate” the termination.

In re Klocek Mich App_ (2010) #292993 11/30/10
The juvenile respondent was adjudicated by her plea admitting to malicious use of a telecommunications device and the petition was then dismissed with a warning. Two years later the court granted respondent’s petition for destruction of her fingerprints and arrest card. The Court of Appeals reversed, concluding that the dismissal did not constitute a finding of not guilty. Therefore, under MCL 28.243(8), the juvenile “was neither a juvenile found not to be within the family court’s jurisdiction nor an accused found not guilty” and she was not entitled to the destruction of her fingerprint and arrest card.

In re Sulijman Mich App_ (2011) #294832 2/1/11
The juvenile respondent admitted and plead to one count of CSC IV and after successfully completing an intensive probation program, the court terminated its jurisdiction. The court later denied respondent’s petition to be removed from the sex offender registry. The Court of Appeals affirmed, holding that MCL 28.728 only allows a petition to be removed from the registry for a charge and conviction of CSC I, CSC II, or CSC III, and does not allow a petition to be removed from the registry for a charge and conviction CSC IV.
In re TD _Mich App_ (2011) #294716 5/26/11

The 15 year old Respondent, who with the assistance of another male classmate had punched a female classmate in the back, held her in a chokehold and grabbed and exposed her breast, was found to have committed CSC II. After completing successful treatment and probation and turning 18, the trial court granted respondent’s petition for relief from registration as a Sex Offender, finding that the statutory requirement for mandatory registration for the offense committed violated the constitutional prohibition against cruel and unusual punishment.

The Court of Appeals reversed; finding that registration under the Sex Offenders Registration Act, MCL 28.721 et seq. does not constitute punishment and therefore is not prohibited under the Michigan Constitution. The court distinguished People v Dipiazza, 286 Mich App 137 (2009) as the respondent had not been adjudicated under Holmes Youthful Trainee Act MCL 762.11 et seq., was not convicted for a consensual relationship, and there is no recent statute that would make his registration obligation inequitable. The Court of Appeals further rejected arguments that the Act violates the separation of powers doctrine; that it fails to bear a rational relationship to any legitimate government interest; that it is arbitrary and capricious; or that it is unconstitutional as applied to this case due to public policy.

MCR 3.807, MCR 3.921, and MCR 5.402

Amended 3/22/11 to provide that the Indian custodian and Indian child’s tribe have the right to intervene at any point during proceedings for foster care placement or termination of parental rights, and to correct cross references.

MCR 3.973, MCR 3.975, and MCR 3.976

Amended effective 1/1/11 to provide that the local foster care review board report shall be included in the court’s confidential file. All parties shall be given an opportunity to review and file objections to the report prior to entry of a dispositional order, dispositional review order, or permanency planning order, and the court at its discretion may include report recommendations in its orders.

2010 PA 225

Allows Criminal penalties, fines, or costs to be collected as a civil money judgment.

2010 PA 265

When placing children in foster care homes, DHS or the placement agency must notify relatives when a child is removed from his or her home. Special consideration must be given to placement with willing and fit relatives and the placement must be made in the best interests of the child.

2010 PA 281 & 282

Victim’s Rights Fund assessments for juvenile offenders were increased to $25 and maximum awards to crime victims were increased.
Juvenile Law Continued

2010 PA 348, 349

Modifies the Safe Delivery of Newborns Law effective 12/22/10 to provide that if no custody action has been filed and the court finds by a preponderance of the evidence that the surrendering parent has knowingly released their parental rights and reasonable efforts have been made to locate the non-surrendering parent, the court must terminate the rights of both parents. If a custody action has been timely filed, the court may: grant legal and/or physical custody and retain or release jurisdiction; determine the child’s best interests are not served by granting custody and order the placing agency to petition the court for jurisdiction as an abandoned child under MCL 712A.2 (b) (1); or dismiss the petition.

2011 PA 17-19 eff 4/12 Amends the Sex Offender Registration Act.

For purposes of the Act, Sexual Offenses are now categorized into Tier I, Tier II, and Tier III Offenses. A person subject to an order of disposition under the Juvenile Code is subject to the act if they were 14 years or older and committed a Tier III offense. If after adjudication a juvenile alleges he or she is exempt from registration due to the victim’s consent and the prosecutor objects, the juvenile has the burden to prove by a preponderance of evidence that he or she is exempt based on the statute. A juvenile convicted of CSC I or CSC II is no longer automatically included on the public data base upon attaining the age of 18. A person who registers before 7/1/11 may petition to discontinue registration if after that date the law no longer requires registration, or if the victim was a minor who consented to the conduct as set forth in the statute. A Tier I offender may otherwise petition to discontinue registration 10 years after release and Tier III may petition 25 years after release if they meet certain conditions.

Tier III offenses are committing, or attempting or conspiring to commit: violation of MCL 750.350; CSC II, assault to commit CSC and gross indecency with a victim under 13 years of age; CSC IV committed by a person at least age 17 with a child under 13 years of age; violation of MCL 750.349 with a minor victim; and CSC IV with a victim under age 13 committed by a person age 17 or older. CSC I, III, or assault with intent to commit CSC involving sexual penetration are included as Tier III offenses unless the victim is under age 16 but at least age 13 and consented to the act, and the offender is no more than 4 years older than the victim. Any offense under federal law or law of another state or country, or under tribal or military law which is substantially similar to other Tier II offenses is included.

Domestic Relations


After a 40 year marriage, the parties’ consent judgment reserved the issue of spousal support from earned income, and the property settlement provided, in part, that the parties would equalize their Social Security benefits. When the court enforced the provisions to equalize Social Security benefits, plaintiff appealed stating that the provision was not enforceable due to federal preemption. The Court of Appeals reversed as Social Security benefits are exempt from assignment or attachment, except for payment of child and spousal support, but remanded for the trial court to consider modification of the property settlement due to the parties’ mutual mistake as to the assignability of the benefits.
Domestic Relations Continued

**Turner v. Rogers, U. S. Supreme Court Docket No. 10-10 Cert Granted 11/1/10**

Cert granted to address the issues of whether due process requires court to appoint counsel for an indigent parent in a child-support civil-contempt hearing for non-payment which results in that parent’s incarceration, and whether the Supreme Court has jurisdiction to review the decision of the state supreme court on this issue. Oral Arguments were heard March 23, 2011.

**In re Beck _Mich_ (2010) SC #140842 12/20/10**

The Court held that termination of one parent’s rights pursuant to MCL 712A.19b does not automatically terminate that parent’s obligation to support their child. However, the Supreme Court differed with the Court of Appeals by providing that a court of competent jurisdiction may terminate or modify a parents’ obligation to support his or her child.


Leave was granted to address the issue of whether the provision in the felony non-support statute eliminating inability to pay as a defense is unconstitutional. Consolidated for appeal with People v Parks #14181 People v Harris #141513.


The court properly continued joint physical custody while granting defendant sole legal custody based on the parties escalating disputes over parenting time, education, religion, and the proper medical diagnosis and treatment of the child’s ongoing respiratory problems. While the parties could no longer share decision making, as their disputes could have a significant impact on the child’s well-being, they could still share significant time with the child. The court also held that the court cannot provide for a joint legal custody arrangement that apportions decision-making authority between the parties.

**Ewald v Ewald _Mich App_ (2011) # 295161 5/26/11**

The parties had split custody and parenting time of 2 children but their son was found to have been alienated from his mother and her parenting time was held in abeyance until agreement, a counselor’s recommendation, or further order. The court deviated from the child support formula by considering the number of overnights the mother would exercise with the son but for the son’s alienation from the mother.

The Court of Appeals reversed, holding that the trial court failed to meticulously follow the support deviation factors, and further, the Support and Parenting Time Enforcement Act MCL552.601 et seq. does not allow enforcement of parenting time by adjusting child support. The court determined that the mother had voluntarily forgone parenting time and that there was insufficient evidence to support the trial court’s finding that the father’s acts alienated the son from his mother. Also the trial court was required to consider the effect of father’s loss of income and increased debt payments on support, in light of the award of 64% of the family’s farm property to the mother unless the father paid $518,000 to mother within 3 months of the Judgment.
Domestic Relations Continued

Licavoli v Licavoli _Mich App_ (2011) # 295901 4/26/11

Plaintiff purchased a home while the divorce was pending. After the divorce and his remarriage he quit-claimed the home to his new wife and himself as tenants by the entireties. When his abstract company closed two years later due to the economy, plaintiff went through bankruptcy and stopped paying support and alimony. The trial court ordered a lien on the home and withholding of 50% of his current income. The Court of Appeals upheld the withholding of 50% of plaintiff’s income but reversed the order for a lien as the plaintiff’s current wife was not a party to the divorce judgment and therefore the entirety property is not subject to the judgment lien.

Estate of Luckow v Luckow _Mich App_ (2011) #294398 1/27/11

While modifiable spousal support may continue, be modified, or be initiated after payer’s death, a party seeking modification must establish new facts or changed circumstances since entry of the prior order. The original trial judge properly weighed the equities when he denied defendant’s motion to reestablish spousal support from plaintiff’s estate, finding that although defendant’s needs increased, plaintiff’s income ended upon his death, and the assets in his estate were those awarded to him in the divorce judgment. The successor judge improperly granted reconsideration of defendant’s motion as there was no palpable error in the original decision.

McKimmy v Melling _Mich App_ (2011) # 298700 2/10/11

The trial court had denied a change of domicile because the proposed entire summer and alternate holiday schedule would leave defendant with little physical contact with his 3 and 4 year old sons for 9 months of the year, compared to his current every weekend schedule. The Court of Appeals reversed; when considering a motion to change domicile and addressing MCL 722.31(4)(C), the court shall only consider whether the custodial parent’s proposed schedule provides “a realistic opportunity to preserve and foster the parental relationship” that the non-custodial parent enjoys with the children without comparing the current and proposed parenting time schedules.

Pecoraro v Rostagno-Wallat _Mich App_ (2011) #293355 1/18/11

Plaintiff, putative father, filed a New York paternity action against defendant, a Michigan resident, alleging long arm jurisdiction based on the possibility that conception may have occurred in that state. The New York court determined that defendant’s husband was a necessary party as he was the legal father of the child born in Michigan during his marriage to defendant, dismissed as to the defendant’s husband due to lack of personal jurisdiction, but proceeded to determine that plaintiff was the biological father of the child. The Michigan Court of Appeals ruled that the Michigan trial court should have denied full faith and credit to the New York judgment. The order was invalid because the New York court did not have personal jurisdiction over defendant’s husband, who is a necessary party as the legal father, and the New York court acknowledged the effect of its decision would have to be determined by a Michigan court. Further, as plaintiff lacked standing to file a Paternity action in Michigan, his case should have been dismissed because there was no prior decision against defendant’s husband determining that he was not the legal father of the child.

[Continued on Page 9]
Gerstenschlager v Gerstenschlager _Mich App_ (2011) #300858 5/19/11

The trial court changed custody on the basis that the child was now a teenager and had different needs, preferences, and interests, and the custodial parent had taken onboarders. The Court of Appeals reversed, citing Vodvarka and Shade, finding that the child’s changing interests and needs were normal life changes, and there was no showing that those changes or the presence of boarders in the home had any significant effect on the child’s well being.

Kar v Nanda _Mich App_ (2011) #292754 1/13/11

The parties were citizens of and married in India. Plaintiff lives in Georgia but filed for a divorce in Washtenaw County as defendant was attending U of M. Defendant denies she is a Michigan resident as her student visa expires in April 2012 and she intends to return to India when she finishes graduate school. The Court of Appeals held that the 180 day residency requirement was met as defendant was physically present in Michigan and had the intent to remain in the state, although she did not intend to remain permanently.

Shade v Wright _Mich App_ (2010) #296318 12/2/10

While normal life changes are insufficient to modify an established custodial environment, those changes may establish a change in circumstances sufficient to modify parenting time. The court does not need to explicitly address all of the best interest factors when modifying parenting time so long as it does not result in a change of custody.

Shouneyia v Shouneyia _Mich App_ (2011)# 297007 1/18/11

The court appointed a receiver over the corporation co-owned by defendant and his brother to enforce the property settlement and attorney fee judgment. Although the court failed to join the corporation when appointing a receiver, the corporation had notice of the proceedings as defendant was its registered agent, and the trial court was directed to add the corporation as a party. The court properly appointed the receiver based upon evidence of defendant’s purported fraudulent concealment of income and assets in “Vineyard Market”, owned by the corporation, in order to avoid compliance with the judgment.

MCR 1.108

Modified 1/1/11 to provide that one day notice prior to hearing is sufficient for hearing on a petition for a PPO under MCL 600.2950 or MCL 600.2950a(1), 2 day is sufficient for a petition under MCL 600.2950a(2).
Consent Calendar Update

On September 9, 2009 the Michigan Supreme Court published a proposed amendment to MCR 3.932 (C), the court rule governing the “Consent Calendar” for juvenile cases. RAM, along with many other organizations and individuals, submitted comments to the state Supreme Court opposing the proposed amendments. As a result, the Michigan Supreme Court, in a 7-0 vote, ordered that a work group be convened to propose statutory authorization for “consent calendar” cases. RAM was ably represented on this committee by Oakland County Juvenile Referee Dave Bilson.

As a result of the work of the committee, proposed MCL 712.11 has been drafted and submitted to various organizations for support. RAM circulated the proposed legislation on its list serve and at the annual conference. At its annual meeting on May 26th, 2011 RAM officially voted to support this proposed legislation that would allow the courts to place a juvenile on probation and earn his or her way to a clean criminal record.

Amendments to Child Custody Act Introduced to the House

During the week of June 13th, 2011 two bills were introduced in the House that, if enacted, would substantially change the way courts decide custody cases. HB 4778 would amend MCL 722.25 by creating a presumption of joint custody and by requiring courts to award joint custody unless the other parent proves by clear and convincing evidence that the other parent is “unfit, unwilling or unable to care for the child.” HB 4740 would amend MCL 722.23 (Best Interests of the Child) by adding the following factor:

(1) THE EXTENT TO WHICH THE EXISTING OR PROPOSED CUSTODIAL ENVIRONMENT PROVIDES SUBSTANTIALLY EQUAL TIME WITH BOTH PARENTS.

Additional information about these bills can be found at: Michigan Legislature, or http://legislature.mi.gov/.
"SB 320 provides for technical procedures governing removing a child from parental custody where the child is reported to be abused or neglected. There is a complicated dance at this stage of our child welfare process among the police, the child protection caseworkers of DHS and the courts. The nuclear and extended family of the child plays an important part in this decision too. The bill makes the removal and placement process more thoughtful and deliberate but is not so rigid as to compromise protecting a child who is really in danger. The bill also brings Michigan law into constitutional compliance.

The current Michigan statute does not meet minimum U.S. constitutional standards as defined by several of the U.S. Circuit Courts of Appeal. No state in the nation has a lower threshold for removal of children into foster care than Michigan. The constitutional standard for emergency and ex parte removal set by the Federal Courts of Appeal is that there be “exigent circumstances” or that the child be in imminent danger or immediately threatened with harm. SB 320 would bring Michigan into constitutional compliance...

SB 320’s fix has four parts: 1) Standard for Emergency Police Removals; 2) Process for Judicial Officer Review of Emergency Placement; 3) Standard for Ex Parte Court-ordered Emergency Removals; and 4) Preliminary Hearing Pretrial Placement Standards...

The Standard for Emergency Removals is in §14A(1) & (2) on page 13 and includes this important test: “…If there is reasonable cause to believe that a child is suffering from serious harm or is in surroundings that present an imminent risk of harm and the child’s immediate removal …is necessary to protect the child’s health and safety…” The officer may take a child into protective custody. If the officer takes the child into protective custody the officer or the DHS is to immediately contact the court to seek a court order for placement pending the preliminary hearing.

§14A(3) streamlines the process of judge or referee review. Currently only a judge can enter an order. Under this bill, either the judge or referee may order placement. Limiting this power to judges and not referees overly complicates the process without any benefit to sound decision-making.
Reform of Child Protection Law Introduced in State Senate

§14B(1) provides the important substantive test for ex parte orders authorizing DHS to place the child pending the Preliminary Hearing. The test for the ex parte order is the same as for the law enforcement officer emergency removal—“serious harm or is in surroundings that present an imminent risk of harm and the child’s immediate removal is necessary to protect the child’s health and safety.” The order shall be supported by written findings of fact which further encourages careful fact finding and deliberation and makes the order reviewable.

The bill addresses Preliminary Hearing Placement Standards in §13a, pages 7 & 8 of the bill... It requires courts and caseworkers to consider and balance various factors. To order out of home placement the court must find that custody with the parent presents a substantial risk of harm, no provision of service or other arrangement except removal is reasonably available to protect the child from that risk, continuing in the child’s residence is contrary to the child’s welfare, and reasonable efforts were made to prevent or eliminate the need for removal of the child. Finally, conditions of child custody away from the parent are adequate to safeguard the child’s health and welfare.

The current very lax law encourages poor decision-making, does not meet constitutional muster. This imprecision negatively affects many children and their families. I urge you to support SB 320. This bill would be an important improvement to the child protection and foster care process in Michigan by making the decision-making more thoughtful and balanced without compromising the ability to protect children who are truly at risk.”

At the next meeting of the Board of Directors, RAM will consider whether or not to support this bill. Take a moment to review the text, which can be found at 2011-SIB-0320.pdf and post your comments on the RAM listserve.

UPCOMING EVENTS

• Thursday. July 21, 2011. 10:00 a.m.
  Board of Directors Meeting at the State Bar Office in Lansing, MI.

• Thursday. September 15, 2011. 10:00 a.m.
  Board of Directors Meeting in Dearborn. Exact location TBA.

  Annual Conference in Petoskey, Michigan.
The following awards were presented to RAM members at the Annual Conference in Petoskey, Michigan on May 26, 2011:

- **2011 President’s Award for Service to the Referees Association of Michigan:** Awarded to David Bilson for his work as a representative on the Consent Calendar Committee.

- **2011 Referees Association of Michigan Service to the Board Award:** Awarded to Lorie Savin for her work on the Ethics Committee, as well as her assistance with the Annual Conference.

- **2011 Referees Association of Michigan Active Member Award:** Awarded to Kristi Drake for her efforts to improve and recruit membership in the association.

- **2011 Referees Association of Michigan President Award:** Awarded to Paul Jacokes for his leadership and dedication to the Referees Association of Michigan.

- **Years of Service Awards –**
  - **10 Years:** Paul Jacokes (Macomb)  
    Marie Kessler (Kent)  
    Alisa Martin (Oakland)  
    Rick Parks (Ottawa)  
    Denise Clack (Saginaw)  
    Betty Lowenthal (Oakland)
  - **15 Years:** Kristi Drake (Lenawee)  
    Art Spears (Oakland)
  - **20 Years:** Dan Loomis (Shiawassee)
  - **25 Years:** Catherine Davis (Midland)  
    Dennis Lehman (Lenawee)  
    Barbara Kelly (Washtenaw)
Greetings!

Our 26th Referees Association of Michigan (RAM) Conference has just ended. As always, it was stimulating, provocative, and entertaining. We learned from each other and our speakers. We were able to renew old friendships and make new ones. And, of course, we had some fun.

Karol Ross, M.A., J.D., and Eric Alsterberg, Ph.D., of Macomb County Family Counseling Services, led off with a thought-provoking presentation on “parallel parenting” – a model that eliminates all communication between the parties. While the concept of parenting without communicating goes against the grain, we know that high-conflict situations between hostile parents can be very damaging for children. The idea of “parallel parenting” gives us another tool to use when attempting to fashion remedies for the families who come before us.

Thursday morning, Steven Yager, Acting Deputy Director, Michigan Department of Human Services (DHS), Children's Services Administration, gave us hope regarding our dealings with DHS. Mr. Yager informed us of the innovative changes brought forth by former Supreme Court Justice Maura Corrigan and was responsive to our comments and questions in a positive and constructive way. He stressed changes, such as improvements in the training of new employees and sending supervisors out into the field, that are designed to make DHS more accountable both to the courts and to the people of the State of Michigan.

Joshua Kay, Clinical Assistant Professor of Law in the Child Advocacy Law Clinic, University of Michigan Law School, enlivened Thursday afternoon’s session with a discussion of “reasonable efforts” in child protective proceedings. Using a hypothetical case study, Professor Kay challenged conference participants to look beyond the words usually cited in DHS petitions and reports and to require that caseworkers make actual efforts reasonably related to the goal of reuniting families. Citing recent Michigan Supreme Court and Court of Appeals case law, Professor Kay provided us with a fresh look at an age old issue.

On Friday morning, Lannie McRill, M.A., L.L.P., from The Assessment Center, using his signature wit and humor, increased our awareness of drug testing with an update of new testing techniques that can detect drug and alcohol use over a longer period of time. Another tool in our tool box.

[Continued on Page 15]
Suzanne Hollyer, Oakland County Friend of The Court, updated us on State legislation, including laws that could have an adverse effect on our own compensation and benefits. Unfortunately, the picture is bleak. There were, however, some hopeful signs such as needing super majorities in the legislature or a vote of the people to accomplish some of the more draconian measures.

All of the speakers were informative and gave us a lot to think about.

On a more casual note, it is important to report that the guys won the heated Trivial Pursuit tournament. There was good shopping, good food, and good conversation. It was great to see old faces, and encouraging to see some new faces.

If you couldn't make the RAM conference this year, put it on your calendar for next year: May 23–25, 2012, once again at the Perry Hotel in Petoskey. You won't regret it.

Our next regular meeting will be on Thursday, July 21, at the State Bar Office in Lansing at 10 a.m. All are invited.
WHO WE ARE

The Referees Association of Michigan (RAM) is recognized by the State Bar of Michigan as a special purpose organization. The Association consists of both Juvenile Court and Friend of the Court (collectively referred to as “Family Court”) referees throughout the State of Michigan. RAM’s primary function is to educate its members by providing a forum for communication, by holding an annual training conference, and by providing a quarterly publication, called Referees’ Quarterly. RAM also offers guidance to both the State Legislature and Michigan Supreme Court regarding proposed amendments to statutes and court rules. Collectively, the referees who comprise RAM’s membership preside over 100,000 family law hearings every year.

2011-2012 Board of Directors & Committees

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