Social media is used for many reasons. We can do things unimagined just a few years ago through Facebook: keep up with friends and relatives all over the planet continuously and instantly; get “news” updates from different organizations, institutions, and even television shows; and we can learn of discounts from our favorite retailers. People form networking connections through sites like LinkedIn. The information one can convey in just 140 characters on Twitter, is astounding. But, how do the judicial canons restrict our conduct on these forms of social media? As of yet, there is no interpretation to directly answer this question within the context of the Michigan Code of Judicial Conduct.

Many states have addressed what judicial officers can and cannot do when it comes to relationships on social networking sites, and the responses span a wide spectrum. It hit the headlines when Florida took it to the extreme. In November 2009, the Florida Supreme Court Judicial Ethics Advisory Committee stated unequivocally that a judge may not be friends through a social networking site with an attorney who may appear before the judge. In their opinion, the Florida canons prohibited this conduct because it “conveys or permits others to convey the impression that [the attorneys involved] are in a special position to influence the judge.”

Other states have taken a more measured approach. In late 2010, the Supreme Court of Ohio Board of Commissioners on Grievances and Discipline adopted the position of the Ethics Committee of the Kentucky Judiciary: that being friends on a social networking site does not inherently suggest that an attorney is in “a special position to influence the judge.”

[Continued on Page 2]
Although Ohio did not uniformly prohibit a social networking friendship between a judge and an attorney, it stated that such a relationship could be one among many factors considered in determining whether a judge should be recused due to the appearance of an attorney having influence over the judge.

California’s voluntary judicial association took an approach somewhere in the middle of these positions. It found that each instance needed to be evaluated separately based upon the context of that judge’s individual connections on the social media site. Factors to consider would be the number of “friends” the judge has, the types of people the judge accepts friendships with, and the frequency of an attorney appearing before the judge. Even where a judge would be allowed to have an attorney as their friend on a social networking site, California advised that it is inappropriate to do so while the attorney has a case pending before the judge.

The relevant Canons in Michigan that apply to social networking connections between judicial officers and attorneys that practice in front of them are found in Canons 2A, 2C, and 5A. Canon 2A of the Michigan Code of Judicial Conduct requires a judge to “avoid all impropriety and appearance of impropriety.” Canon 2C prohibits a judge from allowing social relationships from influencing judicial conduct or judgment. Canon 5A allows a judge to engage in social activities so long as they do not “interfere with the performance of judicial duties.”

Although we all know that certain actions would appear to be improper, like accepting free sporting event tickets from an attorney immediately after hearing the attorney’s motion, participation in a social networking site is far more nuanced. It is more similar to the reaction a party may have when they see their judge having lunch with the other side’s attorney a day after the case concluded, versus observing the lunch a year later. Judicial officers are allowed to have friends, and many happen to be former colleagues and members of professional associations. But, should we decline social networking friendships with those attorneys that might practice in front of us? Unless your employer has a specific policy against the practice, there is no clear directive from an authoritative body in this State that says you can or cannot be connected via a social networking site.

For those judicial officers who do participate in social networking sites, be very careful about your conduct on the site. For those who have connections to attorneys that might practice in front of them, be even more cautious during your interactions with these fellow legal professionals through the site. It is imperative to remember when engaging in any social relationship that the Canons prohibit not just inappropriate conduct, but also the appearance of such conduct. If you choose to be “friends” with an attorney who might litigate a case before you, prior to starting the case, consider what the litigant on the other side might perceive the extent of your relationship is with that attorney. Think about what an outsider
could perceive if they saw your social networking connection, in addition to all other aspects of your relationship. When in doubt, it is never wrong to disclose at the outset of a case that you have a friendship with a particular attorney. In every case I know of where this has been done, the opposing side expressed no concerns about the case proceeding.

Many advisory opinions addressing judicial conduct on social networking sites admonish judicial officers as to a variety of potentially hazardous conduct when participating in a social networking site, and I would be remiss for not mentioning this as well. These warnings apply to judicial officers here because we have similar ethical rules. For example, we are prohibited from discussing a pending matter. So, refrain from posting that you are tired of sitting in a hearing that has gone on for far too long. If you are interested in seeing just how many ethical mistakes one judge can make via his Facebook account and proclivity to web searching, you might want to check out Public Reprimand of B. Carlton Terry, Jr., a district court judge in North Carolina.

Both New York and Ohio do a fine job of providing additional admonitions for those using social networking sites. I encourage you to take a look at them, as well. The National Judicial College also has an interesting, and brief, article which raises an even larger spectrum of ethical questions social media has brought to the courtroom. The creation and rapid expansion of social media has created a situation where private conduct is now more accessible to people who were not the intended observers. As a result, whether to “friend” or not “friend” an attorney is just the beginning of many ethical questions judicial officers must now consider.

4 Michigan Code of Judicial Conduct Canon 3A(6).
5 In Re Terry, Inquiry No. 08-234 (North Carolina Judicial Standards Commission, issued April 1, 2009), http://www.ncc.state.nc.us/www/public/csa/jsc/publicreprimands/jsc08-234.pdf.
7 The Supreme Court of Ohio Board of Commissioners on Grievances and Discipline Opinion 2010-7 (December 3, 2010), http://www.supremecourt.ohio.gov/Boards/BOC/Advisory_Opinions/display.asp.
Once again Referees from around the state will come together at the end of May to learn valuable new skills, elect new officers, and most importantly renew old friendships while forging new connections. We welcome all referees to join us at the Park Place Hotel in picturesque downtown Traverse City from Wednesday May 23rd through Friday May 25th, for the 28th Annual Ram Conference.

Conference chairpersons, Sahera Housey and Mark Sherbow, have worked tirelessly to make this an innovative, informative, and affordable conference. Realizing that county budgets are tight and many referees have to pay their own way, conference registration is a mere $150.00 ($175.00 for non-members). This includes a group dinner on Thursday night, a continental breakfast on Thursday, and a hot breakfast buffet on Friday morning.

The conference will begin Wednesday afternoon with a lively interactive presentation that will enable referees to hone their listening and hearing skills through a humorous and educational approach. Friday morning, conference organizers are pleased to present Maura Corrigan, former Michigan Supreme Court Chief Justice and current Director of the Michigan Department of Human Services. Director Corrigan will discuss progress, changes, and an overview of current and future programming within DHS. In the afternoon, we will hear from psychologist Michelle Sunny who will tell us about the latest updates in adolescent cognitive development. Friday morning will bring us a case update from the Quarterly’s own Ed Messing and a presentation on bonding and attachment by Sheri Noga.

Most importantly, the conference gives referees a chance to interact with others who face similar issues and challenges on a daily basis. It gives us a chance to reflect upon what we do and collectively think about ways in which we can improve the services we offer to families in the state of Michigan. We hope to see you there. Registration materials can be found on the following pages.
### Wednesday, May 23, 2012

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:00 p.m.</td>
<td>Conference Registration</td>
</tr>
<tr>
<td>2:00 p.m.</td>
<td>Presentation: <em>Go Comedy</em>. Attendees will be treated to an enjoyable, interactive presentation that will enable Referees to hone their listening and hearing skills: an educational but humorous approach on how to better absorb information in our hearings, and make us even more effective Referees.</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>Hospitality Suite: Meet and greet fellow Referees.</td>
</tr>
<tr>
<td>6:30 p.m.</td>
<td>Group Dinner – Park Place Hotel</td>
</tr>
<tr>
<td>8:00 p.m.</td>
<td>Hospitality Suite will be open. Come and enjoy some rest and relaxation!</td>
</tr>
<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>9:00 a.m.</td>
<td>Executive Board Meeting and Elections</td>
</tr>
<tr>
<td>10:00 a.m.</td>
<td>Presentation: <em>Maura Corrigan, Director, Michigan Department of Human Services</em>. Director Corrigan will discuss progress, changes, and overview of programs during the last year, and future programs and policies that will affect the judicial system.</td>
</tr>
<tr>
<td>11:30 a.m.</td>
<td>Lunch (on your own)</td>
</tr>
<tr>
<td>1:30 p.m.</td>
<td>Presentation: <em>Michelle M. Sunny, MS, LLP</em>. Ms. Sunny’s presentation will touch on adolescent development and the poor decision making abilities of young people. The lecture will assist Referees in enabling parents to better help their children in developing more mature thought and decision making processes. Ms. Sunny will also touch on adolescent conduct as it impacts, and is impacted by, the juvenile justice system.</td>
</tr>
<tr>
<td>3:30 p.m.</td>
<td>Joint Roundtable Discussion. Topics: to be announced.</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>Hospitality Suite will be open.</td>
</tr>
<tr>
<td>6:00 p.m.</td>
<td>Dinner (on your own)</td>
</tr>
</tbody>
</table>

### Thursday, May 24, 2012

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 a.m.</td>
<td>Continental Breakfast</td>
</tr>
<tr>
<td>9:00 a.m.</td>
<td>Executive Board Meeting and Elections</td>
</tr>
<tr>
<td>10:00 a.m.</td>
<td>Presentation: <em>Maura Corrigan, Director, Michigan Department of Human Services</em>. Director Corrigan will discuss progress, changes, and overview of programs during the last year, and future programs and policies that will affect the judicial system.</td>
</tr>
<tr>
<td>11:30 a.m.</td>
<td>Lunch (on your own)</td>
</tr>
<tr>
<td>1:30 p.m.</td>
<td>Presentation: <em>Michelle M. Sunny, MS, LLP</em>. Ms. Sunny’s presentation will touch on adolescent development and the poor decision making abilities of young people. The lecture will assist Referees in enabling parents to better help their children in developing more mature thought and decision making processes. Ms. Sunny will also touch on adolescent conduct as it impacts, and is impacted by, the juvenile justice system.</td>
</tr>
<tr>
<td>3:30 p.m.</td>
<td>Joint Roundtable Discussion. Topics: to be announced.</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>Hospitality Suite will be open.</td>
</tr>
<tr>
<td>6:00 p.m.</td>
<td>Dinner (on your own)</td>
</tr>
</tbody>
</table>
28TH ANNUAL RAM CONFERENCE SCHEDULE
Traverse City, Michigan; Park Place Hotel | Wednesday, May 23 - Friday, May 25, 2012

[Continued from Page 5]

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:00 a.m. to 10:00 a.m.</td>
<td>Breakfast Buffet</td>
</tr>
<tr>
<td>9:00 a.m. to 9:30 a.m.</td>
<td>Edward Messing — Case Law Update</td>
</tr>
<tr>
<td>9:30 a.m. to 11:00 a.m.</td>
<td>Presentation: Sheri Noga, MA. Ms. Noga will examine the attachment between parents and children and how to assist parents in developing strong, loving relationships, as well as assisting parenting in providing appropriate discipline and appropriate limits — all necessary elements of good parenting.</td>
</tr>
<tr>
<td>11:00 a.m. to 12:00 p.m.</td>
<td>Awards Ceremony and Conclusion of Conference. Please turn in your evaluation forms.</td>
</tr>
</tbody>
</table>

About Park Place Hotel

Address:
Park Place Hotel
300 East State Street
Traverse City, MI  49684

Contact Information:
ph.: (231) 946-5000
fax: (231) 946-2772
web: park-place-hotel.com
28th Annual RAM Conference Registration

Traverse City, Michigan; Park Place Hotel | Wednesday, May 23 - Friday, May 25, 2012

CONFERENCE FEE: Conference Fees include registration, materials, group dinner, and RAM membership for non-member Referees. Please CHECK the option(s) below that apply.

☐ RAM Members: $150.00 Early Registration Fee; $200.00 if paid after 04/15/2012.

☐ Non-Members: $175.00 Early Registration Fee; $225.00 if paid after 04/15/2012.

☐ Per Diem Rate: $75.00 per day for RAM Members. $85.00 for Non-Members. Please indicate your selected day(s).

☐ Wednesday (Circle: RAM or Non-Member)

☐ Thursday (Circle: RAM or Non-Member)

☐ Friday (Circle: RAM or Non-Member)

☐ Guest Meal Rate: $30.00 per person for Wednesday group dinner(s).

# of Additional Persons:_____

CONFERENCE REGISTRATION FORM

NAME _________________________________

TITLE _________________________________

COURT & COUNTY ________________________________

STREET ADDRESS ________________________________

CITY, STATE, ZIP CODE ________________________________

TELEPHONE ________________________________

E-MAIL ADDRESS ________________________________

REGISTRATION FEE ENCLOSED: $_________

TOTAL GUEST MEAL(S): $_________

TOTAL AMOUNT ENCLOSED: $_________

Please send this page, along with a check made payable to “R.A.M.” to the following address:

RAM c/o Referee Michelle Barry
Oakland County Friend of the Court
230 Elizabeth Lake Road
Pontiac, MI 48341

Park Place Hotel – Traverse City, is offering a special room rate of $109.95 per night, plus tax. Contact the Park Place Hotel for room reservations by phone at (231) 946-5000, by fax at (231) 946-2772, or online at www.park-place-hotel.com. The cut-off date for the block of rooms is May 1, 2012.

DO NOT SEND YOUR REGISTRATION FORM AND FEE TO THE HOTEL.
Domestic Relations: Case Law
Contributed by Ed Messing, St. Clair County

Gagnon v Glowacki _Mich App_(2012) (Court of Appeals #303449 March 6, 2012)

The Court of Appeals, in upholding a change of legal residence to Windsor Ontario, held that even where the move is less than 100 miles, the parent changing the child’s domicile out of state is still required to obtain court permission. The parties shared legal and physical custody of the minor child who lived with plaintiff in the maternal grandmother’s home, while spending every Tuesday and Thursday evening, alternating weekends, and alternating Thursday overnights at defendant’s Farmington Hills home. Defendant also would often take the child to lunch, ice skating lessons, medical appointments and on vacations. Plaintiff, who had taken care of her grandmother from 2009 until she passed away, was not employed, and could no longer afford to pay the mortgage on her grandmother’s home. She filed a motion to change domicile to Windsor, Ontario where she had a job offer, would reside with her father, and had significant family support, including child care provided by relatives. The Court found that these facts supported a finding that the move could improve the overall quality of life for the child and Plaintiff and that enrollment in a Catholic School in Canada would not harm the child’s education. Further, as defendant was granted an additional monthly weekend and plaintiff was required to provide transportation to and from Detroit, there was a realistic opportunity to preserve and foster defendant’s parental relationship with the child. The Court found no change in the shared established custodial setting as the defendant would essentially have the same amount of parenting time as prior to the move and concluded that the best interests factors did not need to be addressed.

In re Kabanuk _Mich App_(2012) (Court of Appeals # 301536 January 19, 2012)

The Court rejected the Respondent’s defense that Petitioner was prohibited from using a PPO as a sword instead of a shield; holding that only Respondent’s behavior is relevant in a contempt proceeding for violation of a PPO. As a result of child protective proceedings, Petitioner’s husband had been granted guardianship of Respondent’s son and had obtained PPOs against Respondent and her husband. While the parties were outside of the courtroom for a hearing to address alleged parenting time violations by Petitioner’s husband, there was an attempt to serve him with additional motions. Respondent testified that Petitioner’s husband had used profanities against her at least 10 times in the courthouse hallway before she responded with an obscenity, pointed her finger at Petitioner and told Petitioner that she hated her. The Court of Appeals affirmed Respondent’s conviction for violation of a PPO.

[Continued on Page 9]
Ulloa v Lafave Unpub (2012) (Court of Appeals # 301955 February 23, 2012)

The Court of Appeals upheld the referee and the court’s denial of Defendant’s motion to change parenting time in this unpublished case. Following an increase in support, Defendant moved to increase his parenting time from five to seven consecutive days every two weeks on the basis that the child was now older than when the last order was entered and the child equally preferred both parties. The Court of Appeals agreed with the Referee and the Court’s finding that the child’s age, by itself, is insufficient to establish proper cause or a change in circumstances to warrant modification of parenting time.

The Court of Appeals further found the lower court’s decision limiting the de novo hearing to be in compliance with MCR 3.215(F)(2). The Court of Appeals remanded the issue of attorney fees, for the Court to articulate the reasons it found Defendant’s motion to be frivolous, and to make specific findings of a reasonable attorney hourly fee rate and number of hours expended, with adjustments per case law.

Stratford v Stratford Unpub (2012) (Court of Appeals #300925 March 26, 2012)

An interesting unpublished case reviewed an issue that has yet to be addressed by statute or a published appellate decision in Michigan. In Stratford v Stratford, the parties motioned to amend the divorce judgment to address the disposition of the parties’ cryopreserved embryo. The parties indicated they had, through mutual mistake, failed to consider the issue during the divorce. The plaintiff wanted the embryo to be donated to another couple for in vitro fertilization, while defendant wanted the embryo donated for medical research. After a detailed analysis of case law in other states, the lower court ordered that plaintiff may provide for the fertility clinic to donate the embryo anonymously for adoption by another willing couple.

The Court of Appeals determined that the lower court’s order was invalid because the clinic was not a party to the action and the use of the term “may” was too vague. The Court questioned whether there was really a mutual mistake that would allow the court to address this issue post judgment, and further noted that the motion came 2 years after the Judgment. The Court also noted that there was nothing in the divorce statute providing for the award of an embryo, and it was not clear that the Family Division Court had jurisdiction over this issue at all. The Court of Appeals further noted that this issue should be left to the wisdom of the legislature and remanded the matter with the status quo to continue until the parties and the clinic reached an agreement on this issue.
Domestic Relations Continued

Roller v Roller Unpub (2012) (Court of Appeals #300543 January 26, 2012)
Jackson v Jackson Unpub (2012) (Court of Appeals # 301953 April 10, 2012)

Parenting time contempt was addressed in these two unpublished cases. In Roller v Roller, the court properly declined to find defendant in contempt for violation of a parenting time order. The alleged contempt was for violation of parenting time schedule recommended by a court appointed parenting time coordinator. However the judgment only provided that the coordinator would assist in resolving issues not addressed in the judgment, and did not authorize the coordinator to modify the current parenting time schedule.

In Jackson v Jackson the Court of Appeals reversed the trial court’s finding that defendant was in contempt as well as her 30 day jail sentence for violation of court orders regarding plaintiff’s parenting time and the child’s schooling. The Court of Appeals determined that the defendant was found guilty of criminal contempt as the show cause order did not state the proceedings were for civil contempt; the trial court found defendant had consistently disobeyed the court and disrespected its orders; and the jail sentence was specifically to punish past violations of court orders. The Court of Appeals found that the trial court violated defendant’s due process rights because it failed to notify her that it was proceeding on criminal contempt; and denied her right against self-incrimination by ordering defendant to answer questions posed by plaintiff’s counsel.

Domestic Relations: Proposed Court Rules

MCR 3.216(G) Comments due 6/15/12 on proposed revision to Mediator Training Standards and Procedures.

[Continued on Page 11]
The Supreme Court reversed the termination of the father’s parental rights and remanded the case to the trial court. The Court held that the trial court clearly erred when finding that the father failed to successfully complete the parenting class as the father presented the certificate of completion and heard testimony from one of petitioner’s witnesses that the father completed the parenting class. In addition, the trial court used improper hearsay testimony in determining the statutory basis for termination of the father’s rights. As there were no allegations in the original petition against the father and the petitioner was seeking termination on new or different circumstances, only legally admissible evidence could be considered. Further, the trial court “clearly” erred in finding that termination was in the children’s best interests. In citing In re Mason, 486 Mich 142, 782 NW2d 747 (2010), the Court held that the factual record was inadequate to make a best interest determination. There was no evidence that the trial court took into account the appropriateness of termination considering that the children were placed with a relative (their maternal grandmother). The father further argued that the “one parent” doctrine (allowing the trial court to assume jurisdiction of children on the basis of the actions of only one parent) violates his fundamental liberty interest. The majority of the Court did not directly address this argument as the father had not raised it in the Court of Appeals or in the Trial Court. However, the Court stated in a footnote that “the ‘one parent doctrine’ is obviously a jurisprudentially significant issue and one which this Court will undoubtedly soon be required to address given the widespread application of this doctrine”. Justice Kelly wrote, in a separate opinion, that the Court should have reached the issue to determine if the “one parent doctrine” should be upheld.

The trial court terminated the father’s parental rights. The father appealed to the Court of Appeals and the Court of Appeals reversed the trial court (unpublished Court of Appeals #302834 October 25, 2011). Petitioner filed for leave to appeal to the Supreme Court. The Supreme Court, in lieu of granting leave to appeal, reversed the decision of the Court of Appeals, holding that the Court of Appeals “misapplied the clear error standard by engaging in improper fact-finding and substituting its judgment for that of the trial court”. The Supreme Court remanded the case to the Court of Appeals to address best interests (the remaining issue raised by the father). The Court of Appeals, on remand, held that the trial court did not err in finding that termination was in the children’s best interests (unpublished Court of Appeals #302834, March 15, 2012).
Neglect Continued

In re Galehouse, unpublished Court of Appeals #306088 (February 16, 2012)

After a 3 day jury trial, the jury found that one or more of the statutory grounds listed in the petition had been proven. The trial court assumed jurisdiction over the child and ordered the parents to participate in services. The parents appealed the assumption of jurisdiction arguing that the trial court erred in allowing numerous hearsay statements. The child did not testify, but the trial court allowed the witnesses (especially the child protective services specialist) to testify about what the child told them finding that the child was a party and it was a statement against a party/opponent. The Court of Appeals agreed with the respondents and reversed the assumption of jurisdiction. Although the rules of evidence do not apply at a dispositional hearing, they do apply during the adjudicative stage. The Court held that hearsay is admissible under MRE 801(c) and MRE 802 where the “statement is offered against a party and is...the party’s own statement...” In this case, the child was the subject of the litigation; she was not the petitioner or the respondent and, therefore, is not a party. Even if she was a party, there is still a question as to whether or not the statements were admissions against her. Because the GAL was aligned with the petitioner, only the child’s statements that favored the respondents’ position could be considered as admissions against her interests. The Court found that none of the statements attributed to the child favored the respondents. Due to the quantity of inadmissible hearsay, the Court vacated the verdict.

In re Carter, unpublished Court of Appeals #304476, March 6, 2012)

The children were removed from the mother’s home due to domestic violence and drug use (marijuana) issues. The mother attended anger management classes, completed a psychological evaluation and a substance abuse screening and assessment, but refused to participate in parenting classes and random drug screens. The trial court ordered that parenting time be suspended until 3 consecutive negative random drug screens were completed. The mother then started random drug screens. She was able to complete three negative screens and parenting time was started. She then tested positive again and parenting time was again suspended. The mother stopped drug screens for several months. She started drug screens again just prior to the permanency planning hearing and completed 3 consecutive clean screens by the PPH. The trial court ordered the petitioner to file a petition to terminate the parental rights and upon the request of the petitioner, ordered that parenting time remain suspended until the termination hearing. The mother continued to have negative or missed drug screens and by the time the termination hearing was held, the mother had only exercised one visit with her children. Despite testimony during the termination hearing by the mother’s counselor and caseworker that the mother was making progress on her drug addiction, the referee, in a written recommendation adopted by the trial court, appeared to rely solely upon the mother’s continued marijuana use as the basis for termination. (In addition, the mother did not have a “true” positive since well before the PPH.) The Court of Appeals reversed, holding that the trial court clearly erred as there was no evidence presented that the mother’s marijuana usage continued to exist and, if it did exist, that it could not be rectified within a reasonable time. In an interesting footnote, the Court stated that, pursuant to MCL 712A.13(11), parenting time can only be conditioned if the visitation may be harmful for the child and after the child undergoes a psychological evaluation or counseling. Therefore a blanket policy conditioning parenting time, including supervised parenting time, upon 3 consecutive negative drug screens (without following the statute) would be contrary to Michigan law.
SB 557, SB 560 HB 5328, 5329 – “Revocation of Paternity Act” and related legislation

This set of bills would substantially revise the procedures for setting aside an acknowledgment of parentage and would create a procedure for setting aside an order of filiation. SB 557 would grant standing to the mother, the “acknowledged father,” the “alleged father” (a man who by his actions could have fathered the child), or the prosecuting attorney to file an action for revocation of an acknowledgment of parentage. The bill would also grant standing to a mother, an “alleged father” or an “affiliated father” (a man who has been determined in a court to be the child’s father) to set aside a default judgment of paternity. A third type of action would be created that would allow the court to determine that a child has been born out of wedlock in cases where the mother was married at the time of the child’s conception or birth and her husband (the “presumed father”) is not the natural father of the child. In these cases, either the mother, the “presumed father,” or in certain instances DHS, would have standing to bring such an action. SB 557 would also allow the court to make a determination of paternity.

SB 557 has been passed by the Senate and several related bills are pending in the House of Representatives. The bills have been supported by the Friend of the Court Association, the Michigan Probate Judges Association, and the Family Law Section. The bill has been opposed by the Michigan National Organization for Women. An Analysis of the package of bills can be found at: http://www.legislature.mi.gov/documents/2011-2012/billanalysis/House/pdf/2011-HLA-5328-3.pdf

SB 135 – Amendment to the “Parental Rights Restoration Act”

The Parental Rights Restoration Act, enacted in 1990, prohibited a minor from obtaining an abortion unless she had the written consent of a parent or legal guardian. Following constitutional mandates, a judicial by-pass procedure was created for cases in which the minor could not obtain parental consent. The provisions in this amendment limit the minor’s access to the courts by preventing her from filing for a waiver if she has previously been denied a waiver concerning the same pregnancy. The amendments also create a higher burden of proof for the minor to show either that she is mature enough to make the decision without parental involvement or that the termination of the pregnancy is in her best interests. The Family Law Section testified in opposition to the amendments stating: “The new factors defining each new standard make it much more difficult for a minor to qualify for a waiver of parental consent.” The Family Law Section believes that the current standards work properly and there is no need or justification for the proposed changes. The bill was passed by the Senate and can be found at: http://www.legislature.mi.gov/documents/2011-2012/billengrossed/Senate/pdf/2011-SEBS-0135.pdf

(Continued on Page 14)
SB 989 - Amendments to the Child Custody Act

SB 989 would amend the Child Custody Act to prohibit the court from granting custody or parenting time to a parent, where either that parent or an individual residing in the parent’s home, is required to register under the Sex Offender Registration Act, unless the court finds that there is no significant risk to the child and both the other parent and the child (if of sufficient age) consent. The amendments would also require the court to determine that the consenting parent was a “fit parent” and was acting in the best interest of the child. The legislation was referred to the Judiciary committee and can be found at: http://www.legislature.mi.gov/documents/2011-2012/billintroduced/Senate/pdf/2012-SIB-0989.pdf

SB 1000 - Amendments to the Child Custody Act

SB 1000 would require parenting time orders to include a provision prohibiting the exercise of parenting time in a country that is not a party to the Hague Convention on the civil aspects of international child abduction. The legislation was referred to the Judiciary committee and can be found at: http://www.legislature.mi.gov/documents/2011-2012/billintroduced/Senate/pdf/2012-SIB-1000.pdf

Additional information about these and other bills can be found at: Michigan Legislature, or http://legislature.mi.gov/.

UPCOMING EVENTS

- **Wednesday-Friday. May 23-25, 2012.**
  28th Annual RAM Conference
  Park Place Hotel in Traverse City, Michigan

- **Thursday. July 19, 2012. 10:00 a.m. [This date is tentative.]**
  RAM Executive Board Meeting
  State Bar Headquarters
  Lansing, Michigan
It’s hard to believe, but my term as President is winding down. As this is my swan song as a regular columnist in the Quarterly, I’d like to use this opportunity to reflect upon my term as president, to thank all the RAM members who helped me along the way, and to encourage everyone to attend the annual conference.

My last piece of business as President will be chairing the Annual Meeting and Conference which will be held May 23rd through the 25th at the Park Place Hotel in Traverse City. Sahera Housey and Mark Sherbow have worked tirelessly in planning a conference that will be informative, enjoyable, and affordable. While in beautiful downtown Traverse City, you will be able to enjoy great camaraderie with Referees from around the state while you learn valuable information that will make you a better Referee. Details about the conference and a registration form can be found on pages 4 through 7 of this issue. I hope you can all attend.

One of the highlights of my term has been the launching of a strategic planning process facilitated through the State Bar. The recent survey you received marks the beginning of this process which I believe will strengthen our organization by increasing our membership and making RAM a more valuable part of your professional life. As the strategic planning process proceeds, I will continue working on this project to ensure the viability of our organization.

The last year has also brought with it the re-emergence and revamping of the Referees Quarterly. Shelley Spivack, with the assistance of Ken Randall, Ed Messing, Jen Kitzmiller, and designer Jen Sikora, have worked diligently over the past year to make it the fine publication it is today. While Shelley will be your next President, Lorie Savin will become the Quarterly’s new editor. I encourage everyone to not only read the Quarterly, but to contribute articles and ideas. As the voice of the Referees in this state, it is your publication.

I would like to express my gratitude to my Board for all the help they have given me. The officers: Shelley Spivack, Vice President; Michelle Barry, Treasurer; Amanda Kole, Recording Secretary; and Sahera Housey, Executive Secretary and Board members: Kristi Drake, Ron Foon, Deborah McNabb, Kathleen Oemke, Nancy Parshall, Ken Randall, and our past President, Art Spears, all have worked hard over the last two years to make RAM a better organization.
The President’s Corner

By Paul H. Jacokes

Other RAM members such as Mark Sherbow, Libby Blanchard, Traci Rink, and Lorie Savin, attended many of our Board meetings, served on various RAM committees, and have represented RAM in state-wide Bar organizations. I would also like to acknowledge our SCAO liaisons: Dan Bauer, Jennifer Warner and Jenifer Pettibone, for their service to our organization.

As president I appreciate all that has been done by every RAM member. Whether you volunteered to serve on a committee or board, made comments on the listserv, attended the conference, or simply paid your dues, it all adds to the value of our organization. Hopefully, others will be inspired to join us and contribute in the future.

Over the last few years, it has become difficult to continue the programs offered by RAM. The economic crisis that has hit the country has caused counties to cut back on line items such as conferences. As more of us now pay our own way to attend and others have to take vacation time, it has been difficult to keep our conference numbers up.

I believe, however, that it is important that we keep on as an organization. If nothing else, it is nice to know that we are not alone. We share information about how each county handles different situations. We support each other as we go forward. Hopefully, in a few more years, as the economy continues to improve, the counties will once again begin to cover some of our expenses. In the mean time, we will have to just muddle on together.

Thank you for letting me serve you these last two years. I have enjoyed my time as President and hope I have fulfilled my duties to all of your expectations.
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.

Board Members:

Arthur Spears
Oakland County

Kristi Drake
Lenawee County

Ron Foon
Oakland County

Deborah McNabb
Kent County

Kathleen M. Oemke
Livingston County

Nancy Parshall
Isabella County

Kenneth D. Randall
Midland County

Officers:

President
Paul H. Jacokes
Macomb County
pjacokessr@yahoo.com

Vice President
Shelley R. Spivack
Genesee County
sspivack@co.genesee.mi.us

Executive Secretary
Sahera Housey
Oakland County
houseys@oakgov.com

Recording Secretary
Amanda Kole
Macomb County
amanda.kole@macombcountymi.gov

Treasurer
Michelle S. Barry
Oakland County
barrym@oakgov.com

Committees/Liaisons:

SCAO Liaison
Dan Bauer

Conference
Mark Sherbow
Sahera Housey
Libby Blanchard

Law & Court Rules
Ron Foon

Membership
Kristi Drake
Nancy Parshall

Awards
Kathy Oemke

Family Law Liaison
Traci Rink

Publications
Ken Randall
Shelley R. Spivack

Ethics
Lorie Savin

Technology
Deb McNabb