Parenting time and custody play such an important and large role in what we do at the Friend of the Court that many are unaware that this is unique to Michigan. In nearly all other states, the child support enforcement agency does only that… child support enforcement. The federal government funds child support enforcement throughout the country and US territories. However, parenting time and custody are not funded and, therefore, is not a part of the program in other areas.

The President has proposed in his FY 2013 budget $580 million over ten years to support increased access and visitation services. (Michigan is also fairly unique in our use of the term parenting time instead of the term visitation.) The budget proposal says something we have long known in Michigan: “Research shows that when fathers are engaged in the lives of their children, they are more likely to meet their financial obligations. This creates a double win for children – an engaged parent and financial security.” The President’s proposal requires states to establish access and visitation responsibilities in all initial child support orders just as custody arrangements are typically settled when a divorce is finalized. Michigan is also unusual in routinely enforcing divorce cases through the local child support offices. In many states, parties must actively “opt in” to the child support agency, sometimes paying hefty fees, if they seek assistance with enforcement of their divorce order.

Michigan has provided a broad range of services to families involved in domestic relations cases dating back to 1919. When the federal government became involved in the program in the 1970s, Michigan’s law provided a model for framing the new program. However, the federal government’s objective in funding the child support program was to provide a mechanism to recover the costs of public assistance. As a result, the national program was developed to recover these costs by focusing on child support collections. Parenting time and custody enforcement and case management were not included. Michigan has continued to provide these services because the leaders in our program feel strongly that parenting time and custody are important components to the work we do.

Today, others are looking to the State and Oakland County to see how we manage this important task. Federal child support workers, who will implement this new
requirement if a federal budget is passed, are now looking to Michigan and to Oakland County to see how to manage this work. Representatives of the federal government visited the county in 2012 and met with our FOC referees and family counselors and several of our community partner organizations. Through those “focus group” type sessions, they are developing best practices to bring to the rest of the country if the President’s proposals are enacted into law. In addition to meeting with our county employees, the visitors from our federal office also met with the Oakland Mediation Center, the Family Support Division of the Oakland County Prosecutor’s Office and with our supervised parenting time vendor, Impact Consulting. They also attended an FOC Citizen Advisory Committee meeting to receive some input from the public. Finally, I had the opportunity to participate in a federally-sponsored round table discussion about how domestic violence concerns may be managed in a broad-based program that routinely addresses issues of parenting time and custody.

We are excited to see where this process takes the country and are hopeful that Oakland County will be able to assist in the roll out of this important work all across the country.

This article was reprinted with permission of the Oakland County Bar Association, 1760 S. Telegraph Rd., Suite 100, Bloomfield Hills, Michigan 48302-0181, (248)334-3400, fax (248)334-7757, www.ocba.org. The article originally appeared in LATCHES, November 2013.

AN INTRODUCTION TO THE STATE COURT ADMINISTRATIVE OFFICE CHILD WELFARE SERVICES DIVISION

Contributed by Kelly Howard, Director of SCAO Children’s Welfare Services

The Child Welfare Services division within the State Court Administrative Office provides assistance to circuit court family divisions on child welfare matters, including child protective proceedings, foster care, adoption, coordination with Indian tribes, termination of parental rights, permanency outcomes, and data collection and analysis. Child Welfare Services administers the Michigan Court Improvement Program (CIP) and the Foster Care Review Board Program (FCRB) and provides 25 to 30 multi-disciplinary trainings each year on a variety of child welfare issues.

The CIP is funded by federal grants that are guided by and operate through a statewide, cross-disciplinary task force aimed at improving the three key elements of child protective proceedings: safety, timely permanency, and well-being for children. Child Welfare Services works collaboratively with the Department of Human Services, courts, attorneys, Michigan’s twelve federally recognized tribes, community health, education, and child advocates to assess our child welfare laws and judicial processes, and develop and implement plans for system improvement.

How we can help:

▪ Local technical assistance
▪ Data measures and performance reports using court and DHS data
▪ Practice guides and resources
▪ Training for judges, referees, attorneys, court clerks, DHS and other child welfare stakeholders
▪ Federal Title IV-E compliance, including local IV-E training programs
▪ Best practices for child protective proceedings
A few examples of our work:

- New Jurist Training: In an effort to provide new judges and referees with the information and tools they will need to preside over complex child protective proceedings, CWS initiated training for new judges in 2009. During 2011, the training was expanded to include new juvenile court referees. This day-long training covers topics such as federal Title IV-E and ASFA requirements, ICWA, court forms, bench cards, data collection/sharing, SCAO resources, and a case scenario exercise. Each training class is small to encourage maximum conversation and address jurists’ specific and county-relevant questions. Please contact Darla Brandon to sign up for a New Jurist Training.

- CWS Tool Kit: CWS recently created a “tool kit” for attorneys, judges, and referees handling child protective proceedings. The idea was to consolidate and establish a central place on our state court website to access all of the basic information needed to get started when handling child protective proceedings. The tool kit website address is: http://courts.mi.gov/administration/scao/officesprograms/cws/cwstoolkit/pages/default.aspx

- Bench Cards: Child protective proceeding bench cards are a practical and concrete tool for judges, referees, and attorneys to enhance the quality and depth of court hearings in abuse/neglect cases. The bench cards facilitate and encourage richer discussion between the court and attorneys of the unique issues to be addressed at each hearing.

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For more details about Child Welfare Services:  
http://courts.mi.gov/Administration/SCAO/OfficesPrograms/CWS/Pages/default.aspx
Every year dedicated referees throughout Michigan work hard as public servants for the betterment of families and their communities, not to mention family law in general. It is common for referees to volunteer their time outside of work with little recognition. This article seeks to highlight some of the accomplishments of those unsung referees in 2013. Not all of their good work and accomplishments are known to me, so please read the list below knowing that many other referees not named also performed exemplary service, and that I likely do not know all that a named referee has accomplished. (In other words, I’m pretty sure this is just the tip of the iceberg.) This list is a first of its kind for the Quarterly. Hopefully, in the years to follow, this will become an annual installment with an ever-increasing list of names and accomplishments.


Traci Rink, Oakland County, completed her term as Chairperson of the State Bar’s Family Law Section. Traci is only the second referee to ever chair the Family Law Section. (The other was Jon Ferrier from Kent County.) Traci also served on ICLE’s Family Law Advisory Board, and as co-editor of the FOC chapter of their two volume publication.

Ron Foon, Oakland County, received a statewide award at the Michigan Family Support Council, Michigan’s Outstanding FOC Managers Award. Ron has a long history of service with many groups including the past two SCAO quadrennial Child Support Formula Review Committees, the most recent of which led to changes in the 2013 Michigan Child Support Formula.

Amanda Kole, Macomb County, served as Vice President of RAM, and as chairperson of the Awards and By-Laws Committees. She also served as a member of the MJJI Referee Conference Planning Committee, and as a member of the MJJI Editorial Advisory Committee to amend the FOC Domestic Violence Handbook.

Deborah McNabb, Kent County, served on the Michigan SOS Task Force, the Michigan Juvenile Justice 20/20 Task Force, and the State Bar of Michigan’s Children’s Law Section Council. Deb is RAM’s current Recording Secretary.

Lorie Savin, Oakland County, served on RAM’s board of directors, and as Editor of the Quarterly. She also serves on RAM’s Ethics, Conference, and Publication Committees. In May, Lorie received the President’s Award for Service at RAM’s annual conference.

Nancy Thane, Tuscola County, is an honorary lifetime member of RAM. Earlier this year she was sworn in as Tuscola County’s new Probate Judge. Judge Thane was recognized in Lawyer’s Weekly as being one of only two judicial candidates in the State who beat an incumbent judge. In addition to her judicial duties, Judge Thane also serves on the SCAO Domestic Relations Forms Committee, a position she held as a referee. In May, Judge Thane was presented with a RAM Appreciation award at RAM’s annual conference.

Sahera Housey, Oakland County, served as council member on the State Bar’s Family Law Section, the Judicial Resources Advisory Committee, and as co-liaison for the Oakland County Bar Association Legislative Committee. In
addition, Sahera also served as Vice President of the Michigan Inter-Professional Association on Marriage, Divorce and the Family (MIPA). Sahera is RAM’s Executive Secretary and co-chair of RAM’s Conference Committee. In May, Sahera received an Active Member Award at RAM’s annual conference.

Michelle Barry, Oakland County, served on RAM’s executive board as treasurer.

Michael Wolsh, Midland County, served on the Court Improvement Task Force, and on the Quality Representation Committee.

Art Spears, Oakland County, served on RAM’s board of directors. He also organized RAM’s annual golf scramble and hospitality room, and served again as toastmaster at our annual conference dinner.

Erin Magley, Ottawa County, served on the State’s FOC Forms Committee.

Peter Dever, Oakland County, served on the SCAO FOCB Advisory Committee.

Nancy Parshall, Isabella County, served on the MJJ Referee Training Planning Committee. Nancy also served on RAM’s board of directors, and she co-chaired the membership committee.

Sandra Aspinal, Livingston County, served on RAM’s board of directors.

Michelle Letourneau, Wayne County, serves on the Editorial Advisory Committee for MJJ’s Friend of the Court Domestic Violence Resource Book.

Leigh Feldman, Cass County, served on the CIP Committee as well as the MJJ Referee Training Planning Committee.

Dave Bilson, Oakland County, served on RAM’s board of directors, and on RAM’s Law & Court Rules Committee.

Kristi Drake was promoted to the position of Lenawee County Friend of the Court. In addition, Kristi serves as co-chair of RAM’s Membership Committee. In May, Kristi received the Service to the Board Award at RAM’s annual conference.

Renae Topolewski was promoted to become Saint Clair County Friend of the Court.

Ed Messing, Saint Clair County, continues to be a perennial speaker at MJJ and FOCA, especially in regards to his expertise with recent developments in family law legislation and caselaw. Ed also drafted articles for each Quarterly this year. In May, Ed received an Active Member Award at RAM’s annual conference.

Mark Sherbow, Oakland County, served as co-chair of RAM’s Conference Committee, a position he has held for over a decade. In May, Mark received the Outstanding Executive Award at RAM’s annual conference.

Paul Jacokes, Macomb County, and Kathy Oemke, Livingston County, both recently retired, however they still aided RAM by appearing before the Michigan Supreme Court to comment on the proposed rule regarding Referee grievances being automatically reported to a chief judge.

Ken Randall was promoted to become Midland County’s Friend of the Court. Ken also serves on the Editorial Advisory Committee for MJJ’s Friend of the Court Domestic Violence Resource Book, as publisher (and photographer) for the Quarterly, and as co-chair of RAM’s Publication and Technology Committees. Along with Ron Foon, Ken has served on the State’s past two SCAO quadrennial Child Support Formula Review Committees.

Thank you to ALL referees for your good work in 2013! Best wishes for a happy and productive 2014.
Domestic Relations

Contributed by Ed Messing, St. Clair County

The Supreme Court vacated a previous Court of Appeals decision that Domestic Relations Referees have the authority to hear PPO cases between individuals who have a minor child in common, Visser v Visser _Mich_ (2013) Sup Ct # 146944-5 vacating 299 Mich App 12 (2012) #301864 12/18/12. The Supreme Court vacated the Court of Appeals decision in lieu of granting an appeal, as Mr. Visser had not appealed the original issuance of the PPO, but only the extension, and therefore any issue regarding issuance of the PPO was not properly before the Court.

The Court of Appeals continues to address a number of issues raised with the Revocation of Paternity Act. Plaintiff’s complaint to revoke the paternity of a child’s legal father was properly denied in Grimes v Van Hook-Williams Mich App (2013) #314723 9/19/13 because Plaintiff knew Defendant was married to another man when they started their relationship, and had reason to know she was still married when the child was conceived. Although the statute does not require a mother to meet the same conditions as an alleged father to revoke the paternity of a child born or conceived during her marriage to another man, the statute does not violate an alleged father’s due-process and equal protection rights. Plaintiff does not have a fundamental liberty interest to revoke Defendant’s husband’s paternity of the child and therefore there is no violation of his right to due process. Further, the statute does not violate the Equal Protection clause because an alleged father is not similarly situated to an established mother of a child.

The Court also addressed the Act in the case of In re Moiles _Mich App_ (2013) #314970 10/29/13. K. Moiles and Ms. Weeks signed an acknowledgment of parentage that K. Moiles was the father of Weeks’ son, E.R. Moiles, even though both knew there was a possibility that K. Moiles might not be the child’s biological father. In 2011, K. Moiles was investigated by CPS which resulted in child protection petitions being filed and jurisdiction being granted over E.R., as well as other children. In August 2012, Weeks motioned to revoke the acknowledgment of parentage on the basis that one or both parties knew or should have known that Mr. Moiles was not the father when they signed the acknowledgment and the acknowledgment was a misrepresentation of a material fact, or alternatively, executed fraudulently by the parties. The trial court granted the motion on the basis that one or both parties knew or should have known that Mr. Moiles was not the father when they signed the acknowledgment and the acknowledgment was a misrepresentation of a material fact, or alternatively, executed fraudulently by the parties. The court also found clear and convincing evidence that Mr. Moiles was not the child’s biological father.

The Court of Appeals affirmed, finding that the “misrepresentation” regarding paternity required to revoke an acknowledgment of paternity under MCL 722.1437(2) (d) does not require an intentional misrepresentation made by one party to the other. Misrepresentation occurred because the parties had separated during the period of possible conception, and the parties acknowledged paternity when they knew, or should have known, that Mr. Moiles was possibly not the child’s biological father, and thus deceived the child and the world. The Court also affirmed based on the alternative finding that the acknowledgment was executed fraudulently. Under the statute, while the court is [Continued on Page 7]
required to address the Best Interest factors when revoking an Order of Filiation, it is not required to do so when revoking an Acknowledgment of Paternity.

A legal father is not subject to a petition for termination and step parent adoption, for failure to substantially pay support or exercise parenting time for two years, when he is subject to a $0 support order, In re TALH _Mich App_(2013) #314749 10/10/13. The Respondent father acknowledged paternity of Petitioner mother’s child in 2001 and accrued a $5,000 arrearage by 2010, when he was sentenced to a four to thirty year prison sentence. The trial court reduced support to $0 per month due to respondent’s incarceration. Two years later the mother married, and she and her husband filed for step-parent adoption and termination of the father’s parental rights. Although the legal father had not paid support or visited the child for two years, the Court of Appeals affirmed the dismissal of Petitioners’ motion, as the support order in effect required Respondent to pay $0 per month support payments, and thus he had been in compliance with that order for the last two years. The court urged the Legislature to address this issue.

A guardian is not entitled to the fit parent presumption when opposing a motion for grandparent time, Book-Gilbert v Greenleaf _Mich App_(2013) #308755 9/26/13. The court appointed a guardian for a child whose mother was deceased and father was imprisoned for failure to register as a sex offender. When the guardian refused to allow the paternal grandmother to visit the child, the grandmother filed for grandparent visitation. The trial court denied grandparent visitation on the basis that the guardian was entitled to the fit parent presumption under the statute, and that the paternal grandmother failed to overcome the presumption. The Court of Appeals reversed and remanded, as the fit parent presumption is based on the constitutional rights of a parent, and only a natural parent is entitled to the fit parent presumption under the statute.

Finally, the Court of Appeals provided guidance to the courts and attorneys on the establishment and enforcement of charging attorney liens in Souden v Souden _Mich App_ (2013) #309606 12/17/13. After the divorce judgment entered, the divorce court granted plaintiff’s attorney’s motion to adjudge $23,500 attorney fees due pursuant to the attorney’s charging lien on plaintiff’s share of the marital estate. The Court of Appeals found that the divorce court has jurisdiction to enforce the attorney fees based on the charging lien provided for in the divorce judgment entered after arbitration. Due process does not require that a new action be filed and served on plaintiff to collect attorney fees when an attorney’s lien was part of the judgment.

However, the Court reversed the lower court because it failed to conduct a hearing to determine what attorney services were actually rendered and the reasonableness of the attorney fees for those services. The Court remanded the matter for a hearing to determine the attorney fees rendered and reasonableness of the fee, as well as to determine whether the attorney assessed finance charges or interest, and whether any interest charged was usurious. The court further found that an attorney lien can only be executed against real property if expressly provided for by written agreement, which was not done in this case. If a lien against real property was expressly agreed to, the attorney must first obtain a judgment for the fees, then attempt to execute against the client’s personal property, and only if the judgment is still not satisfied, deliver a writ of execution and notice of levy against the property to the sheriff, who must record the notice with the register of deeds.
In re Boynton, 302 Mich App 632; ___ NW2d ___ (2013) (Court of Appeals #310889, October 15, 2013)

The juvenile is a resident of Michigan. When he was twelve, he went to visit his godfather in Georgia for a short time. He then returned to Michigan. While the juvenile was in Georgia, an investigation began into whether the juvenile sexually assaulted a four year old child. After the juvenile’s return to Michigan, an arrest warrant was issued in Georgia. Georgia’s governor issued a requisition demand to Michigan’s governor requesting the juvenile’s extradition to Georgia to face charges. In the requisition demand, the state of Georgia was pursuing charges in juvenile court, and stated that the juvenile was a resident of Georgia, living “somewhere in Michigan under the custody and control of his mother.”

Approximately 6 months later, the juvenile became involved in juvenile court in Genesee County for domestic violence and was placed on juvenile probation. Almost two years later, the juvenile violated the terms and conditions of his probation. He was then served with the extradition paperwork. The juvenile’s court-appointed counsel filed a writ of habeas corpus challenging the extradition, which the trial court denied, and ordered the juvenile to return to Georgia to face the charges.

On appeal, the juvenile argued that the Uniform Criminal Extradition Act (UCEA) does not apply to juveniles charged with delinquent behavior and only applies to adults and criminal behavior. The Court held that, by definition, the UCEA applies to “persons” and does not distinguish between a juvenile or an adult. The plain and ordinary meaning of “person” is a human being; a man, woman, or child. In addition, even though a juvenile is not considered “criminal,” the activity the juvenile is accused of is criminal in nature and, if he is adjudicated through the juvenile proceedings, it constitutes criminal activity. As a result, the UCEA applies to juveniles charged with delinquent behavior.

The juvenile also argued that the UCEA does not apply to him as he is not a “fugitive from justice.” The juvenile did not “flee” from Georgia to avoid prosecution. His mother dictated his travels and he was only in Georgia for a short vacation. The Court found the argument to be unpersuasive and held that the definition of “fugitive” as applied to the UCEA is more of a restricted definition and the reason for the absence of the individual from the demanding state is irrelevant for purposes of extradition, and the fact that the juvenile left the state does not matter as much as the fact that he refuses to return.

The juvenile next argued that because the paperwork stated he was a resident of Georgia, which was inaccurate, the extradition paperwork should be deemed invalid. The Governor of Michigan could assume based upon the paperwork that he is signing a document returning a Georgia resident back to his home state. The Court held that the offender’s permanent residence is not among the information that is required in the extradition documents and therefore would not render them invalid.

The final argument of the juvenile was that it was cruel and unusual punishment to remove the child from Michigan and his family as he is a minor. The Court held that the Constitutional protection applies only to “punishment” after the state has secured an adjudication of guilty or a conviction and therefore does not apply.

The trial court’s decision to deny the writ of habeas corpus and to permit the juvenile’s extradition to Georgia was affirmed.
In re White, ___ Mich App ___; ___ NW2d ___ (2014) (Court of Appeals #316749, January 16, 2014)

The mother appealed the trial court’s order terminating her parental rights. During the lower court case, the mother cooperated with services. The trial court found, however, that she did not make any progress as she still allowed questionable men into her apartment and life after meeting them on the internet. The mother further argued that the trial court erred by not considering the needs of each child individually in determining their best interests. The Court held that the holding in In re Olive/Metts, “stands for the proposition that, if the best interests of the individual children significantly differ, the trial court should address those differences….it does not stand for the proposition that the trial court errs if it fails to explicitly make individual and—in many cases—redundant factual findings concerning each child….” Since the trial court did not err, the termination order was affirmed.

In re Dearmon, ___ Mich App ___; ___ NW2d ___ (2014) (Court of Appeals #314459/316653, January 14, 2014)

A petition, which included the request to terminate the mother’s parental rights at the initial disposition, was filed alleging that domestic violence occurred in the home between the mother and her boyfriend while the children were present. In addition, the petition alleged that the mother had her parental rights to other children terminated in the past. The original petition was properly served on the mother. An amended petition was submitted to the trial court, but that petition was never authorized or served on the mother. A second amended petition was then submitted alleging most of the same information as the original petition, correcting some dates and adding additional allegations which occurred after the original filing. The second amended petition was authorized, but, again, not served on the mother. A jury trial was held. The second amended petition was read to the jury. When it was discovered that the amended petition was read, the mother’s attorney requested a mistrial. The trial court denied the motion.

During the jury trial, the petitioner presented evidence of taped telephone conversations between the mother and the then jailed boyfriend. The mother objected to this evidence as it was post-petition. The trial court denied the motion finding that the mother opened the door by asserting that the mother separated from the boyfriend and had no voluntary contact with him since an earlier domestic violence incident.

At the end of the trial, the trial court read the original petition to the jury during its final instructions. The jury found that there was a statutory ground for jurisdiction. The mother appealed.

A termination at the initial dispositional hearing began and the trial court terminated the mother’s parental rights. The mother appealed the termination order.

The mother challenged the adjudication on two separate due process grounds. First, she argued that since she was never served with the second amended petition, the trial court did not have personal jurisdiction over her and violated her due process. The Court held that once personal jurisdiction is established by the proper service of the original petition, it does not “evaporate” upon the filing of amended petition(s). In addition, the trial court did not err when it read the second amended petition to the jury as the original petition had put the mother on notice as to what evidence would be used against her at trial. The amended petition did not add different allegations.

The mother’s second due process argument was that the trial court erred by allowing evidence obtained after the filing of the original petition. The Court held that “if evidence of postpetition facts qualifies as relevant to an issue presented in an adjudication trial and is otherwise admissible under the rules of evidence, it may be admitted.”

Since the Court also found that the trial court did not err in finding that there was clear and convincing evi-
dence that a statutory basis existed to terminate the mother’s parental rights at the trial and that termination was in the children’s best interests, the Court affirmed the termination order.

_In re Laster, ___ Mich App ___; ___ NW2d ___ (2013) (Court of Appeals #315028, December 28, 2013)_

The trial court terminated the mother and the father’s parental rights and both appealed. The trial court suspended the mother’s parenting time 10 months after adjudication, but before a termination petition was filed, without making a finding of “harm” to the children. The mother argued that the trial court erred in terminating her rights as she was unlawfully denied mandatory parenting time prior to the filing of the termination petition and that interfered with her ability to be able to reunify with the children. The Court held that the statutes and court rules provide for the suspension of parenting time for the time period between the preliminary hearing and the adjudication, and for the time period after a termination petition is filed, but there is no provision that applies from the time period between the adjudication and the filing of a termination petition.

MCL 712A.13a(13) and MCR 3.965(c)(7)(a) require a trial court to make findings of harm before suspending parenting time, but it only governs parenting time from the time of the preliminary hearing to the time of adjudication, or the pre-trial placement of the children. Nothing in the language of the statute or the court rule indicates that these provisions apply after adjudication. The Court held that the trial court is in a better position to make a more informed decision regarding parenting time based upon legally admissible evidence introduced at the adjudication and does not need the statute or court rule finding that parenting time is harmful to the child.

Additionally, MCL 712A.19b(4) and MCR 3.977(D) govern the suspension of parenting time after the termination petition is filed to the time of the termination hearing. The trial court may, during this time period, suspend parenting time without a showing of harm.

There is a provision that addresses the required contents of the case service plan (MCL 712A.18f(3)(e) and (f)), which includes an element of harm for parenting time to be suspended. The Court held it is clear that these provisions only apply to the agency and not the trial court.

Since there is nothing that governs parenting time between the adjudication and the filing of a termination petition, parenting time decisions are left to the sound discretion of the trial court and are to be decided in the best interests of the child. No finding of harm is required between the adjudication and the filing of a termination petition, although implicit in the court’s decision, there is usually such a finding of harm. Just because the court form has the “harm” language in it, it does not have the force of law. As a result, the trial court did not err when it suspended the mother’s parenting time without making a finding of harm.

Although there were errors in finding that some of the statutory grounds for termination of the respondents’ parental rights were met, only one statutory ground is required and at least one ground was met for both parents. The termination of both parents’ parental rights was affirmed.
Ratte v Corrigan, et al., Eastern District of Michigan, Southern Division, Case No. 11-11190, November 26, 2013.

In the civil rights case resulting from a father “inadvertently” giving his 7 year old son a Mike’s Hard Lemonade at a Detroit Tigers game, plaintiff minor and his parents are suing numerous individuals. One of the individuals named is Third Judicial Circuit Judge Judy Hartsfield in her individual capacity. Judge Hartsfield filed a motion to dismiss on the basis of failing to state a claim and on judicial immunity. The Federal Court denied the motion. The Court held that the source of injury in the plaintiff’s complaint was the practice of allowing the removal of children from homes without judicial review by pre-signing form orders and allowing a non-judicial officer (a probation officer) to complete the form. The policy of pre-signing removal forms, which are later filled by non-judicial personnel without judicial review are administrative acts and not “judicial acts.” The alleged due process violations against Judge Hartsfield proceeded forward.

LEGISLATIVE UPDATE
Contributed by Shelley R. Spivack, Genesee County

SB 0714: UNIFORM COLLABORATIVE LAW ACT
This bill would adopt a uniform collaborative law act that would allow parties to agree to a collaborative alternative dispute resolution process as an alternative to litigation. This bill can be accessed at:


Status: Referred to Committee on Judiciary

HB 5082: PARENTING TIME COORDINATOR
This bill would amend the Child Custody Act to help implement the parenting time orders of a court and help resolve parenting disputes. This bill can be accessed at:


Status: Referred to Committee on Judiciary

SB 3018 and SB 3019: JUVENILE LIFE OFFENSES
These bills would eliminate mandatory application of life without parole for defendants who were under 18 years of age at the time the offense had been committed and set forth a procedure in which prosecutors could seek a life sentence. A summary of both bills can be found at:


Status: Passed by the Senate; referred to House Committee on Criminal Justice.
PA 152 of 2013: FINGERPRINTING OF JUVENILES

The bill amended the fingerprinting law to do the following:

- Specify that a provision regarding dissemination of criminal history record information does not allow (rather than does not require) the release of nonpublic information or information legally prohibited from being disseminated.
- Specify how juvenile history record information may be disseminated.

This act can be accessed at:


Status: Enacted and given immediate effect.

HB 4991: OBJECTIONS TO CHILD PLACEMENT BASED UPON RELIGIOUS BELIEFS

This bill would provide that a child placing agency would not be required to provide a service in connection with an adoption or foster care if the service conflicts with the agency’s sincerely held religious beliefs. This bill can be accessed at:


Status: This bill has been referred to the House Committee on Families, Children and Seniors.

SB 585: This bill would raise the age for criminal liability for prostitution/solicitation related offenses from 16 to 18. It also would allow a police officer to take an individual less than 18 into custody for the purpose of a hearing if the officer has reasonable cause to believe the person is violating one of the prostitution/solicitation offenses.

This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.

SB 586: This bill is tie-barred to SB 585 and provides that if a “juvenile under 18 years of age” is taken into custody for one of the listed offenses the court shall promptly conduct a hearing to determine whether there is reasonable cause to believe that the juvenile committed the violation while being a victim of human trafficking. If reasonable cause is found, the court shall refer the juvenile to DHS for care as a victim of human trafficking. The court may continue to exercise jurisdiction over the juvenile even if there is a referral to DHS.

BILLS RELATING TO HUMAN TRAFFICKING

(Continued on Page 13)
LEGISLATIVE UPDATE

BILLS RELATING TO HUMAN TRAFFICKING Continued

This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.

**SB 587:** This bill would require psychological assessments for children in foster care who are alleged to be victims of human trafficking and would require appropriate treatment for children determined to be victims. This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.

**SB 589:** This bill would amend 712A.19b to authorize termination of parental rights for persons convicted of: Accosting, enticing, or soliciting child under 16 for immoral purposes; child sexually abusive activity or material; use of internet to commit crimes against children; recruiting a minor for child sexually abusive activity; providing or obtaining labor or services by force, fraud or coercion; recruiting, harboring, transporting, providing or obtaining a person for involuntary servitude or debt bondage.

This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.

**SB 592:** This bill would allow victims of human trafficking to receive medical assistance benefits for medical and psychological treatment. This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.

**SB 593:** This bill would allow DHS to consider a plan other than reunification, adoption, or foster care for children who have been victims of human trafficking. This bill can be accessed at:


Status: Referred to Committee on Families, Seniors, and Human Services.
HB 5012: This bill would create a presumption in any prosecution of a “minor” for a prostitution related offense that the minor was coerced into child sexually abusive activity or commercial sexual activity or otherwise forced or coerced into the offense. It would also:

- Allow the minor to be taken into temporary protective custody under the Juvenile Code for a reasonable period of detention for investigation purposes
- Require an officer to immediately report a suspected violation of human trafficking to DHS
- Require DHS to begin an investigation within 24 hours
- Allow DHS to file a neglect petition under 712 A. 2 (b) if the child is found to be a victim of abuse or neglect

Under this bill a “minor” is defined as any person under 18. If the “minor” failed to substantially comply with court-ordered services, the minor would not be eligible for the presumption under the Act. This bill can be accessed at:


Status: Passed by the House and referred to Senate committee on Families, Seniors, and Human Services

HB 5026: This bill would amend 712 A.2 to allow a court to take jurisdiction in a neglect case over juveniles who are:

- homeless
- runaway
- are alleged to have committed a commercial sexual activity or a delinquent act that is the result of force, fraud, coercion or manipulation exercised by a parent or other adult
- juvenile’s custodial parent has died or become permanently incapacitated and there is no other parent or legally responsible person to assume care of the juvenile

This bill can be accessed at:


Status: Passed by the House and referred to Senate committee on Families, Seniors, and Human Services.

RAM has written a letter to the Michigan Human Trafficking Task Force pointing out significant drafting problems in SB 585, SB 586 and HB 5012. RAM indicated its general agreement with the intent of the legislation.
A package of bills regarding child support, **SB 520-530**, has been introduced to:

- Improve efficiency
- Save costs
- Enhance revenue
- Confront the underground economy (UE)
- Increase technology use
- Correct technical language

A PowerPoint presentation regarding these bills has been prepared by the Michigan Child Support Program Leadership Group and is available on the RAM website, on the Bulletin Board under the “Members Only” section.

Status: These bills have been referred to the Senate committee on Families, Seniors, and Human Services.

**RAM has voted to endorse this package of legislation.**
Love’, ‘beauty’, ‘goals’, ‘dreams’, and ‘hope.’ These are the words that shine through in a collection of poetry written during the summer of 2013 by the girls in Genesee County’s youth detention facility - GVRC.

For 12 weeks, the girls in GVRC’s North Wing gathered together on Monday evenings with poets from the Buckham Fine Arts Project and students from the University of Michigan to look into their hearts and souls and discover the healing power of language.

The Buckham/GVRC Share Art Project, which was started in the fall of 2011, brings visual art and Spoken Word Poetry workshops to Genesee County’s detained youth. The gender-based Spoken Word Poetry workshops address the unmet needs of the young female residents; enabling them to find their own voices and become the tellers of their own stories. Working with these young women has given me an opportunity to see a side of them we, as referees, rarely see when seated behind the bench. I’d like to share with you a sampling of their work:

I choose Sobriety  
Over Society, I choose to  
exceed expections unbounded,  
I will discover the  
Beauty in life unfounded,  
I will be seperate from  
the population, The complete  
opposite of all congregations.  
I will be me... with a  
Purpose unseen on the surface, I  
Will Strive for things called Impossible  
I am me, I am unstopable!!

Thursday. March 13, 2014. 10:00 - 3:00 p.m.  
SCAO CWS New Jurist Training  
Hall of Justice in Lansing, Michigan  
This training is for those assigned to ca/n cases within the previous 3 years. To register, contact Darla Brandon at brandond@courts.mi.gov or (517) 373-8036.

Thursday. March 27, 2014. 10:00 a.m.  
RAM Board Meeting  
State Bar Building in Lansing, Michigan

Wednesday, May 21 - Friday, May 23, 2014.  
RAM Annual Training Conference  
Stafford’s Perry Hotel in Petoskey, Michigan

The President’s Corner

Contributed by Shelley R. Spivack

‘Love’, ‘beauty’, ‘goals’, ‘dreams’, and ‘hope.’ These are the words that shine through in a collection of poetry written during the summer of 2013 by the girls in Genesee County’s youth detention facility - GVRC.

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The President’s Corner

Beauty is unlimited, It’s in what we say, or what we don’t say, silence is beautiful, silence is like a feeling without words, It’s beautiful, because it’s blank, it’s not yet polluted with the corrupted things people say. I love it, because I don’t have to know the right words to say, but I’d know I’d mean them in everyway.

Do not dispare
From what you can’t repare
Though she was fair
Do not hide in your lair

For child
You are wild

And you have a heart
As beutiful as art

When someone asks me to explain my life, But only in a few word’s, I ask which one? ’Cuz little do they know, I’m a little person livin in two worlds.
Im living a life house divided
I’m like a concrete wall with no side to side with. Being an Arab-Muslim is an amazing Blessing, but living in America? that could be stressing.
My outside person
and that girl at home, are nothing alike, its like they’re complete opposite strangers forced to get along. It could be so hard, but gotta pull myself together and just be strong. How can I express myself? And show people how I really am?
especially when I gott deal with comments like “go Back to your country towel head”. Gotta Be proud of who I am, call me towel head? hey at least I got a clean head...

Love is beautiful. I feel love has no limits. Love is beautiful because it turns your insecurities into confidence. Love is beautiful because it makes a broken heart feel whole again. Love is infinite. When you love somebody, you always will. Aint no way around it. You may feel as if you dont love something or someone no more so it aint no point to waste your time associating with them but the moment you reunite, you feel a connection. Old feelings return all because LOVE never took a break. It just hid itself because of the lack of foundation. Love is beautiful because it inspires ambition. It gives you emotion and a way to express yourself wether it be physically or mentally. Love is beautiful because it relieves stress. I could be in the worst mood ever but if I feel a sense of LOVE, I get over it and live for the moment. Love is beautiful because it gives you a sense of faith. All while I been locked up, I been thinking about those I LOVE and those who LOVE me. I used to want to give up on life and just be dead but people showed me LOVE. They showed that they cared. I also feel that LOVE is beautiful because it shows me the difference
between true LOVE and FAKE LOVE. A million people can say Oh, I LOVE you so much but outta that million, only a hundred may mean it. I learned the difference. Those hundred proved they love me by action. They showed me only positive things and when I was down they had my back. They never listened to what they heard or they never judged me from my past. They moved forward and helped me moved on with my life also. The other million that just told me they loved me let me get locked up, let me get shot at, let me get raped, let people talk about me, listen to these rumors, call me thots, hoes, bitches, and it leaves me to feel worthless. Love is beautiful because I Am confident, strong, and loyal. I Love those who show me they love me through actions not words. LOVE is beautiful. Thats why when I look in the mirror, I see beauty. I AM beautiful.
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.

MISSION STATEMENT

Founded in 1984, the Referees Association of Michigan (RAM) is a special purpose bar organization recognized by the State Bar of Michigan that consists of attorneys who serve as juvenile and domestic relations referees throughout the State. RAM’s primary focus is to educate its members through an annual training conference, its publication, Referees Quarterly, and a listserv. RAM’s mission is also to contribute to the improvement of the legal system by appointing members to serve on numerous State Bar and State Court Administrative Office committees, and by offering comments to proposed legislation and court rules.

Since 1984
“Compassionate justice helping children.”

www.referees-association.org

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Lenawee County
Nancy Parshall
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Lorie Savin
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**By-Law Revision:**
Amanda Kole

**Conference:**
Sahera Housey

**Ethics:**
Lorie Savin

**Family Law Section Liaison:**
Traci Rink & Sahera Housey

**Law & Court Rules:**
Ron Foon & Dave Bilson

**Membership:**
Kristi Drake & Nancy Parshall

**Publications:**
Ken Randall & Lorie Savin

**SCAO Liaison:**
Dan Bauer & Noah Bradow

**Technology:**
Deb McNabb & Ken Randall