

Children's Law Section

October 8, 2003

State Bar Building, Lansing, Michigan

Meeting began at 5:17 p.m.

Present were Rebekah Visconti, Suzanne Stephan, Musette Michael, and Kathy Fehrman

Present by telephone conference call were Karen Cook, Jennifer Pilette, Guela Tron, John Forczak, Robbie Paulson, Judi New, James Ridella, Kay Hansen, and Jim Bishai

Guests present were CLS members Phil Fabricio, Carol Sielon, Kevin Cronin and Claudia Day

Minutes were emailed, GT did not receive, Approved by JP and GT

Karen Cook asked to be excused from the last meeting.

Kay Hansen attended the last meeting by telephone.

Treasurer's Report

Guela Tron and Judi New will get together before the next meeting.

Attendees of the annual training have been responding to the CLS letter approved last month. We have approximately \$1500.00 to deposit. The State Bar has not provided any new accountings since the annual meeting.

The Governor's Task Force on Children's Justice will provide \$12,000 per year for the next two years, 2004 and 2005, to for the production of four Children's Law Section Journals, at \$3000.00 per issue. The CLS will be expected to provide \$1000.00 per issue.

Judi New recommended that CLS schedule a journal per quarter in January, April, July, and October for each year and not plan another product for 2003. The bill for the 2003 journals can now be paid. Dues income for this year should be about \$23,000.00.

Motion to approve, Judi New, Karen Cook 2nd, Approved

Reaffirmed vote for Mayssa Attia to council for term expiring 2004.

Committee Reports

Legislative

Kathy Fehrman-resigned as of 9/11

Bill Ladd

Karen Cook

Jim Bishai

Suzanne Stephan

Musette Michael-will let Judi New know if she will be on it

Judi New to staff

HB4096-Bill Candler said there would be discussion on this - Children's Ombudsman, Rebekah asked for input, received none, he told the legislature that CLS supports.

Rebekah asked the members of legis com to contact Bill Candler and let the council know about this bill. Once she has information from the

section, she will send out to members and get a letter to the legislature.

Letters would list concerns and supports, individual members can also petition on their own as individuals.

Another item for our consideration is SB 710, safe delivery newborns, eliminate sunset provisions.

Kevin Cronin submitted the following to CLS:

LEGISLATIVE PROPOSAL

Re: STANDING OF PARENTS IN DELINQUENCY CASES

Author: Kevin W. Cronin
Attorney at Law
2371 130th Avenue
Hopkins, MI 49328
Phone: (269) 793-7764

The Problem: Prior to May 1, 2003, parents in Michigan had the right to participate as a "party" in any delinquency case against their child, per MCR 5.903(A)(13). **Effective May 1, 2003**, the Michigan Supreme Court disenfranchised parents by unilaterally changing it's rules to eliminate parents as parties in delinquency cases. Parents are now passive spectators in these cases and lack the right to speak up and speak out for their child. Under these amended court rules, however, parents continue to be obliged to attend all court hearings or face contempt of court (MCR 3.928(A) and are liable for victim of restitution and costs of out-of-home placement based upon ability to pay.

I submit that this recent court rule change is disrespectful toward parents, disadvantageous to children and counterproductive to the cooperative alliance the court system should foster with parents. Relegating parents to the status of passive spectators in delinquency proceedings is at war with the character and mission of a true "Family Court".

The Solution: This proposal invites sponsorship of a simple bill to amend the Michigan Probate Code statute (MCLA 712A.6) to restore the

standing of parents as a "party" in delinquency cases. This can be done quite simply by inserting language lifted verbatim from the "old" court rule (pre-May 1, 2003), which defines the term "parent" and states that... in a delinquency proceeding, "the parties are the petitioner, the juvenile and the juvenile's parent, MCR 5.903(A) (12) and (13).

I submit that this proposed bill is ...parent friendly...child friendlyand family friendly. It would send the helpful message that the legislature supports the efforts of parents to play an important role in legal proceedings effecting their children's lives.

Discussion followed
Motion to consider by legis com Judi New Suzanne Stephan 2nd Approved

Kevin Conin also brought to the attention of CLS that testimony from family law section on adoption was being taken today by the House Children and Family Services committee. They want to fix problem -- Settling questions on appropriate venue. There is no bill at this time.

Suggested that Venue should be - all petitions in one county, in the county where first petition is filed.

Discussion followed.

It was also suggested that CLS agree with Supreme Court findings and recommendations that adoption petition happens where the termination happened and then that court could move the adoption to whatever county would be most convenient. At least start with this county for permanent wards.

Kathy Fehrman agreed to forward copies of Supreme Court findings and recommendations to the committee.

Jennifer Pilette moved - CLS agrees to support, this was later withdrawn

Perhaps CLS should propose the bill

Jim Ridella wants child's attorney of record to be involved

We will have report for November meeting

Motion to table to November, Judi New, Karen Cook 2nd Approved

Kathy Fehrman brought other issues to the Section's attention-
Discussion followed on:

- GALs must meet with client prior to each hearing, without payment or reimbursement of expenses
- Second parent adoption
- Affidavit prior to payment for GALs

Discussion followed, it was suggested that a new committee be formed to research attorney fees and the above issues. Paul Holland will be contacted and asked for assistance/input/participation. Get info on

funding from SCAO. Do members have a cause of action? Bring back to CLS with recommendations.

Motion by Karen Cook, Jim Bishai 2nd Approved

Committee members: Karen Cook, Judi New, Jim Bishai, and Suzanne Stephen

Education Committee

Did not re: annual meeting

Will solicit ideas from members

Jennifer Pilette will set up a meeting

CASA Conference Nov 14/15 at Soaring Eagle, perhaps legis cmte would want to attend

The question was asked how does CLS get a copy of transcript of Lauren Hagar's committee?

Amicus Committee has In re Nall to bring to the November meeting.

Move to table by Jennifer Pilette, Rebekah Visconti 2nd Approved

CLS approved allowing GTF to send a reference manual they have prepared to each member of CLS at no cost to CLS

CLS also agreed that Nanette Bowler, as director of FIA, will have a page in each Journal to discuss or inform the membership on whatever topic she would like, and the membership will respond in the next issue of the journal.

Nanette Bowler would like to meet with CLS to explore collaboration efforts. The Education Committee to meet with her.

Moved to adjourn by Jennifer Pilette, Karen Cook 2nd

Adjourned 6:48 p.m.

Respectfully submitted,

Judith New
Secretary