

## FAMILY LAW SECTION

Respectfully submits the following position on:

\*

SB 0351

\*

The Family Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Family Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Family Law Section is 3,047.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 14. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

## Report on Public Policy Position

**Name of section:**

Family Law Section

**Contact person:**

Rebecca Shiemke

**E-Mail:**

[rshiemke@mplp.org](mailto:rshiemke@mplp.org)

**Bill Number:**

[SB 0351](#) (Jones) Family law; marriage and divorce; contacting a party to a divorce action; prohibit for a certain time period. Amends [1961 PA 236](#) (MCL [600.101](#) - [600.9947](#)) by adding sec. 914.

**Date position was adopted:**

June 6, 2015

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

21

**Number who voted in favor and opposed to the position:**

14 Voted for position

0 Voted against position

1 Abstained from vote

6 Did not vote (absent)

**Position:**

Support

**Explanation of the position, including any recommended amendments:**

SB 351 protects victims of domestic violence by preventing direct solicitations of legal services until 21 days after a summons is issued in a divorce action. This allows the victim an opportunity to execute a safety plan, arrange for service in a manner likely to reduce risks, and serve protective orders along with the complaint for divorce before the defendant learns of the action from a direct solicitation. The Family Law Section believes that the victim must be allowed a reasonable time to achieve service. The Family Law Section supports this bill.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2015-SB-0351>

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

- ✓ The regulation and discipline of attorneys  
The improvement of the functioning of the courts
- ✓ The availability of legal services to society  
The regulation of attorney trust accounts  
The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

This bill limits for a brief period when an attorney may engage in direct solicitations in divorce actions. It also increases the availability of legal services to victims of domestic violence who would otherwise not file an action if they believe the defendant would receive advance notice of the action.