



Family Law Theme Introduction

By Harvey I. Hauer

The State Bar of Michigan Family Law Section does an outstanding job educating individuals with varying degrees of expertise in family law. The section's focus is not limited to education, however. A year does not pass when there is not an appellate opinion, legislative act, or new court rule that profoundly affects family law. The section is vigilant in reviewing pending legislation and cases before appellate courts to determine if they might have a significant impact on family law. When necessary, the section is proactive in having its positions heard by submitting amicus briefs, using a lobbyist in the legislature, and commenting to the Michigan Supreme Court on proposed rule changes. Section meetings are an excellent forum for members of the bench and bar to express their opinions relating to family law.

The articles in this issue of the *Michigan Bar Journal* exemplify some of the developments that have occurred in recent years and address matters ripe for future debate in the legislature or the courtroom. They are thought provoking and worthy of your consideration.

James J. Harrington III's article includes an overview of the current state of the law related to separate and marital property. He also demonstrates that these areas of the law have been subject to important judicial action in recent years. It should be noted that some individuals are dissatisfied with the current state of the law related to separate property and seek to change it through new legislation. This debate is not over.

Richard S. Victor's article analyzes and raises serious concerns about proposed legislation that could significantly affect the law pertaining to joint child custody and parenting time—areas he

has developed an expertise in during his career. Those seeking to have their voices heard on the issues inherent in the proposed legislation should first read his article.

Mary Lovik and Rebecca Shiemke address another aspect of child custody disputes: domestic violence. One need only watch a local news show regularly to realize how pervasive violence is in today's society. Family law practitioners know that the confines of the home do not necessarily provide an adequate sanctuary from this type of behavior. The authors give insight into the Child Custody Act's best interest factors when domestic violence is also involved.

Mark A. Snover provides a thorough review of the state of the law as it relates to marital agreements in divorce cases. Recent caselaw offers a new perspective to this area of the law. It is also noteworthy that 27 states have enacted a version of the Uniform Premarital Agreement Act. Can Michigan be far behind? ■



Harvey I. Hauer of Hauer & Snover, PC, is the coordinator of this theme issue. He is a Fellow of the American Academy of Matrimonial Lawyers and a former president of its Michigan chapter. He has also chaired the SBM Family Law Section, the Michigan Supreme Court Domestic Relations Court Rule Committee, and the Oakland County Bar Association Family Law Committee. He has been named by his peers for inclusion in The Best Lawyers in America, Super Lawyers, and Leading Lawyers.