

MINUTES – FAMILY LAW RULES COMMITTEE MEETING

APRIL 18, 2018

The meeting was called to order by Chairman Robert Merlin at 8:34 A.M. and welcomed all the attendees.

The following members were in attendance: Shayna Cavanaugh, Romana Chaplin, Jack Moring, Nancy Harris, Cory Brandfon, Maria Obradovich, Rosemarie Roth, Norberto Katz, Robert Merlin, Susan Giacoletto, Rebecca Hunt, Judge Laurel Lee, Judge Fred Pollack, Caroline Sikorske, Ariana Fajardo Orshan, Gina Perez Calhoun and Ellen Ware

The following guests were in attendance: Jackie Gollay, Susan Keith

Approval of the March 21, 2018 Minutes: Caroline Sikorske moved to accept, Rosemarie Roth seconded the Motion. Motion passed.

Supreme Court Update

Comment on Amendment 12.961: Mikalla Davis reported that this is still pending with the Court. The Court accepted it without oral argument which usually means an Order will be issued.

Approval of the March 21, 2018 Minutes: Caroline Sikorske moved to accept, Rosemarie Roth seconded the motion. Motion passed.

Second reading

IWO/IDO 12.996: Judge Fred Pollack reported the status and timing of this rule. Options were provided to the Court and the Court sent it back with directions as to which version the Committee wants to endorse. The option is to keep the IDO as is and use the IWO as an addendum. There was a need to update the language on the IDO which the subcommittee approved. The second reading was made and a roll call vote was taken: 14 members voted in favor, 1 member abstained. Motion carried

Joint Committee regarding 12.407: Judge Lee reported the version of the rule that was passed was well received. It has been returned back to the steering and joint committee. There was 1 suggestion made by the steering committee but it was not agreeable to the joint committee, including the time frame for the Motion to be considered. There is a necessity for format changes due to concerns by the joint committee. Judge Lee further explained modifications A through C. Cory Brandfon requested to be heard on his concerns. He believes this change will have unintended consequences in making it more difficult for victims of domestic violence to come forward and that it would be simple to carve out an exception as to domestic violence cases. There was a discussion by the committee regarding options to amend the proposal or to provide an

amendment to the domestic violence forms. Judge Lee suggested sending the sub committee concerns and suggestions. Mikalla Davis commented that the deadline has passed. Robert Merlin suggested that the proposed rule should be drafted with the Supreme Court Forms Committee and the Domestic Violence Committee of the Family Law Section. Judge Lee reported her concerns as to time constraints in circulating a proposed order and forms and suggested moving forward with the vote and if it passes, to include thoughts on the domestic violence issue and the views of the committee. Robert Merlin directed that a vote on the amended rule be taken and if it passed, that it include comments on the concerns of the committee. A roll call vote was taken: 12 in favor, 3 opposed. Motion carried.

Incorrect reference to Rule 12.080 (b) in Rule 12.410 (c) (1): A Motion was made to amend the rule to provide that the reference should be to Rule 12.080 (a) and was seconded by Susan Giacoletto. The Motion passed.

Due to time constraints all other sub committee reports were deferred by Chair Robert Merlin to the May 16, 2018 meeting.

The meeting adjourned at 9:40 A.M.

Respectfully submitted by Norberto Katz