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April 22, 2019

Michigan Supreme Court Clerk  
PO Box 30052  
Lansing, MI 48909  
ADMcomment@courts.mi.gov

RE: ADM file 2018-13

Dear Clerk:

On behalf of the Friend of the Court Association Board of Directors, I am writing to support the rule providing a framework for Friend of the Court Alternative Dispute Resolution.

The Friends of the Court have long awaited these important guidelines to provide rules and procedures for local alternative dispute resolution. Most offices provide some sort of dispute resolution services early in a domestic relations case that help families we serve gain stability early in their case.

Because many of our offices already provide ADR services, we have some experience in this area and offer the following suggestions:

- (A)(8): Attorneys should be permitted to opt out of FOC ADR processes upon mutual agreement. These proceedings often are very lengthy, and attorneys should be provided the option of sending their clients to a session without representation with the knowledge that the other party to the case will follow suit. Perhaps section (C) could be amended to include a provision indicating whether or not attorneys will be included in the ADR process so that it is clear to all involved before the ADR process is held.
- (D)(1): We are concerned that parties with past child abuse and neglect proceedings, especially those in the distant past, are subjected to additional burdens before participating in an FOC ADR process. The pre-judgment dispute resolution services benefit parties who find seeking a resolution in court to be challenging and at times unaffordable. Requiring a hearing before referring someone with a distant neglect proceeding in their history may impose an insurmountable burden to seeking this valuable service.

Friends of the Court are tasked with providing alternative dispute resolution services in many forms and in many sections of statute. This rule is necessary to assist our offices in developing procedures that are consistent statewide. Many of the families we serve are not represented by legal counsel and seek early intervention in their domestic relations matter so as to provide stability in their home environment. Therefore, we urge that this rule be adopted.

Sincerely,

Sandra Erskine, President  
Friend of the Court Association