

REFEREES' QUARTERLY

MARCH, 2007
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LJAP OFFERS ASSISTANCE ON A BROAD RANGE OF CONCERNS



*By Martha D. Burkett, MPA, MA, LLPC, NCC, CAC-II
State Bar of Michigan Lawyers and Judges Assistance Program*

Proactive, expansive, confidential, and free are all words that describe a very important State Bar member service. The Lawyers and Judges Assistance Program (LJAP), one of the oldest lawyers' assistance programs in the country, employs a total wellness approach in assisting individuals who are faced with issues related to depression, gambling, substance use disorders, stress, marriage and family issues, career transition, life stage adjustment, and other general wellness issues. Since 1979, the program has been a confidential source of guidance and support to attorneys, judges, and law students throughout the State of Michigan.

Through LJAP's confidential toll-free phone line, lawyers or those concerned about them can receive information about ways to address substance abuse and other mental health issues impacting a lawyer's ability to ethically practice law – including referral information and the opportunity to schedule an in-person conversation that may lead to assessment and treatment recommendations.

With the relatively recent expansion to three full-time clinicians and a full-time administrative assistant, LJAP has begun to shift its focus from merely reactive to preventative. By providing education and support for individuals, families, law schools, and employers, LJAP can assist in circumventing trouble, and/or begin to assist program participants toward health through difficult times, minimizing harm to individuals, families, and the community.

(Continued on page 2...)

IMPORTANT DATE—MARK YOUR CALENDARS!

**Next RAM Board Meeting
May 25, 2007, 9:00 a.m.**

held at the

**23rd Annual RAM Conference
May 23, 24, & 25, 2007
The Perry Hotel, Petoskey**

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Highly skilled professionals, experienced in dealing with substance use and mental health disorders as well as general wellness issues, are working to ensure that bar members and students are supported, and the public is protected. The LJAP clinical staff – assistant program administrators Bill Livingston, Martha Burkett, and Hesta Waller-Randolph – is devoted to helping individuals get back on track before they begin to experience formal consequences related to difficulties that they face. Where formal consequences have come to fruition, LJAP is ready to provide assistance via its Attorney Monitoring Program.

“The LJAP . . . is devoted to helping individuals get back on track before they begin to experience formal consequences related to difficulties that they face.”

MCR 9.114 (B) allows a lawyer who has been investigated for professional misconduct relative to a mental health and/or substance use disorder to enter into “contractual probation”, which is an agreement with the attorney in question that is implemented by the Attorney Grievance Commission and facilitated in cooperation with LJAP. Under MCR 9.114 (B) a lawyer may consent to a period of probation not to exceed two years. Every attorney referred by the Attorney Grievance Commission to LJAP has an opportunity to address what may be the underlying cause of misconduct. For many, the probationary /monitoring experience results in lasting and positive transformation.

Similarly, law students sometimes incur legal infractions that may be related to substance use and/or mental health disorders. Some students get referred to LJAP as a result of reporting these infractions to their law schools. Others may be referred once they have begun the bar application process and learned that those offenses will impact their character and fitness evaluation. Because law students are the future of the legal profession, LJAP has sought to extend its preventative education to this population. As a result of focusing these efforts, LJAP is on the orientation schedules of five out of six of Michigan’s law schools. By continuing to develop and deliver preventative educational programming for students, LJAP seeks to support the students’ strengths and help them eliminate any budding difficulties before they can impact their abilities as lawyers representing clients.

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Missed the last RAM Board Meeting?

Don’t be left out of the loop!

Check out the minutes from prior meetings on the RAM website:

<http://www.referees-association.org>



LJAP OFFERS ASSISTANCE. . .

Continued from page 2

LJAP is a service for State Bar members that is supported by member dues. The LJAP staff recognizes that the issues that bring lawyers, judges, and students to the program are deeply personal and must be handled with the utmost discretion. All inquiries and services are handled in accordance with applicable federal and state privacy guidelines. LJAP staff will gladly come and speak to your local bar association about the LJAP, stress management, or other requested topics.

For more information about the LJAP program and its services, view our website at <http://www.michbar.org/generalinfo/ljap> or call our confidential help line: 1- (800) 996-5522.

Martha D. Burkett, MPA, MA, LLPC, NCC, CAC-II is an Assistant Program Administrator with the State Bar of Michigan Lawyers and Judges Assistance Program

"The LJAP staff recognizes that the issues that bring lawyers, judges, and students to the program are deeply personal and must be handled with the utmost discretion."



The Historical Meaning of "Testimony"

"In ancient Rome, long before the advent of the Christian Bible, Romans would swear to 'tell the truth, the whole truth, and nothing but the truth' by placing their right hand on their testicles. It is from this ritual that we derived the term 'testimony'.

-- From the "Lawyers Jokes, Quotes, and Anecdotes" 2007 Calendar, Andrews McMeel Publishing

—Contributed by Ken Randall

In case you missed it,
here's a remembrance of
Jon Ferrier's retirement
party!

Congratulations, Jon!



Kayne and Jon

The President's Corner



Contributed by Kathy Oemke

Spring is a time when I am reminded about the change in seasons. We have also been the beneficiaries of an early time change. This allows us to see the day light after we get home. Change is wonderful. Some change is abrupt and other times it is gradual. It can be very frustrating and unnerving, but it is wonderful. It helps you appreciate what you have. It allows you to reexamine the usual method you use to deal with problems. It increases the likelihood that you will come up with new ideas for old problems. It allows you to appreciate the reason you did things the old way.

We have been blessed to have a new Judge for the first time in eighteen years. Most of the court staff has only worked for two Judges. One who remains and the one that retired. Now we have a new Judge and then the remaining Judge is trading dockets with another Judge and presto! We have two new Judges. Change is constant.

The most important thing I remind myself is to keep a positive attitude. One's outlook on things can make or break how you feel at the end of the day. There is always something for which to be thankful. Sometimes you have to stretch to find it. If you look hard enough; it is always there. Change can be refreshing. If it is not, then do something nice for yourself and allow yourself to get used to the new circumstance in which you find yourself.

Going on vacation allows you time to digest change. It gives you the mental break to recover from the hard work your brain is used to in the world of work. It can be just the change you need to be able to tackle your work with a new attitude and new vigor upon your return. The referee conference can do that for you also. Great speakers bring information relevant to our field. It provides a way to socialize with your peers. You can take advantage of talking over different approaches to the same problems, and gather new perspectives. A network of experience and empathy await you as a participant in the conference. Come join us May 23 to 25, 2007 in Petoskey, MI at the Perry Hotel.

Submitted by:
Kathleen M. Oemke- March 15, 2007
President, Referees' Association of Michigan





HOW TO TELL WHEN A LITIGANT IS LYING

By Ken Randall, 42nd Circuit Court

Most referees and judges develop a strong sense of intuition during the course of their careers. Though we may not be able to articulate the reasons, we can pretty much tell when someone is telling us the truth, or lying. For those of us in the trenches, who are lied to on a daily basis, reading people becomes second nature.

Several years ago at a RAM conference in Traverse City, attendees were given a psychological test to determine how they solve problems. Some referees are analytical, some are logical, and some are intuitive. I remember being surprised when I scored in the 99th percentile for intuition. I had never really thought about it, but it made sense. Maybe intuition explains why I can usually guess my Christmas presents or tell when a speed trap is around the next corner? And maybe I've always had this "gift" without even realizing it.

The test made me think about examples of childhood intuition. My favorite incident happened in England when I was ten. My father was on sabbatical from Duke University to research and teach at Oxford University. My mother, sister and I went to visit him for the summer. We rented a nice townhouse outside of London. Over the course of the summer, I collected several rare English coins, the prize being a 1719 farthing. As children do, I proudly displayed my collection of coins. I used my bedroom windowsill as my mini-museum. One night I had a weird gut feeling, and hid the coins under my bedroom rug. The next day our house was burglarized. And more than that, the burglar escaped through my bedroom window – the very window where the coins had been displayed the previous day.

Some may say hiding the coins was coincidence, or some may say it was ESP. I think it was a form of intuition. For me the difference between ESP and intuition is this: if someone has ESP, they can tell what card you are holding. If someone has intuition, they can't tell what card you are holding, but they can tell if you are lying about which card you are holding.

My guess is that most referees and judges are highly intuitive, certainly more than average Joe Public. Our daily work-life gives us practice to tune our intuitive skill. By drafting this article on intuition I wish to highlight that gift that we share, yet rarely talk about, how to tell when someone is lying.

Intuition may, in part, be due to a subconscious compilation of facts that we are observing without even realizing it. To turn the subconscious to the conscious, start writing down what you observe from each person you suspect is lying. Soon you will have an interesting list to draw from. There are, of course, many ways to tell if

"My guess is that most referees and judges are highly intuitive, certainly more than average Joe Public."

“Someone who is faking emotion tends to show it only with their mouth, not with his or her whole face. Eyes usually tell the true story.”

HOW TO TELL WHEN A LITIGANT IS LYING, continued...

... someone is lying, but for my money, here are the top five:

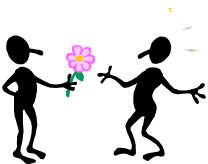


First, watch the eyes. When a person lies, they often have trouble looking you in the eye or making eye contact. Sometimes their eyes dart around. We know this, even from our language, when we refer to someone as being “shifty.” Then, there is the bold liar who looks you straight in the eyes *too* sincerely, often with the whites showing above their eyes. These people always seem like they’re trying to sell you on what they’re saying as the truth. Don’t buy it! They often give themselves away by tone of voice (too high) and/or by inadvertently shaking their head “no” during their entire unconvincing sales pitch.

Second, observe body language. In addition to the “no” headshake mentioned above, liars tend to fidget toward themselves, with stiff-arm movements, taking up less space than an “open person” whose truthful gestures take up more space, as they are more relaxed. Truthful people often display open hands, liars often hide closed hands when lying. Also, liars often touch their hair, face, throat or mouth – often at moment of lying. Listen also for foot tapping, throat clearing, etc.



Third, listen to non-denials and language. Such famous sentences as O.J.’s “That wasn’t me who killed her” jump out to me as a self-defeating non-denial. A truthful person would say, “I didn’t kill her.” President Clinton’s finger wagging, “I did not have sex with that woman” also seemed odd when I first saw it. If it wasn’t true, why was he so tense? But more to the point, for the purposes of this language paragraph, liars tend to speak in whole words, while truthful people often speak using contractions. If Clinton was telling the truth, he would have been relaxed and smiling. He would have shrugged his shoulders and said something like, “Hey, I *didn’t* have sex with her.”



Fourth, emotions are out of synch with gestures. There is rigidity to some folks when they lie. The timing of gestures seem to be off pace with what they are saying – like bad acting. An example of this is when one’s wife comes home with the worst hairdo ever conceived, and the dreaded question is, inevitably, “Do you like it?” You feel yourself pausing awkwardly, maybe even gulping a wad of saliva just to buy an extra second or two, before you hear yourself saying, “I *LOVE* it!” Also, look for emotions limited to the mouth. Someone who is faking emotion tends to show it only with their mouth, not with his or her whole face. Eyes usually tell the true story.



Fifth (back to language), those who protest too much. When a person goes on and on denying something, Shakespeare’s line from Hamlet “The lady doth protest too much, me thinks” comes to mind. Or, in the words of Ralph Waldo Emerson, “The louder he talked of his honor, the faster we counted our spoons.” A close cousin to this is the person who says over and over, “to tell you the truth.” Be suspicious.

There are, of course, many other ways to gauge whether someone is lying. And none of the above is foolproof. But, as I’m sure my referee colleagues can attest, the list is pretty accurate.

Notwithstanding the above five methods, the best way to tell if someone is lying is simple. Trust your intuition!

Civility and the Law “Can’t we all just get along?”

Contributed by Ken Randall



The way we practice law has changed over the years, and civility is at an all time low. I would say the way we practice law has “evolved,” but that word connotes an improvement; and when it comes to civility in practice, if anything, we have *devolved*. Our declining courtroom decorum reflects a harsher, more vulgar society as a whole. We, as referees, must do all that we can to insure civility in practice for both the benefit of the public and our profession as a whole.

One of the advantages to aging is that we gain historical perspective. The year 2007 marks the 25th anniversary of my college graduation and my 20th anniversary as a lawyer and public servant (I’ve served as both an assistant prosecutor and referee). Though I like to claim I’m still in my “upper youth,” I realize I’m pretty solidly in middle age. Fortunately, my years have given me enough perspective to draft this article. In my looking glass over the years, I’ve seen a drastic deterioration of manners, civility and respect between lawyers, and in our society as a whole.

First, let’s look at our society. Several decades ago, swearing used to be taboo, but now it has permeated our culture. Today it is impossible to turn on HBO or Cinemax without being bombarded by swearing. It is also nearly impossible to attend a sporting event, or lately (more disturbingly) even a dinner out, without hearing people swear – even in the presence of children. Then, of course, there is the stoplight phenomena when the car in the next lane emanates a deep, teeth-shattering bass vibration of rap music with routinely obscene (though, mercifully, often unintelligible) vocals. As a *coup de grace*, these automobiles, as they speed away, often reveal a cartoon decal of Calvin giving us “the finger.”

Where does this vulgarity come from? It was not that long ago that swearing in movies was rare. The “F-word” was not used until 1970 when the movie M*A*S*H hit the big screen. Even when Steven Spielberg directed Jaws in 1975, swearing was something that made movie audiences giggle. As a master director, Spielberg made us



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Civility and the Law....

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laugh, then scream, when police chief Martin Brody chummed in the back of the boat, saying, “You should try shoveling this sh**” when the shark first appears. Compared to today’s movies, Chief Brody’s swearing seems almost benign. The way we use language cinematically, lyrically and conversationally is indicative of a poignant reality: we are, indeed, becoming a less civil and more vulgar society.

In the practice of law there is a corresponding lack of civility and manners. It was not that long ago when attorneys, as professionals, practiced a live-and-let-live philosophy. As an example, adjournments were routinely and graciously stipulated to when the other attorney had a conflict. Today, it is not unusual to see attorneys intentionally schedule matters when the other attorney has a planned family vacation, just to “stick it” to opposing counsel.

An increasing number of lawyers seem to treat the practice of law acrimoniously as a call to arms. In one rather infamous Midland County case, a lawyer, when responding to an inadequate settlement offer, drafted a letter to opposing counsel. In its entirety the letter stated: “F_ _ K YOU! Rude letter to follow.” Obviously clients are rarely served when attorneys take matters personally. Unfortunately, the practice of law has become a matter of keeping a scorecard to see who is winning; something that is costly to clients who rarely, if ever, benefit from combat litigation.

Not surprisingly, lack of civility has permeated even the judicial world. Many people only glimpse our legal system through television judges, such as Judge Judy or Judge Joe Brown. I find these shows disturbing because they pander to base behavior. I mean, really, how many people want to see a well-behaved trial with proper decorum? It is far more entertaining to see out-of-control head-bobbing clients animated with the full panoply of Jerry Springeresque antics, not to mention a judge who yells back. This is not the ordinary practice of law. But as goes our entertainment, so goes average Joe Public’s expectation on how one should behave in court. More is the pity.

Lack of civility is not confined to trial courts. On February 14, 2006, America Online posted a lead news article regarding United States Supreme Court Justice Antonin Scalia. The headline stated, “*Scalia Calls Philosophical Foes ‘Idiots.’*” In this context, Scalia was defending his plain-text philosophy of the Constitution (as opposed to the Constitution as a living document to be reinterpreted by different generations). His exact quote was, “You’d have to be an idiot to believe that.” (Ouch!) Even in our own Michigan Supreme Court there is a much-publicized rift.

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Civility and the Law....

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On August 3, 2006, the *Midland Daily News* printed a lengthy Associated Press article by David Eggert showcasing “the personal animosity that poisons the relationships between some justices.” (I mean, really folks, can’t we just all get along?)

Clearly, the practice of law reflects our society as a whole as it becomes less civil. What then is the solution?

Concerned attorneys in many bar associations are forcing the creation of civility rules. Sheldon Sloan, the incoming president-elect of the California State Bar, and its 200,000 attorneys, has initiated a civility initiative aimed at cracking down on rude and rancorous behavior between attorneys. According to the American Bar Association’s Center for Professional Responsibility, many bar associations throughout the United States are now establishing civility codes for lawyers (beyond the ordinary rules for professional conduct). According to the ABA, four civility codes have been established in Michigan: Genesee County Bar, Grand Rapids Bar and the United States District Court for both the Eastern and Western Districts of Michigan. (For a full list see <http://www.abanet.org/cpr/professionalism/profcodes.html>)

As referees there are three things we can do to promote civility. First, focus on ourselves. We have a duty to insure that we act civilly toward lawyers, parties and witnesses. We must be courteous and respectful. Secondly, we must bring to a lawyer’s attention any uncivil conduct we observe – to remind lawyers that their duty is to achieve what is best for their client, not one-upmanship over the other lawyer. Finally, we must instruct an increasingly uncivil *pro se* population what is expected of them (from dress code to manners – spit out that gum and take off that hat!). If we focus on these three things, we can improve our own corner of the legal world, and perhaps restore a degree of a rare commodity these days - - old-fashioned civility.

January 8, 2007

“We have a duty to insure that we act civilly toward lawyers, parties and witnesses. We must be courteous and respectful.”



Visit the RAM Website and check out our Shopping Page. There’s something for everyone!

www.referees-association.org



SCHEDULE OF EVENTS—May 23, 24, 25, 2007 23rd ANNUAL RAM CONFERENCE

Wednesday, May 23, 2007:



12:00 p.m. to 1:45 p.m. **Conference Registration at the Stafford's Perry Hotel.**

2:00 p.m. to 4:00 p.m. **Presentation: Martha Burkett, MPA, MA, LLPC, NCC, CAC-II**, in the Reycraft Room. Managing stress and finding balance to become a more effective decision maker and Referee!

4:00 p.m. to 6:30 p.m. **Hospitality Suite:** Meet and greet fellow Referees.

6:30 p.m. to 8:00 p.m. **Group Dinner** in the HO Rose Dining Room of the Perry Hotel.

7:30 p.m. to ??? **Hospitality Suite** will be open.



Thursday, May 24, 2007:

7:30 a.m. to 9:00 a.m. **Continental Breakfast** (at your leisure) by Reycraft Conference Room.

9:00 a.m. to 11:30 a.m. **Presentation: Dr. Carol Holden, PhD, ABPP.** Psychological aspects of a juvenile's response to litigation in domestic and juvenile settings, as well as juvenile competency.



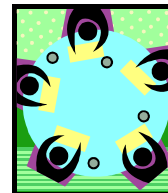
11:30 to 12:00 p.m. **Presentation: Attorney/Referee Edward Messing.** Update on Michigan statutory, court rule and case law.

12:00 p.m. to 1:30 p.m. **Lunch:** On your own. . . Enjoy!

1:30 p.m. to 3:30 p.m. **Presentation: Sergeant Tony Nettles.** Drug Endangered Children and drug endangered children protocols, Clan lab Dangers, the dangers of Meth to children, & decontamination for children.

3:30 p.m. to 5:00 p.m. **Joint Roundtable Discussions.** Topics: To be Announced.

5:00 p.m. to ??? **Dinner:** On your own. **Hospitality Suite** will be open.



Friday, May 25, 2007:

8:00 a.m. to 10:00 a.m. **Group Breakfast Buffet** in the Reycraft Conference Room (Executive Board Meeting at 9:00 a.m.)

10:00 a.m. to 11:30 a.m. **Presentation: Jon Ferrier.** Ethics, the limitations of a Referee's authority, as well as other ethical issues facing Referees.

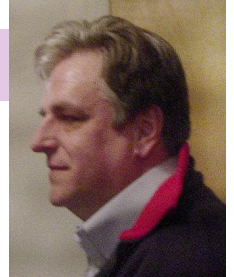


11:30 a.m. to 12:00 p.m. **Awards Ceremony and Conclusion of Conference**

*For more details and registration information, see the RAM website, <http://www.referees-association.org>.
For hotel reservations, contact: <http://www.theperryhotel.com>*

CASE LAW, STATUTE, AND COURT RULE UPDATE

Contributed by Ed Messing



- **CASE LAW**

Although there continues to be a high volume of unpublished termination of parental rights cases, there were no recent published cases addressing abuse, neglect, termination, or delinquency. There were, however, a number of published domestic relations decisions.

When a court grants a change of domicile of the children to another state and the opposing parent had filed a counter-motion for custody, ***Rittershaus v Rittershaus*** __Mich App__(2007) (#269052 1/4/07) requires the court then make a determination as to whether there was an established custodial setting with both parents and make factual findings addressing the custody factors.

In an interesting decision the Court of Appeals disagreed with the lower court's attempted Solomonic decision awarding Joint Physical Custody in ***Shulick v. Richards*** __Mich App __ (2006) (#270916 12/19/06). The lower court abused its discretion when ordering that, in the event the parties cannot cooperate and agree on important decisions regarding the child, the mother would make educational decisions and father would make health decisions.

The Court of Appeals also continued to deal with competing legal and biological paternity claims in ***Sinicropi v Mazurek*** __ Mich App __ (2007) (#268000 12/7/06). The court held that as a child cannot have 2 legally recognized fathers, an order of Filiation cannot be entered when a previous acknowledgment of parentage properly executed by the mother and another man has not been revoked. A party seeking to revoke an affidavit of parentage must prove by clear and convincing evidence that revocation under MCL 722.1011(3) is proper considering the equities of the case.

As self employment becomes more frequent, application of the support formula becomes more complicated. The Court in ***Peterson v Peterson*** __Mich App__(2006) (#260591 10/24/06) determined that the Formula requires that the Court deduct actual taxes paid, and not theoretical taxes which would be paid based on the increased income considered for child support purposes by disallowing deductions or expenses included in payer's income tax return; theoretical taxes are deducted, however, when imputing income for child support purposes.

Borowsky v Borowsky __Mich App__(2007) (#262986 1/23/07) held that the Child Support Formula requires that Capital Gains, Hardship IRA withdrawals, and a reasonable rate of return on a vacant lot be considered as

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CASE LAW, STATUTE, AND COURT RULE UPDATE

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income expenses consistent with the business of being a landlord. Under *Borowsky*, income may now include Capital gains that do not result in additional disposable income, such as the non-taxed capital gain from sale of a previous home when the proceeds are applied to a new home.

However an unpublished case decided the following week, *Stewart v Stewart, Unpub Ct App #262213 1/30/07*, conflicts with *Borowsky* in holding that capital gains from the sale of a business which were reinvested are not income for child support purposes, and may result in a Special panel to address the conflict pursuant to MCR 7.215.

In the procedural arena, *Estes v Titus __Mich App__(2006)(#261968)* held that a Divorce property division may constitute a Fraudulent Transfer under MCL 566.31, *et seq* to the extent that Wife's property award exceeds a fair and equitable division of property and the Husband was sued by a third party for Wrongful Death. This theory may also be available when a divorcing parent owes support arrearages for children of a different relationship.

Isack v Isack __Mich App__(2007) (#270456 2/13/07) determined that a Court may decline to enforce a Canadian order under the Uniform Foreign Money-Judgments Recognition Act, MCL 691.1151 *et seq*, if the court determines that the defendant did not receive notice of the proceedings in sufficient time to defend.

Finally, *Olson v Olson __Mich App__(2006) (#263069)* held that statutory and equitable interest is not assessed on an award of attorney fees and costs in a divorce action.

• STATUTES

2006 PA 353 Amends the Child Custody Act so that the right to commence an action for grand-parenting time with a child adopted by a stepparent would apply only to a grandparent who was the parent of a deceased parent of the child.

2006 PA 443 Amends MCL 436.1703, provides that a Court may order a person convicted, adjudicated of, or placed on probation for, minor in possession of alcohol or having a bodily alcohol content, to submit to a random or regular preliminary chemical breath analysis. Further, parent, guardian, or custodian of a minor child may request a random or regular preliminary chemical breath analysis as part of the probation.

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CASE LAW, STATUTE, AND COURT RULE UPDATE

...*Continued from page 12*

2006 PA 485 MCL 552.615a now requires the Friend of the Court, upon written notice, to adjust child support if a payer is called to emergency military service. The adjustment is calculated by dividing the payer's total income during emergency military service by payer's income which had been used to set the current support order, and then multiplying the resulting fraction by the current support amount. The adjustment is retroactive if a written request, including the date of service and all income and pay information, is given to the Friend of the Court within 56 days after payer is called to emergency military service. Once the adjustment is made, Friend of the Court must send notice of the adjustment to the parties advising them of their right to object within 21 days, and the adjustment continues after an objection until the matter is resolved or after a hearing is held, no later than 35 days after the emergency service ends. See **SCAO 2007-02** for additional details.

2006 PA 488 Amends the Safe Delivery of Newborns Law MCL 712.1 *et seq* to allow temporary placement of a newborn with a licensed foster parent, requires a report of efforts to identify and locate the non surrendering parent, allows the claimed non-surrendering parent to file a custody petition in family division within 28 days after publication of notice that the child has been surrendered, requires a custody hearing within 7 days after a custody petition is filed. The statute further provides for DNA testing, requires a placement agency to petition for termination of parental rights in family division if no custody motion has been filed within 28 days after publication of notice of the child's surrender, and requires the court to terminate parental rights based on a preponderance of evidence that the surrendering parent has knowingly released his or her parental rights and reasonable efforts were made to identify and locate the non surrendering parent.

2006 PA 615 Amends MCL 205.1 *et seq* to allow DHS to settle and compromise support arrearages owed to the State of Michigan.

2006 PA 621 Amends MCL 722.627 to allow a Friend of the Court to request Protective Service records and information and Protective Services to provide said records and information without a court order if there is a compelling need for such records and information to determine custody or parenting time issues regarding a child.

2006 PA 630 Amends MCL 722.628 to redefine "severe physical injury" of a child requiring Protective Service investigation as "an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child's health or physical well-being." It further amends MCL 722.637 to provide that when a child is severely physically injured, sexually abused, or exposed to methamphetamine production, DHS is not required to file a court petition if the child's parent or guardian is not a suspected perpetrator of the abuse and did not neglect or fail to protect the child, does not have a record of a pattern of neglect, and the child is safe in the parent or guardian's care.

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Any omissions or errors?
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