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Michigan Family Law Research Resources: Review and Update

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Michigan Family Law Research Resources: Review and Update

“Family law” includes topics relating to “marriage, divorce, adoption, child custody and support, child abuse and neglect, paternity, juvenile delinquency, and other domestic relations issues,”¹ including cohabitation and domestic violence. Michigan family law research continues to be facilitated by a combination of print and electronic research resources. As in other areas of law, web-based access to legal research resources in the realm of family law continues to improve and expand, following the general trend in legal publishing toward electronic publication. This article is primarily a review of the web-based resources provided by the Institute of Continuing Legal Education (ICLE), although other resources are briefly listed at the end of the article.

As most practitioners know, the Michigan Law Online website, provided by the State Bar of Michigan and ICLE, has been available free to Michigan attorneys for the past few years. It provides access to primary Michigan material, including Michigan Supreme Court opinions from 1942 forward, Michigan Court of Appeals published opinions from 1965 forward, unpublished court of appeals cases from 2003 forward, and links to other primary law, including the Michigan Legislature website. While some of this primary material is otherwise available free on the web, Michigan Law Online brings the sources together in a convenient and user-friendly web page, so practitioners no longer need to rely on multiple bookmarks or web searching to locate the free legal materials they need at their fingertips. Michigan Law Online also provides full-text searching capability for Michigan Supreme Court and Court of Appeals opinions, thereby providing enhanced full-text access to case law—a boon to solo practitioners and small firms who

may not be able to afford more costly case law databases such as Lexis and Westlaw. To sign up for Michigan Law Online, visit <http://www.icle.org/help/ml.o.htm>.

One of the most significant and exciting developments for Michigan attorneys is ICLE’s expansion of its electronic offerings to include practice-enhancing tools for attorneys via two fee-based web products: the ICLE Partnership and Online Books. Both resources are available by subscription; information about subscribing is available on the ICLE website at http://www.icle.org/script/content/ICLE_index.cfm?section=home.

The ICLE Partnership provides access to a variety of family law materials. The “How to Kits” on family law are particularly useful and include the following step-by-step guides: Draft a Fee Agreement for Handling a Divorce, File for Divorce (No Minor Children), File for Divorce (With Minor Children), Handle a Move-Away in a Child Custody Case, Handle a Stepparent Adoption, Obtain a Default Judgment of Divorce, Obtain a Passport for a Child Under the Age of 14 Who Is Subject to a Custody Order, Obtain a Restraining Order in a Divorce Case, Obtain an Initial Order for Child Custody and Support in a Divorce Case, Obtain an Order for Attorney Fees in a Divorce Action, Obtain an Order for Temporary Spousal Support, Petition for a Personal Protection Order, Represent a Client at a Termination of Parental Rights Proceeding, and Represent a Minor at a Post-Termination Review Hearing. The Partnership also includes a “Clause Bank for Divorce Judgments & Settlement Agreements” with drafting aids, including an “Explanation of Mandatory Clauses,” an “Outline of Typical Settlement/Judgment,” and a “Checklist of Provisions in Typical Settlement/Judgment.” The Partnership subscription also includes access to online seminars and seminar materials; practitioners may

browse for seminars and seminar materials on family law, view seminars online, participate in online discussions, and peruse seminar materials at their convenience. The “Michigan Law Updates” feature of the Partnership provides access to recent legal developments, including new cases and statutes and new or amended court rules.

Treatises remain a significant resource for family law practitioners. The most comprehensive for family law is *Michigan Family Law* (6th ed).² ICLE’s new Online Books program is systematically adding treatises to the website. Two family law treatises now available in full text are *Michigan Family Law* (6th ed) and *Divorce Cases in Michigan: A Systems Approach* (2d ed).³ The online versions of these treatises are continuously updated. While using books online can be cumbersome, ICLE eases some of the awkwardness by permitting browsing by chapter and easy printing. Links to “What’s New” summaries at the beginning of each chapter are a convenient feature, and links to the full text of Michigan primary law from within the text are especially useful. One of the most valuable features of the online treatises is the availability of the family law legal forms in Word and WordPerfect format. While the print versions of the treatises include the forms in CD-Rom format, the web-based forms are more convenient and user-friendly.

ICLE deserves high marks for its web-based practice offerings and publications; its reputation as the premier legal publisher of Michigan legal materials is well-earned. Family law practitioners who have not yet explored ICLE’s electronic offerings are advised to take a first-hand look at each of the ICLE offerings: free Michigan Law Online and fee-based ICLE Partnership and Online Books. The combination of the three web-based research tools may provide the best legal research solution for attorneys trying to obtain

cost-effective access to essential resources, especially solo practitioners, small firms, and practitioners in areas of the state without convenient access to a law library.

Other Web-based Family Law Resources

As previously mentioned, primary Michigan legal material is readily available free on the web. Statutory material is available via the Michigan Legislature website at <http://www.legislature.mi.gov/>. Family law statutes are retrievable using the Chapter Index at <http://www.legislature.mi.gov/mileg.asp?page=ChapterIndex>. The major areas of family law are covered in the following chapters of MCL: Children (chapter 722), Divorce (chapter 552), Estates in Dower (chapter 558), Marriage (chapter 551), Property of Husband and Wife (chapter 557), and Real and Personal Property (chapter 554).

The Michigan Administrative Code and *Michigan Register* are both available from the Office of Regulatory Reform website at <http://www.michigan.gov/orr/0,1607,7-142-5698--,00.html>. Regulations may be browsed by department or regulation number.

The Department of Human Services (DHS) website at <http://www.michigan.gov/dhs> provides free online publications and forms on a variety of family law-related issues, including adoption and child support, at http://www.michigan.gov/dhs/0,1607,7-124-5458_7699--,00.html. While many are designed for laypersons, they may be useful informational tools to help clients understand their legal situation. The DHS site also provides information relating to family law matters; e.g., see the Child Support area of the site at http://www.michigan.gov/dhs/0,1607,7-124-5453_5528--,00.html.

The Michigan Courts website at <http://courts.michigan.gov/index.htm> provides access to family law resources in addition to providing access to Michigan Supreme Court and Court of Appeals decisions, court rules, State Court Administrative Office (SCAO) forms, and model jury instructions. Among the most useful are online forms and bench books. The Michigan State Court Administrative Office Approved Court Forms website at <http://courts.michigan.gov/scao/court>

[forms/index.htm](http://courts.michigan.gov/scao/resources/publications/manuals/index.htm) provides family law-specific forms that may be downloaded, completed online, and saved. This website also includes up-to-date information on recent form revisions and update packets for categories of forms. The SCAO website also provides access to electronic publications via the Index of Handbooks and Manuals at <http://courts.michigan.gov/scao/resources/publications/manuals/index.htm>. You can use this index to access publications such as the *Child Support Formula Manual* and the *Child Support Formula Schedules* at <http://courts.michigan.gov/scao/services/focb/mcsf.htm>.

The Michigan Judicial Institute publications website at <http://courts.michigan.gov/mji/resources/publications.htm> provides access to family law publications such as the *Adoption Proceedings Benchbook*, the *Child Protective Proceedings Benchbook* (rev ed), the *Domestic Violence Benchbook*, the *Friend of the Court DV Resource Book*, and the *Juvenile Justice Benchbook*.

Print Publications

As previously indicated, print publications remain an important tool for family law practitioners. Other useful treatises and print publications include:

- *Domestic Violence: A Guide to Civil and Criminal Proceedings* (3d ed)⁴
- *Family Law and Practice*⁵
- *Friend of the Court Domestic Violence Resource Book* (rev ed)⁶
- *Michigan Child Welfare Law: Child Protection, Foster Care, Termination of Parental Rights* (rev ed)⁷

- *Michigan Family Law Benchbook*⁸
- *Michigan Legal Forms* (vol 4)⁹ ♦

Barbara Garavaglia is a graduate of the University of Michigan Law School and member of the State Bar of Michigan. She has an M.I.L.S. from the University of Michigan School of Information and a B.A. in political science from SUNY Buffalo. She has been the head of reference at the University of Michigan Law Library since 1988; before that, she was assistant director of the State Law Library of Michigan for five years.

FOOTNOTES

1. Black's Law Dictionary (8th ed).
2. Two volumes, edited by Hon. Marilyn J. Kelly, Judith A. Curtis, and Richard A. Roane, published by the Institute of Continuing Legal Education, Ann Arbor, MI (2004). The print version of this treatise is kept up-to-date by looseleaf updates.
3. Edited by Monika H. Sacks (2003). The print version of this title also remains in publication and is kept up-to-date by looseleaf updates.
4. Three volumes, by Mary M. Lovik, revised by Jennifer D. Warner, published by the Michigan Judicial Institute, Lansing, MI (2004).
5. Richard S. Victor, general editor, published by West Group, St. Paul, MN (1997–2003). This three-volume looseleaf is no longer being updated.
6. By Mary M. Lovik, published by the Michigan Judicial Institute, Lansing, MI (2004).
7. By Donald N. Duquette, published by the Family Independence Agency, Lansing, MI (2000).
8. Prepared for the State Court Administrative Office by the Institute of Continuing Legal Education, published by ICLE, Ann Arbor, MI (1999). Kept up-to-date by looseleaf updates; includes forms.
9. Revised volume edited by W. P. Hackett, Jr., published by West Group, St. Paul, MN (2000). Kept up-to-date by looseleaf updates. Includes forms for adoption, children and minors, custody and child support, divorce and separation, elderly persons, marital agreements, and unmarried cohabitants.