

**Notes Friend of the Court Bureau Advisory Committee Meeting  
November 16, 2012**

Meeting Commenced at 1:10pm Michigan Hall of Justice

Members present: Dan Dundas, Pete Dever, Amy Yu, Shauna Dunnings (Ex Officio), Lynn Bullard (Ex Officio)

Staff members present: Daniel Bauer, Lisa Hagan (law clerk, taking notes)

**1) Administrative Matters**

- Reviewed minutes from 8.17.12
- Propose to add an attendee list to the meeting minutes

**2) Public Comment**

- No members of public present

**3) Correspondence**

- One e-mail from a litigant asking for attorney services
  - FOCB did not reply on behalf of the Advisory Committee to the e-mail for various reasons
- Email reporting fraud in establishing support amount
  - Committee does not provide case specific information

**4) Old Business**

- No old business at this time

**5) New Business**

- OCS policy 6.51
  - Outlines circumstances under which FOC can forgive state owed arrears through administrative (not judicial) process.
  - The FOCB AC heard a summary of the aspects of the policy:
    1. Arrears Reduction/ Discharge Under Circumstances of Extreme Difficulty (Arrears ReDUCED)
    2. Lump-Sum payment can result in matching state-owed arrears discharge
    3. Compromise Arrears in Return for on-time support (carrots)
      - Not yet statewide implementation: pilot program only.
  - Every office is required to identify an arrears management coordinator
    - May need to coordinate for NCPs that have cases in multiple counties
  - Calculator created by SCAO (Excel spreadsheet)
    - SCAO developed a grid to help FOC office apply the policy
      - Classifies NCP's as red, yellow, green candidate for discharge
      - Local FOCs can allow a determination that the NCP has been engaged enough, even if NCP receives 'red' categorization.
  - Mandatory for FOC to use the spreadsheet?
    - The committee discussed this question.
    - Pros:
      - Helps uniformity within and across jurisdictions
      - Local office still has discretion to forgive or not to forgive.
      - Can be printed to put into case file
    - Recommendation from FOCB AC regarding mandatory:
      - Local offices can determine if it's mandatory in their office; FOCB AC advises that SCAO not make it mandatory statewide.

- Update: Private attorneys availability to liquidate assets and collection via Qualified Domestic Relations Order (QDRO)
- LEP: Limited English Proficiency
  - US Supreme Court has held that to not provide someone services in their language is national origin discrimination, which violates the 14<sup>th</sup> amendment
  - The US Department of Justice — enforcement against state courts is limited to federally funded programs (FOCs receive 66% federally funded reimbursement).
  - Michigan Supreme Court published a rule for comment that would provide interpreters in various court settings
  - This rule was published with alternatives
    - Option A: Party, participant, or witness during testimony shall have interpreter appointed; may appoint for other parties who have substantial interest
    - Option B: Provide interpreter for all parties in interest during any court proceeding or anything ancillary to a court proceeding.
    - Option C: Appoint only if litigant would qualify for lawyer under indigent defense
  - Does the advisory committee think the state would be best served by a single contract for all FOCs to use or allow each FOC to determine their own foreign language interpreter?
    - Discussion on this point. FOCB AC recommends that a single contract should be negotiated that allows local offices to join under the contract for their own billing (centrally negotiated, locally paid).
  - FOCB AC discussion on whether court rule would apply to mediation meetings
    - General discussion is that Alternative A only applies to the courtroom/hearing room. Alternative B is everywhere in the courthouse.
      - If the Supreme Court approves alternative A, the Court might require an administrative decision for LEP

## 6) Closing