

In Re Beck: Effects On FOCs And Prosecutors

The Michigan Supreme Court recently decided *In re Beck*, 488 Mich 6 (2010), in which the Court clarified that a termination of parental rights does not automatically end a child-support obligation and that payments continue until the support order is specifically terminated.

While the overall effects of the *Beck* decision on friend of the court (FOC) offices are not immediately known and will depend largely on how termination notices were handled before *Beck*, the Friend of the Court Bureau (FOCB) is advising offices with practices that have been contrary to the *Beck* ruling to change their procedures immediately.

According to FOCs who spoke to the State Court Administrative Office (SCAO), *Beck* is expected to trigger some positive results, including:

- uniformity in handling support cases,
- predictability that support payers should continue their payment obligations in spite of their parental rights being terminated, and
- sustainability of children's ongoing support needs.

But FOCs have said the decision could also have some negative effects, such as:

- there may be increased child-support arrearages because payments will be continued until a specific order

is issued ending the payments, and

- it may become more difficult to collect such past-due support payments.

POSITIVE OUTCOMES

According to FOCs, it is expected that one underlying benefit of *Beck* will be the resulting consistency in how these types of cases are handled.

It appears that, until now, treatment of these cases has differed from county to county. Some FOCs would routinely stop support when parental rights were terminated, while others would wait until a new court order was issued that specifically ended the support obligation.

However, pursuant to *Beck*, now *all* FOCs must continue charging support until a court with proper jurisdiction terminates the sup-

port order.

Jean-Paul Rudell, Delta County friend of the court, said this uniformity in practice will result in two things: a much-needed predictability for payers and the elimination of payment "gaps."

Rudell believes children will benefit from this uniformity. "The *Beck* opinion provides clear guidance to FOC offices and ensures uniformity of treatment of like cases in like circumstances," he said. *(continued on page 2)*



REACH Grant Project Receives Federal Funding

Under the management of the Friend of the Court Bureau (FOCB) and the Office of Child Support (OCS), a new grant project called REACH – Referral for Employment, Asset Development, Cooperation, and Hope – was awarded funding by the federal Office of Child Support Enforcement (OCSE) in October 2010.

The REACH project seeks to improve the long-term well-being of children involved in child-support cases through development of a collaborative effort that improves the abilities of noncustodial parents concerning their financial management, literacy, work aptitude, and asset-building skills. In implementing this project, the Kent County Friend of the Court (FOC) will partner with the local Assets for Independence agency, the Inner City Christian Federation (ICCF), and with a local nonprofit agency, Hope Network.

One of the main objectives of the REACH project is to create a partnership between Kent County Friend of the Court, Assets for Independence agency, the ICCF, and Hope Network in an effort to coordinate their services so that the services can reach and help individuals. The ICCF has expertise in financial education, credit repair, and asset building. The ICCF serves individuals who have household income below 200 percent of the poverty level. Hope Network provides work-skill development and on-site work experience with the goal of permanent job placement for the unemployed.

(continued on page 4)

Inside This Issue

- *Using PayPal To Collect Child Support* 3
- *PACT Getting Closer To Its Goals* 4
- *Income Withholding And Labor Unions* 5
- *Enforcing International Support Obligations* 6
- *The Legal Corner* 8

In re Beck: Effects On FOCs, Prosecutors

(continued from page 1)

Kristen Getting, Calhoun County deputy friend of the court, remarked that *Beck* will not have much effect on her office because her office already collects support until an order is issued that specifically terminates the support obligation.

“The reasoning of *Beck* has been the rationale that we have always used,” said Getting, who is an attorney. “During my private-practice days, I was involved in counseling adults during termination processes, and the fact that support would continue was part of that counseling.”

Amy Neubecker, Otsego/Crawford/Kalkaska County friend of the court, echoed that sentiment.

“Based on previously-issued appellate opinions, when we have received an order terminating a payer’s rights for reasons other than adoption, our office has petitioned the court to determine whether support should continue,” Neubecker stated. “Pursuing direction of the court in this manner allows the court to consider the ongoing financial needs of the child and the negative or positive impact of continuing the current support order on the best interests of the child.”

Neubecker explained that, in her three-county circuit, the same judge that presides over a particular abuse and neglect case also presides over the related domestic relations case.

“This is particularly helpful because the judge has knowledge about the family and the needs of the child,” Neubecker observed. “Because the case load in my three counties is relatively small, we are able to individually address these cases. But larger counties are obviously faced with different circumstances given their larger case loads.”

COLLECTION STUMBLING BLOCKS?

The *Beck* ruling may also have some negative ramifications, particularly when it comes to collecting child-support payments.

For example, Rudell said the decision “will probably cause an increase in uncollected arrearage balances because generally the parents who have their rights terminated are not good payers.”

Neubecker agreed, saying her experience has shown that collection of arrearages or birthing expenses is difficult where parental rights have been terminated and an ongoing support order remains in effect. “The payer often mistakenly believes that he or she is under no further obligation to make payments on the case,” she noted.

According to FOCs, if an office routinely ended a support obligation upon receiving a notice of termination of parental rights, the arrearage amount would also stop increasing upon termination. But now, under *Beck*, arrearages will continue to accumulate after termination of parental rights and payments are likely to be even more difficult to collect, primarily because payers without parental rights will have less incentive to make their payments.

Also, some FOCs noted that collection problems may arise with those parents whose rights have been terminated because they frequently move from place to place. Parents whose rights have been terminated are more likely to move around than parents who are on visitation schedules. And, under *Beck*, support payments must still be collected until an order is issued that specifically terminates the payments. But, unfortunately, it is often difficult to get money from a transient parent.

Another collection stumbling block may occur in adoption situations. For exam-

(continued on page 7)

THE PUNDIT

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Using PayPal To Collect Support Payments

BY MATTHEW MARSOLAIS,
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State child support agencies continue to lead the way in creative means to collect child support for families in their caseloads. Demonstrating its creativity, Washington State is tapping a source that others may recognize — PayPal accounts.

PayPal, an e-commerce business in San Jose, CA, acquired by online marketplace e-Bay in 2002, allows electronic money payments and transfers. The number of individuals using PayPal continues to increase due to its simple way to register and make online money transfers. All it needs is an e-mail address and a credit card or bank account number.

In 2009, PayPal reported a payment volume of over \$71 billion in online transactions. The company manages over 184 million accounts; more than 73 million are active.

PayPal's revenue comes from collecting fees from sellers and earning interest on assets that have not been withdrawn from the seller's or buyer's PayPal account.

EXPLORING A DATA MATCH

OCSE is exploring the possibility of conducting a data match with PayPal. However, PayPal does not participate in the financial institution data match (FIDM) because the company is not considered a financial institution as defined by state and federal law.

Although current PayPal assets cannot be identified through the data match, the corporation is required to respond to any subpoena or court order from a child support agency. Once a freeze order is received and processed by PayPal, the user's account is "locked" for a minimum of 60 days and the user loses [the] ability to access the account.

WASHINGTON EXPERIENCES

Chuck Donnelly, Special Collections Program Manager, explains, "[We] become aware that a noncustodial parent sells through e-Bay because the custodial parent tells us, or we might see it when we look at the obligor's MySpace or Facebook pages."

He adds, "We would only send a 'withhold' to PayPal if we had information leading us to believe they have a PayPal account."

Caseworker Marci Griffin says: "I did get a bunch of information from PayPal but wasn't able to get any money. However, the noncustodial parent found out I was trying to tap his PayPal account, and he began self-paying again! He is self-employed."

In 2008, Washington child support worker Steven Mack sent a withhold to PayPal, which in turn froze the parent's account. Negotiations with the parent rendered an immediate \$300 from PayPal.

Then, in July 2009, a local Tacoma office was able to seize \$500 from a PayPal account.



Since PayPal does not require a Social Security number when a user signs up, the e-mail address is the most important identifier. Washington demonstrates another creative means to collect child support by looking at Web pages that belong to a noncustodial parent to obtain the e-mail address and other information that may help to identify PayPal accounts.

OCSE acknowledges the potential for a new source of child support collections by matching with money-transfer companies. Further discussions with the companies will include how state child support agencies can identify and seize these "hidden" assets through a data match.

Contact matthew.marsolais@acf.hhs.gov with any questions or comments.

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ADDRESS TO SEND A SUBPOENA:

PAYPAL
ATTN: LEGAL
DEPARTMENT
2211 NORTH FIRST
STREET
SAN JOSE, CA 95131

PACT Getting Closer To Achieving Its Goals

The 1115 Parents and Children Together (PACT) Program is getting closer to reaching its goals, following a successful “Blitz Day” event at the Genesee County Friend of the Court office.

Of the 600 cases enrolled in the program, 300 include one or both parents who have become unemployed (job-loss cases). The other 300 cases are matters that have recently entered the court system and are known as “establishment cases.” In October 2010, the program had only about 270 cases enrolled.

In order to boost participation, the Genesee County FOC coordinated a Blitz Day event that took place on December 15 and 16, 2010. This event allowed families to show up, process their initial paperwork, and schedule court dates. The event was successful in part because various offices worked together to assist the FOC in meeting its goals. Representatives from the Genesee County Prosecutor’s Office, the Office of Child Support (OCS), and the State Court Administrative Office (SCAO) were on hand to help the FOC.

Matthew Reinhardt, customer service clerk for Trial Court Services, participated in the event. According to Reinhardt, “The PACT blitz involved representatives from multiple state

and county-level agencies working together to streamline the environment that resulted in a much more efficient intake process for participating parents.”

Jack Battles, the Genesee County FOC, was also impressed with the team effort, which yielded positive results.

“We had 11 to 15 families in each session that we scheduled, and we tried to take one family from each session to interview,” he said. “Everyone we interviewed felt this was an extremely positive experience and that this ‘one-stop’ approach was great. It gave the parties an opportunity to learn all the information regarding their cases, such as the support amount, how the hearing would go, and what everything in their court orders meant. And they appreciated the staff helping them to prepare the paperwork.”

Battles also said that he was proud of the accomplishments of his staff and the additional support staff during those two days. In addition to the nine FOC caseworkers, there were three SCAO staff members, two OCS managers, and Andrew Albrant, Jr. from the Genesee County Prosecutor’s Office.

“It has been a partnership that started with the 1115 Grant,” he said. “Every office that participated in this ‘blitz’ got to learn something from the other offices that (continued on page 5)

REACH Grant Program Receives Federal Funding

(continued from page 1)

The REACH project will allow the Kent County FOC to develop a screening protocol with the ICCF and Hope Network to identify nonpayer parents who might benefit from a referral to the ICCF and Hope Network. The Kent County FOC will screen candidates and offer them the opportunity to participate in the program. It will help participants, for example, by scheduling support modification hearings to ensure that participants’ orders are commensurate with their ability to pay or by creating arrearage forgiveness plans. It will make referrals to either or both the ICCF and Hope Network, and ICCF and Hope Network will be able to make cross-referrals for participating individuals. When a participant is engaged with ICCF financial counseling and needs assistance with job placement, the participant will be sent to Hope Network. When a participant secures employment, the participant will be sent to ICCF for assistance managing his or her finances.

ICCF staff members will meet with participants and create an individualized plan of action to meet the specified goals of the participants, such as their pursuit of post-secondary education, job training, home ownership, or perhaps initiation of a small business enterprise. These meetings will allow participants to work with counselors to set reasonable timeframes that allow participants to achieve the goals that are unique to their particular situations, but within the REACH program’s three year time-frame.

The program will contract with an independent evaluator to evaluate the project and its effectiveness, and the evaluator will offer recommendations about how other jurisdictions could adopt similar procedures. The project will also determine its effectiveness by self-assessment evaluations that are completed by the Kent County Friend of the Court, ICCF, and the Hope Network. These same groups will also conduct a participant review survey to assess the progress of the program.

The REACH program has received grant funding for three years. Suzy Crittenden, management analyst for the FOCB, is working on the project with the Kent County Friend of the Court. The FOCB will be acting as project director in partnership with OCS and is currently laying the foundation for management of the grant.

The project’s next step is to work on approving an independent evaluator for the project. The Kent County Friend of the Court is currently developing cross-training programs for all partner agencies.

If a court or friend of the court has any questions regarding the REACH project, please contact Suzy Crittenden, FOCB management analyst, at CrittendenS@courts.mi.gov, or Tim Cole, FOCB management analyst, at ColeT@courts.mi.gov.

[Editor’s Note: The percentage and dollar amounts of the total program, or project costs, are financed with federal funds. The program is funded in part by the State of Michigan.]

Income Withholding Orders And Labor Unions

In Michigan, approximately 74 percent of child-support orders are enforced through income-withholding orders.¹ The Michigan law regarding income-withholding procedures (MCL 552.609) was recently amended to allow friends of the court to serve income-withholding notices (IWNs) on labor organizations.

Under the new law, if a child-support payer is subject to an income-withholding order and is a member of a labor organization, the FOC can serve the labor organization with a copy of the IWN rather than serving the IWN to each individual employer that assigns work to the payer. However, the law does not provide procedures for FOCs to follow when serving an IWN on a labor organization.

EFFECT OF THE AMENDMENT

Child-support payers who are members of labor organizations often work for multiple employers within short periods of time. Before the 2009 amendment of MCL 552.609, Michigan law required FOCs to serve a payer's individual employers with IWNs in order to collect child support from the member's paychecks, resulting in multiple IWNs within the same child-support case.

The amendment of the statute, however, now allows FOCs to serve only one IWN on the member's labor organization, rather than the earlier statutory provision that required each individual employer to be served. The current law, as amended in 2009, further requires the labor organization to forward a copy of the IWN to each of the member's individual employers.

NONCOMPLIANT LABOR ORGANIZATIONS

Although FOCs now have legal authority to require labor

organizations to forward copies of IWNs to a member's actual employer, the statute does not provide guidance about how FOCs should proceed when a labor organization does not forward the IWN. Under MCL 552.613, "sources of income," which include employers whose employees are represented by labor organizations, can be held in contempt of court for refusing to comply with a court order and be held liable for any amounts not withheld. But because labor organizations themselves do not typically pay their members, they really have not failed to withhold. Labor organizations are also not bound by the order because the actual employer of the labor union member is the organization that is required to withhold.

RECOMMENDED RESPONSE

FOCs should remind noncompliant labor organizations that Michigan law requires labor organizations to forward IWNs to the members' current employers, and that a labor organization that refuses to is in violation of Michigan law. The State Court Administrative Office has created a form letter to be used by FOCs when labor organizations do not comply with the forwarding requirement. The letter is available at <http://courts.michigan.gov/scao/services/focb/Memoranda/11-04-10NewStatutoryRequirementForLaborOrganizations.pdf>.

If an FOC office has questions about IWN and labor organizations, please contact Daniel Bauer, FOCB management analyst, at bauerd@courts.mi.gov or Elizabeth Stomski, FOCB management analyst, at stomskie@courts.mi.gov.

¹ Department of Human Services, DHS – Enforcement of Support, < http://www.michigan.gov/dhs/0,1607,7-124-5453_5528_29251--,00.html > (accessed January 20, 2011).

PACT Getting Closer To Achieving Its Goals

(continued from page 4)

attended. The Prosecutor's Office was invaluable with its assistance on the more difficult cases. We have always had a good working relationship with the Prosecutor's Office and the grant has allowed us to continue that partnership, despite budget cuts."

The feedback from the parties who attended the event was also positive. Many indicated they were impressed with the process, and that they were especially pleased that it only took about an hour and a half. Parties also reported that they liked gaining knowledge beforehand about what to expect when they go before the judge. While there were some suggestions that focused on improvement of the process, most of the feedback indicated that parents were relieved to get the process started and that matters were resolved quickly and efficiently. Additionally, parties reported they were happy to reach agreements about parent-

ing time and custody, which were finalized when the parties appeared before Judge Michael Theile.

The agreements reached by the parents who participated in the event help noncustodial parents become more involved with their children in the short term. It is hoped that, in the long term, these parents will continue to work together in the best interests of their children.

Families whose cases enter the program receive many benefits. The program allows participating families access to services that are related to jobs, education, and health which will help them overcome the barriers that parents often face when trying to support their children.

Dana Graham, SCAO management analyst, met with parents who were excited about the opportunities the program offers. "One of the parents told me that he wanted to get a GED and 'do the right thing' by providing for his child," she said. "He was excited that the PACT program would be able to help

(continued on page 9)

Enforcing International Child-Support Obligations

Even though every child has the inherent right to be supported financially by his or her natural parents, the payment of child-support obligations in transnational cases can be difficult to enforce and, thus, to ensure.

While United States courts will recognize and enforce foreign child-support decisions even without a reciprocal agreement, many foreign nations will not enforce support orders from other nations in the absence of a treaty or international agreement. Even where there are no legal obstacles related to the enforcement of international obligations, practical problems often mean that little or no support ever reaches the child.

Representatives from 68 countries have negotiated an international treaty to facilitate child-support collections when one parent lives in a country that is different from the country where the other parent and child reside. The 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (“the convention”) calls for nations to exchange information in an effort to compel parents to pay support by implementation of various measures that include: withholding wages, receiving pension payments, intercepting tax refunds, and making deductions from public assistance payments.

The convention contains provisions that for the first time on a global scale, establish uniform, inexpensive, and comprehensible procedures to assist in the processing of international child support cases. In short, parents who reside in the United States can use remedies that are already widely available between states and territories to collect child support from parents who live abroad. The convention requires that all treaty signatories develop similar systems to facilitate the payment of child support between nations. The improvement to be gained by use of these systems is that children around the world will receive their financial support payments more efficiently.

The United States signed the convention on November 23, 2007, moments after its adoption by The Hague Conference on Private International Law. On September 29, 2010, the U.S. Senate approved ratification of the convention. Because the convention is not self-executing, the United States must implement legislation at both the state and federal levels. All states will be required to adopt an updated version of the Uniform Interstate Family Support Act (UIFSA). Once the president signs the resolution of ratification and federal legislation is enacted, the U.S. instrument of ratification at The Hague, the United States will become parties to the convention.

The convention should not affect intrastate or interstate child-support cases in the United States. The convention will apply only to cases in which the parent and child live in one country and the other parent lives in another country.

By obtaining reciprocal recognition in other nations that ratify the convention, more benefits will be provided, meaning that more children who reside in the United States will receive support from their parents who reside in other countries.

Another significant benefit of the convention allows access to cost-free services for United States citizens who need assistance enforcing child-support payments to be made by a parent in a partner country. Under the convention, reciprocating countries that may be mandated by their own internal procedures to assess fees will be required to use a means test that is based on the income of the child.



“By obtaining reciprocal recognition in other nations that ratify the convention ... more children who reside in the United States will receive support from their parents who reside in other countries.”

Ratification of the convention will also enable effective coordination of the enforcement of child support payments (in cases where a parent lives in a partner country) through the use of central authorities. Under the convention, central authorities are created and must receive and transmit applications for services and then facilitate the transfer of documents and case information using electronic technology where feasible, so that the necessary information is available for fast resolution of past unpaid international child support.

The convention provides flexibility so that a court within the United States that has proper jurisdiction over the noncustodial parent may establish a new order in cases in which the United States jurisdictional requirements were not met in the country that issued the order.

To view the full text of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, please visit <http://thomas.loc.gov/cgi-bin/ntquery/z?trtys:110TD00021>:

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In re Beck: Effects On FOCs And Prosecutors

(continued from page 2)

ple, an FOC is not notified that a child has been adopted and support arrearages will continue to accumulate. Termination notices are automatically sent to FOCs after an order has entered, but the FOC is not always notified that an adoption has occurred. This is especially true when an adoption takes place in another county, or when a child is adopted by someone who is not a family member. If the FOC is not told that the obligation has ended, the uncollected arrearage may continue to increase unnecessarily. Therefore, after an FOC receives a notice of termination of parental rights, the FOC office is encouraged to follow up with the child's guardian and monitor adoption efforts.



"The payer often mistakenly believes that he or she is under no further obligation to make payments on the case."

— Amy Neubecker

PROSECUTORIAL PERSPECTIVE

Prosecutors seem to agree the *Beck* decision will have minimal effect on the relationship between prosecuting attorneys and FOCs, and on cases in general.

Mark Vermeer, an assistant Kent County prosecutor, said that *Beck* has not yet affected any cases in the court's family division.

"Our family court judges have been advising parents facing terminations of parental rights about the *Beck* case, but it has had no impact so far," he explained. "I do not anticipate far-reaching consequences. In Kent County, our FOC has been practicing what the decision calls for – continued support from parents after the termination of parental rights if an order is in place at the time of the termination."

Vermeer also noted that parents who have abused, neglected, or otherwise mistreated their child to the degree that their parental rights have been terminated should not be absolved of parental responsibility – that is, they should still pay child support.

"If there are counties where, historically, obligations of support were terminated along with parental rights, the *Beck* decision will require them to modify that practice," he said.

According to Vermeer, the fact that payments must continue after the termination of parental rights until a specific order is issued stating otherwise will not be important to either a prosecutor seeking termination of parental rights or to a judge contemplating termination.

"I suppose it is possible that parents who are considering consenting to a termination of parental rights may make it part of the decision-making matrix, but I do not think that judges or prosecutors are going to be concerned about support after termination," he stated.

Jennifer Granzow, of the Kalamazoo County Prosecutor's Office, said that her office has not undertaken any changes because of *Beck*. "Referrals for the establishment of support and paternity will continue as always," she explained. "The question will be whether or not the initial establishment of an obligation is appropriate when the parent's rights have been terminated, as there is now no legal parental relationship. For cases where an obligation is already in place, then the friend of the court will be obligated to continue to enforce support until – and if – an order enters that stops the obligation."

Granzow believes the question remains whether a parent will see the responsibility to pay support as a reason to forego a voluntary termination or demand a trial. "That potential exists," she noted. "But on the reverse side of the coin, perhaps a person would be more likely to consent to a termination of parental rights if an adoptive family is in the wings and able to complete that process, and the obligation of support would be suspended pending the adoption."

BECK COMPLIANCE

If an FOC office has typically ended support obligations upon receiving a notice of termination of parental rights, the FOCB advises that the office should stop the practice now in order to comply with *Beck*. And if there are cases where support has not yet ended but parental rights have been terminated, it is recommended that the office stop the process to terminate payments. This will help avoid administrative delays during the time needed to reinstate the support obligations, thereby resulting in more support for the child.

"Offices that have routinely ended support upon termination will need to review their procedures with regard to the continuation of support to determine what action, if any, should be taken," Neubecker stated.

Granzow believes that *Beck* will probably not have far-reaching consequences on FOCs and prosecutors because the ruling is fact specific. "As a general circumstance, we don't see many cases [like *Beck*] where the rights of one parent remain intact while the other parent's rights are terminated," she said. "So this seems to be a particularly fact-specific decision."

Granzow noted the ruling also seems to indicate that a different outcome could dictate a different result. "For example, if an adoption occurred, then the decision indicates that support is no longer billable," she said. "So it seems the most prudent course would be for the court, at the time of termination, to make an explicit statement regarding ongoing support – either it is continuing or it is terminated."

According to Granzow, the long-term effects of *Beck* are a "toss up." To learn more about the ramifications, FOCs should watch for an update in the next edition of *The Pundit*.

[A brief summary of *In re Beck* can be found on page 8. The full text of the decision can be found at http://coa.courts.mi.gov/documents/OPINIONS/FINAL/SCT/20101220_S140842_64_in_re_beck-op.pdf.]



THE LEGAL CORNER A summary of recent Michigan Supreme Court and Court of Appeals decisions, Michigan IV-D memoranda, and SCAO administrative memoranda.

MICHIGAN SUPREME COURT DECISIONS – SEE [HTTP://COA.COURTS.MI.GOV/RESOURCES/OPINIONS.HTM](http://coa.courts.mi.gov/resources/opinions.htm)

In re Beck, 488 Mich 6 (2010). Nothing in the statutory structure indicates that termination of parental rights automatically severs the parent's support duty. The support duty continues after termination of parental rights unless the duty is modified or terminated by a court of competent jurisdiction; the court has discretion to terminate or modify a parent's obligation to provide support, but is not compelled to do so. (See also, "*In re Beck: Effects On FOCs And Prosecutors*" on page 1.)

COURT OF APPEALS DECISIONS – SEE [HTTP://COA.COURTS.MI.GOV/RESOURCES/OPINIONS.HTM](http://coa.courts.mi.gov/resources/opinions.htm)

Kalkman v Danhoff, Jr., unpublished opinion per curiam, issued September 30, 2010 (Docket No. 295160). When a trial court fails to consider custody issues in accordance with the best interest factors, and make reviewable findings of fact, the proper remedy is to remand for a new child custody hearing and the trial court should consider up-to-date information.

Meadows v Meadows/Henderson, unpublished opinion per curiam, issued September 30, 2010 (Docket No. 296056). The trial court did not err in finding that no established custodial environment existed with defendant. Although the children resided primarily with the defendant previously, it was clear that the established custodial environment broke down during the period preceding the trial. Conflicting evidence in the record is not sufficient ground for concluding that the decision is against the great weight of the evidence.

Pschigoda v Doolen, unpublished opinion per curiam, issued October 12, 2010 (Docket No. 296157). The Acknowledgment of Parentage is not a court order for the purpose of deciding if a court order involving custody was in place when the child was moved more than 100 miles away.

Carpenter v Carpenter, unpublished opinion per curiam, issued November 16, 2010 (Docket No. 296924). The trial court committed clear legal error by declining plaintiff's request to establish specific terms for the award of "reasonable access." MCL 722.27a(7) provides that "[p]arenting time shall be granted in specific terms if requested by either party at any time."

Snay v Vest, unpublished opinion per curiam, issued November 18, 2010 (Docket No. 293618). The current law that prohibits the biological father from bringing a claim for custody does not deny him equal protection because the prohibition is based on the child's status as born in wedlock and not the claimant's sex.

White v White, unpublished opinion per curiam, issued November 23, 2010 (Docket No. 293976). Provision that prohibited the parties from entertaining unrelated members of the opposite sex overnight while the children were in their care was improper absent evidence to warrant its inclusion.

Shade v Wright, Jr., unpublished opinion per curiam, issued December 2, 2010 (Docket No. 296318). Recognition of normal life changes that occurred in the minor child are sufficient to modify parenting time.

Leaverton v Milewski, unpublished opinion per curiam, issued December 7, 2010 (Docket No. 297680). Once a court determines that a change in residence is warranted, it must determine whether the move would result in a change of an established custodial environment.

Landon v Shelton, unpublished opinion per curiam, issued December 21, 2010 (Docket No. 297064). The fact that the child has reduced time with one party does not preclude a finding that a custodial environment existed with that party.

Lyman v Bellomo II, unpublished opinion per curiam, issued December 28, 2010 (Docket No. 294733). Defendant was not required to show a change in circumstances in order to change a temporary custody order and must be given a full evidentiary hearing to determine the best interests of the child.

(continued on page 9)



THE LEGAL CORNER A summary of recent Michigan Supreme Court and Court of Appeals decisions, Michigan IV-D memoranda, and SCAO administrative memoranda.

(continued from page 8)

COURT OF APPEALS DECISIONS – SEE [HTTP://COA.COURTS.MI.GOV/RESOURCES/OPINIONS.HTM](http://coa.courts.mi.gov/resources/opinions.htm)

Reed v Reed, unpublished opinion per curiam, issued December 28, 2010 (Docket No. 297097). An established custodial environment is not established by custody orders, but rather by circumstances surrounding the care of the children in the time preceding trial. The trial court did not err when it found that a custodial environment was not established with either parent.

Dibell v Kirby, unpublished opinion per curiam, issued December 28, 2010 (Docket No. 297205). The trial court's refusal to follow the recommendation of the referee cannot be grounds for finding an abuse of discretion.

MICHIGAN IV-D MEMORANDA

Revisions of the National Medical Support Notice (NMSN) 2010-024. Introduces revisions of the National Medical Support Notice and the Addendum of the National Medical Support Notice that was implemented in the Michigan Child Support Enforcement System on September 1, 2010. (Note: This memorandum replaced Memorandum 2010-023.)

SCAO ADMINISTRATIVE MEMORANDA

SCAO Administrative Memorandum 2010-04 (Uniform Support Order Revisions). Describes recent changes to the Uniform Support Order (USO) forms, and contains additional information about using the forms.

SCAO Administrative Memorandum 2010-05 (Standards for Charging Friend of the Court Investigation Expenses). Establishes standards that must be met to charge a party for expenses related to conducting an investigation that has been ordered under MCL 552.505(1)(g). Given statewide variation in the amount expended to conduct an investigation and differences in local practices, each circuit must enter a local administrative order (LAO) to establish its local procedures that are based on SCAO Model LAO 34.

SCAO Administrative Memorandum 2010-06 (Child Support Arrearage and Surcharge Repayment Plan). Summarizes the statutes that govern repayment plans. It supersedes SCAO Administrative Memorandum 2005-05.

SCAO Administrative Memorandum 2010-09 (Surcharge Changes, replaces Administrative Memorandum 2004-07, Changes in Surcharge Law). Identifies steps that courts may take to update existing court orders through a local administrative order, and provides instruction to FOC offices on ways to offer factual information to petitioners who seek case-specific surcharge assessment. FOC staff may also refer to the Office of Child Support's Michigan IV-D Child Support Manual Section 5.75, *Surcharge*, for more information.

PACT Getting Closer To Achieving Its Goals

(continued from page 5)

him do this.”

A total of 160 people were scheduled to appear at the Blitz Day event. At the end, 69 agreements were reached regarding custody, parenting time, and child support. This brings the total number of participating PACT cases to 294 job-loss cases and 250 new establishment cases.

The Genesee County FOC office held another Blitz Day on February 17, 2011 to help reach its goals. The caseworkers are now allowed five to six months to work with the families in order to meet the program's goals. The caseworkers have

already begun providing services for the first set of parents who enrolled in the program, and they are looking forward to providing services to the next set of new families.

[Editor's Note: The percentage and dollar amounts of the total program, or project costs, are financed with federal funds. The program is funded in part by the State of Michigan.]

The Pundit welcomes reader comments and suggestions for articles. Please contact Elizabeth Stomski at 517-373-5975 or stomskie@courts.mi.gov for more information.