

Writing Effective Grant Proposals

BY ELLEN DURBAN, OFFICE OF CHILD SUPPORT

The federal Office of Child Support Enforcement (OCSE) offers two discretionary grant program opportunities that further the national child-support mission and goals: section 1115 demonstration grants and special improvement project grants.

While friend of the court (FOC) offices likely know about these federal grant programs and the purposes they serve, FOC staff may not know much about the criteria used to award the grants or how to write an effective grant proposal. This article will explain the grants, identify factors that are examined to award the grants, and offer some tips to FOC offices on writing a clear and concise grant proposal.

SECTION 1115 DEMONSTRATION GRANTS

Section 1115(a) of the Social Security Act provides OCSE with the authority to fund demonstration grants. Only state Title IV-D agencies or the larger state agencies of which they are a part, such as the Michigan Department of Human Services, can apply for section 1115 grants. The agencies can contract with other agencies, such as faith- and community-based organizations, universities, or private consultants to join these efforts. If an agency decides to work with a partner, the application must include a letter of commitment to participate that is signed by the partner.

In addition, the state agency may partner with a local IV-D agency. A local agency may approach the state agency and then the state agency may submit the grant application. The state agency is the applicant agency and, in turn, is responsible for managing the grant and receiving and disbursing its funds.

States, through the IV-D agency, apply for grant funds in response to periodic grant announcements. Applications are screened and evaluated, and awards are contingent on the outcome of the competition and the availability of funds.

SPECIAL IMPROVEMENT PROJECT GRANTS

Special improvement project grant programs provide funding for projects that further the national child-support mission and goals by helping to improve program performance. The program's legislative authority is section 452(j) of the Social Security Act, which provides

federal funds for research, demonstration programs, and special projects of regional or national significance as related to the operation of state child-support enforcement programs. No financial match is required of the applicant.

Special improvement project grant program announcements are normally issued annually. Eligible applicants include state and local public agencies, nonprofit agencies (including faith-based organizations), and tribal organizations. Applications are screened and evaluated, and awards are contin-

gent on the outcome of the competition and the availability of funds.

The OCSE website¹ provides information about current grant announcements and supplies grant resources.

GRANT APPLICATION REVIEW AND APPROVAL

The Office of Child Support Enforcement uses federal reviewers familiar with OCSE programs and other relevant programs to read the grant applications and score the applications to ensure that applicants have sufficiently addressed all criteria. The reviewers then meet to discuss their individual appraisals and compile a final set of scores. Reviewers make recommendations for funding to the commissioner of OCSE and to the assistant secretary of the Administration for Children and Families. Upon their approval, awards are processed.

GRANT APPLICATION EVALUATION CRITERIA

The Office of Child Support Enforcement's grant reviewers score applications based on the following OCSE-defined criteria.

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Writing Effective Grant Proposals

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- **Objectives and need for assistance.** In the grant application, applicants should define the problem, identify the principal and subordinate objectives of the project, and identify the conceptual or theoretical framework.
- **Approach.** In the grant application, applicants should describe how the project will accomplish the goals and objectives; identify barriers; develop a detailed management plan to include tasks and timelines; identify specific staff qualifications and roles and organization experience.
- **Results and evaluation.** In the grant application, applicants should list specific results/benefits and the method of measure; identify the kinds of data that will be collected and the reporting process; identify the method of sampling for experimental and control groups.
- **Budget and budget justification.** In the grant application, applicants should develop a detailed budget and justification for the budget; set reasonable project cost projections.

Grant announcements include required elements for each grant type and project. Applicants should carefully review the requirements in grant announcements because section 1115 grants and special improvement project grants have different requirements.

WRITING THE PROPOSAL

Before writing a proposal, first gather the supporting documentation. Background documentation will be needed in three areas: concept, program, and expenses. Concepts about how the project fits with the philosophy and mission of the agency and the need the proposal is addressing must be well-articulated. The program information that is required includes:

- the nature of the project and how it will be conducted.
- the timetable for the project.
- the anticipated outcomes and how best to evaluate the results.
- staffing and volunteer needs, including deployment of existing staff and new hires.
- budget and project costs.

The expenses include a broad outline of the costs that are reasonable and in proportion to the outcomes that are anticipated.

USING LOGIC MODELS

Logic models are useful tools at the planning stage of a grant proposal design. Logic models represent whole programs or projects in a visual diagram with everything from inputs, processes, outputs, and outcomes (as well as external factors and assumptions). The construction and use of logic models can help obtain favorable results from project initiatives.

A logic model allows a grant preparer to examine intermediate and long-term outcomes, assess where program is relative to where the preparer wants the program to be, and determine what additional research or performance measures may be needed to evaluate program results.

On the OCSE website,² there is a guide for constructing and using logic models to help child-support enforcement agencies specify – clearly and concretely – what their projects are trying to accomplish, for whom, with

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THE PUNDIT

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The Pundit provides information on current issues to Michigan child-support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.

One Year Later: The Effects Of *In Re Beck*

Michigan Supreme Court Chief Justice Robert Young clearly articulated in the Michigan Supreme Court's decision of *In re Beck*, 488 Mich 6 (2010), that parental rights are not the same as parental obligations. In that same light, when parental rights are terminated, parents are not automatically entitled to termination of their child-support obligations unless those obligations have been specifically terminated by the court. (See, "In re Beck: Effects on FOCs and Prosecutors," The Pundit, Volume 24, Number 2 [February 2011].)

Parental rights are constitutionally protected. Under MCL 712A.19b, parental rights may be terminated only if there is clear and convincing evidence that the person is an unfit parent. A parent may be declared unfit for various reasons, including but not limited to: desertion, physical or sexual abuse, parental neglect (to the point there can be no reasonable expectation that the parent will properly care for the child), or imprisonment of the parent for two or more years. (*Troxel v Granville*, 530 US 57 [2000].) After a court determines that a parent is unfit, the court will usually consider whether it is in the best interests of the child for parental rights to be maintained. If it is not, then parental rights may be terminated.

CRITICS VERSUS PROPONENTS

Various real-life situations can lead to termination of parental rights. Therefore, when the Supreme Court decided *Beck*, critics argued the decision would result in more uncollectable arrearages because parents whose rights are terminated are more unlikely to pay support. It was asserted that parents who have already neglected their children or perhaps failed to fulfill other major parental obligations, whether because of imprisonment, poor mental health, or bad behavior, are unlikely to pay child support regardless whether their rights are terminated. Furthermore, critics were concerned that parents whose rights were terminated would assume that the obligation to pay support had ended – only to find arrearages continuing to accumulate, thereby ruining credit and resulting in additional enforcement for nonpayment of support.

Meanwhile, supporters of the *Beck* decision argued that the ruling would help bring uniformity to child-support obligations. Before *Beck*, some counties terminated child-support obligations when parental rights were terminated, while other counties continued to require child support obligations to be paid. In other words, proponents claimed that *Beck* replaced county discretion with a much-needed level of predictability and statewide consistency. Some believed this consistency would ultimately benefit children because there would be more automatic avenues of financial support to meet their needs. For example, before *Beck*, it was unclear whether child support continued when a couple in one county



adopted a child from another county with a different child-support policy. The *Beck* decision seemed to take the guesswork out of this situation and created a uniform standard.

ONE YEAR LATER ...

The *Beck* decision, having been issued more than a year ago, has been used as a point of comparison for other states, many of which, prior to *Beck*, have long assumed that "terminating parental rights completely severs duty to support" (*In re MG*, unpublished opinion of the Iowa Court of Appeals, issued May 25, 2011 [Case No. 11-0340], citing *In re TQ*, 519 NW2d 105 [Iowa App, 1994].)

While it can be expected that future decisions will begin to focus on whether a court of competent jurisdiction has correctly continued or discontinued support, for now Michigan cases have only cited *Beck* for the proposition that rights are distinct from obligations.

The Michigan Court of Appeals in *Ewald v Ewald*, 292 Mich App 706 (2011), cited *Beck* to support its opinion that the trial court could not use a parent's alleged actions of alienating the parties' son from his mother as a basis for deviating from the child-support formula. The mother had contended that the trial court should deviate from the formula by treating her as having parenting time for the purpose of establishing support, even though she did not have parenting time with her son.

In an unpublished opinion per curiam, *Anderson v Anderson* (Docket No. 299486), the Court of Appeals cited *Beck* to support its finding that there was no reason to deduct child support from the defendant's income before determining spousal support because the defendant had an obligation to support the child and, therefore, the amount of child support the defendant pays to the plaintiff should not be credited as a benefit to the plaintiff.

In another unpublished opinion per curiam, *In re Perry*, issued by the Court of Appeals on January 12, 2012 (Docket Nos. 303729, 303730, and 303731), the mother argued that her parental rights should not have been terminated because she now had the means to support her child. The court rejected her argument, finding that the trial court had terminated her parental rights on another basis and her subsequent ability to satisfy her obligation to support her child as articulated in *Beck* was entirely separate from her unfulfilled obligations in other respects.

CONCLUSION

Because *Beck* is still a relatively recent decision, it remains to be seen whether it will introduce more clarity to child-support matters. But for now, *Beck* seems to have removed a level of county discretion and introduced statewide consistency to end child-support obligations.

Michigan's Updated Child-Support Guidelines

The State Court Administrative Office (SCAO) has completed its federally mandated four-year review of the Michigan Child Support Formula (MCSF) and recently has released an updated manual. The changes, which take effect January 1, 2013, are a "must read" for judges, referees, attorneys, and friend of the court staff.

The 2013 MCSF can be accessed online at the following link: <http://courts.mi.gov/scao/services/focb/mcsf.htm>.

"Because printed copies will not be available for several months, everyone should visit the Michigan Child Support Formula Manual's official website to read the manual online or to print a copy," advised William (Bill) Bartels, Friend of the Court Bureau management analyst and SCAO point-person for the review.

IMPORTANT CHANGES

"We received valuable input from the review work group members," Bartels said. "The work group reviewed many proposals submitted to SCAO over the last several years."

The work group was comprised of members that included representatives from the Friend of the Court Association, the State Bar Family Law Section, the Referees Association of Michigan, the Office of Child Support, MiCSES, and the Prosecuting Attorneys Association of Michigan.

According to Bartels, most changes to the manual are technical clarifications of existing provisions that were made to fill in preexisting gaps. The two biggest changes are:

- the removal of the requirement for a minimum \$25 order amount, and
- how health-care savings affect medical expenses.

The 2013 manual also reinstated language from previous manuals that provides details about handling child support charged to self-employed individuals and business owners. And as in all previous years' revisions, the updated manual contains current economic figures to account for cost-of-living changes.

SCAO is currently working with the Michigan Judicial Institute (MJJI) to develop a series of webcasts that will explain how to calculate child support. MJJI will also provide a webcast on the 2013 MCSF changes.

NECESSARY 'TUNE-UP'

In discussing the state's guidelines, Bartels stated that Michigan has one of the most comprehensive child-support guidelines in the nation. He further indicated that "four-year reviews are like tune-ups to keep Michigan's guidelines running in top performance."

Nancy Thane, Tuscola County friend of the court agreed, noting that the 2013 changes are not drastic.

"There were areas that were cleaned up and fine tuned, and this likens the MSCF to a well-oiled machine," she said. "These are positive changes that will create less inconsistency between counties and more unified practices."

- Bartels explained that a guideline review does three things:
- looks for areas where the MCSF produces unjust or inappropriate results,
 - looks for inconsistencies or concerns with existing language in the MCSF, and
 - if possible, makes changes to the MCSF that reduce deviations or eliminate inconsistencies.

While conducting its review, Bartels said the work group focused on adjustments in those areas where the manual's results caused deviation and inconsistency. By drawing on the knowledge and experiences of the work group's members, the work group evaluated many alternatives and reached unanimous agreement on the changes.

Bartels credits the work group with reaching cohesive results. "Anytime you gather intelligent individuals who want to make positive contributions, success isn't difficult; you just have to be smart enough to listen," he observed.

Tanya Todd, Kent County FOC casework supervisor agreed. "As a first-time work group member, I most appreciated the willingness of the work group to examine the child-care expense as it pertains to low-income cases," she said. She explained that the 2013 MCSF allows a deviation when a parent's share of net child-care expenses exceeds 50 percent of that parent's base support obligation before applying the parental-time offset.

Todd said she found the most challenging part of the review the fact that more substantive changes were not made. "However, overall, the work group shared the common mission of working toward clarity and fairness," she stated.

Bartels emphasized that the work group focused on making the manual easier to understand. "To the extent that anyone is able to take complicated ideas and clearly express how each should interact with or apply to thousands of different situations, both the work group and SCAO staff continually strive to review and revise the data to provide a more user-friendly manual," he commented.

For more information on the Michigan Child Support Formula, contact Bill Bartels at bartelsw@courts.mi.gov.

"Everyone should visit the Michigan Child Support Formula Manual's official website at <http://courts.mi.gov/scao/services/focb/mcsf.htm> to read the manual online or to print a copy."

- Bill Bartels, FOCB management analyst

Resolving Intergovernmental Conflicts

The Interstate Conflict Resolution Policy from the Office of Child Support (OCS) is designed to help intergovernmental caseworkers move through occasional roadblocks that workers may face when encountering a problem with another tribunal's IV-D agency. (See Michigan IV-D Action Transmittal 2005-05, which outlines the policy for intergovernmental workers.)

As indicated below, following just a few simple steps can help resolve difficult intergovernmental issues.

STEP 1

When there is an initial conflict between a Michigan intergovernmental caseworker and another tribunal's caseworker, the intergovernmental worker will attempt to resolve the issue by contacting the other tribunal's worker by phone, e-mail, fax, or by requesting a "Child Support Enforcement Transmittal #2" (known to intergovernmental workers as a "T2") through the Michigan Child Support Enforcement System (MiCSES).

All steps should be documented by the caseworker in MiCSES in the "NOTE" screen.

STEP 2

If the conflict is not resolved within 30 days, the intergovernmental worker should contact the tribunal's Interstate Central Registry (ICR) by phone, e-mail, or T2. The contact should include all previous requests for assistance on the local level.

Contact information for every state's central registry office is located within the Intergovernmental Referral Guide (IRG). For those who are unfamiliar with the IRG, the following instructions are provided to access the IRG and to find the necessary contact information. Only caseworkers having access to Michigan's intranet service will have access to the IRG, so intergovernmental caseworkers should check with their friends of the court to guarantee access.

- Using Michigan's intranet, the user should direct the internet browser to <http://mi-support.cses.state.mi.us/>.
- At the bottom of the page, click on External Links.
- Under Other Government Sites, the user should select third choice, the federal Office of Child Support Enforcement (OCSE).

- At the bottom of the first column, on that page, is the IRG link.

Then, log in to the IRG. To obtain Michigan's user ID and password for the IRG, contact Jennifer Reed (contact information below) or go to <http://ocse3.acf.hhs.gov/ext/irg/pub/sps/selectastate.cfm> (note: you need the password). Once you have logged in, choose the state you are dealing with from the map. Then select "address type" and "state" by using the drop-down box. Select "state address" and choose "central registry contact" for that tribunal.

STEP 3

If the issue has not been resolved after another 30 days have passed, the intergovernmental worker should contact Michigan's ICR staff for assistance. Jennifer Reed at OCS can be contacted by phone, fax, e-mail, or standard mail regarding intergovernmental issues. (See below for contact information.)

After Reed and Michigan's ICR become involved, a description of the nature of the problem and the steps taken in attempt to resolve it will be communicated to the local office and the issue will be escalated, if necessary, to Marilyn Stephen, OCS director.

For intergovernmental questions, contact:

Jennifer Reed

Office of Child Support

Michigan Interstate Central Registry

106 W. Allegan, 3rd Floor

PO Box 30744

Lansing, MI 48909

Phone: 517-241-8841

Fax: 517-335-3030

Email: reedj5@michigan.gov

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<http://courts.michigan.gov/scaresources/publications/focbnewsletters/focbnews.htm>**

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what resources, in what context, and any barriers that may hinder success in reaching the project's goals. Logic models also help agencies specify the data needed to show whether the project has been effective in achieving its goals.

GRANT PROPOSAL COMPONENTS

The grant proposal should include the following basic components.

- **The Executive Summary** – Specifically, this summarizes all the key information and is a “sales document” designed to convince the reader that this project should be considered for funding.
- **The Statement of Need** – This component presents the facts and evidence that support the need for the project. It establishes that the organization understands the problems and therefore can reasonably address them.
- **The Project Description** – This should consist of five subsections that explain the objectives, methods, staffing/administration, evaluation, and sustainability of the proposed project. Together, the five subsections present an interlocking picture of the total project.

1) **Objectives** – Objectives are the measurable outcomes of the program. They define the methods. The objectives must be tangible, specific, concrete, measurable, and achievable within a specified time period. Grant writers should avoid confusing objectives with goals.

2) **Methods** – The methods explain the specific activities that will take place to achieve the objectives. Divide the discussion of methods into how, when, and why.

3) **Staffing/Administration** – “Staffing” may refer to volunteers, consultants, or paid staff. Devote a few sentences to discussing the number and roles of key staff, their qualifications, and specific assignments.

4) **Evaluation** – An evaluation plan must be built into the project. Most sound evaluation plans include both qualitative and quantitative data.

5) **Sustainability** – This requirement addresses how the project will continue, if it is successful, after the grant funding has expired. Grant writers are expected to demonstrate in very concrete ways the long-term financial viability of the project.

▪ **Budget** – While preparing to assemble the budget, go back through the proposal narrative and list all the personnel and nonpersonnel items related to the operation of the project. Be sure to list not only new costs that will be incurred if the project is funded, but also any ongoing expenses for items that will be allocated to the project.

A narrative that explains any unusual line items in the budget is not always needed. If costs are straightforward and the numbers tell the story clearly, explanations are redundant.

▪ **Organization Information** – This is information about the organization and its ability to carry out the project. Provide the organization's background and history, the mission and how the project fits that mission, and the organization's structure, programs, leadership, and special expertise.

▪ **Conclusion** – The grant proposal should end with a concluding paragraph or two. This is the section in which the grant applicant would make a final appeal for the funding and emphasize why it is important. Simply put, this is the area of the application to solidify the funding request.

BE CLEAR AND CONCISE

When writing a grant proposal, the key is to be clear and concise. Most grant proposals have specific length requirements and, if those requirements are exceeded, the grant proposal could be discarded.

Also, remember that grant reviewers are assigned several grants to review. The easier the proposal is to read, the better the chances for funding approval.

If courts or friend of the court offices would like further information on grant proposals, please contact Ellen Durnan, analyst with the Office of Child Support, at DurnanE@michigan.gov.

¹ <http://www.acf.hhs.gov/programs/cse/grants/>

² http://www.acf.hhs.gov/programs/cse/grants/resources/logic_model/

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<http://courts.michigan.gov/scao/resources/publications/focbnewsletters/focbnews.htm>

What's Happening At The Office Of Child Support

BY ERIN FRISCH, OFFICE OF CHILD SUPPORT

The Office of Child Support (OCS) is busy with both new staff and activities. Below are some of the highlights.

- The Policy Section has some new faces:
 - Keegan Malone – security analyst/special projects, contract position.
 - Amy Rebideaux – financial institution data match and insurance claims data match analyst/special projects, contract position.
 - Kerry Page – financial policy analyst, financial team.
 - Vanessa Washington – enforcement policy analyst, enforcement team.
 - Carly Saunders – case management policy analyst, case management team.
- Jan Merkle will be leaving the policy team to work directly for Michael Adrian as a reengineering specialist. OCS is currently in the hiring process for a replacement financial team leader. Eric Hewitt has also left the policy team to join Planning & Evaluation as a performance management specialist.
- In January 2012, OCS Central Operations removed the distinction between the Central Functions Unit (CFU) and Central Enforcement Unit (CEU) and is now simply called “Central Operations.” When Central Operations was created, it consisted of three distinct units all of which performed duties that were specific to their identity. Now, however, Central Operations has become a more flexible and fluid division, with staff from both units sharing project responsibilities. The name has changed, but the staff remains the same.
- As of April 1, OCS Central Operations took over centralized processing of National Medical Support Notices from the Department of Community Health’s Michigan Medical Support Enforcement program. The transition has gone very well and we are now looking into improving the process. Anyone with ideas or suggestions can contact Greg Nye at nyeg@michigan.gov. In a few months, OCS expects to be able to offer this service to additional counties that may be interested.
- The State Disbursement Unit (SDU) successfully completed its Disaster Recovery Testing in April. The test evaluates the SDU’s ability to maintain operations without significant impact to customers in the event the existing facility is not operational during a disaster.
- The MiCSES and Policy teams are in full swing on design sessions for the new interface between MiCSES and the Statewide Automated Child Welfare Information System (SACWIS). SACWIS is the new statewide system DHS is building to replace SWSS-FAJ for child welfare services. Testing will begin in August with statewide implementation currently targeted for February 2013.
- DHS is currently in the midst of a major redesign of its public website, including the child-support main site. The Web Governance Workgroup, led by Justine Peters and Kirsten Thompson, is coordinating the effort. The new site has launched with updates continuing throughout the summer. (See, “Child-Support Web Governance Work Group” on page 8 of this issue.)
- The Planning and Evaluation team recently completed the self-assessment audit for fiscal year 2011. Each state is required to annually conduct an assessment review of its child support program’s performance in accordance with section 454(15)(A) of the Social Security Act and submit a report on the program’s compliance rates for the eight required criteria to the federal Office of Child Support Enforcement. The self-assessment data reveals that Michigan has met all the federal benchmarks for fiscal year 2011, except in the area of establishment. A corrective action plan (CAP) is required for this area and the team is currently drafting the action plan. Friends of the court will have a role in this CAP, with regard to opening new IV-D cases on MiCSES within 20 days of receiving a child-support application (or verified statement). Look for more information on the CAP soon.
- OCS is evaluating the existing Interactive Voice Response (IVR) system to determine how best to address pain points for customers and users alike. The current focus is on support specialists with an eye toward a solution for all existing IVR users. The assessment team visited the friend of the court offices in Oakland and Ottawa counties and support specialists in Lansing and Detroit to see how the IVR is used and types of improvements that could be made. The assessment team presented its recommendations to OCS and DHS leadership at the end of May with a presentation that will be made to the Program Leadership Group.

Questions? Contact Erin Frish, director of operations, Office of Child Support, at FrishE@michigan.gov.

Child-Support Web Governance Work Group

BY JUSTINE PETERS, OFFICE OF CHILD SUPPORT

In an effort to improve access to child-support program information and services, the Child Support Program Leadership Group has chartered a new work group, the Web Governance Work Group.

The work group is charged with reviewing all the Department of Human Services (DHS) child-support websites and making recommendations to improve the program’s web presence.

Currently, there are four public child-support websites that provide unique services: the DHS public site, the “new hire” site, the Michigan State Disbursement Unit site, and the “customer access” site, MiCase.

In reviewing these sites, some of the key tasks assigned to the work group are to:

- analyze the purpose, content, and target audience of each of the websites.
- recommend goals and content for each of the four public websites.
- identify content gaps, overlaps, and inconsistencies in the information available on these sites.
- assure that the DHS public websites complement the infor-



mation on the State Court Administrative Office website and county child-support websites.

- review content changes and make recommendations to improve the customer’s website experience.

Kirsten Thompson, manager of the mi-support intranet, and Justine Peters, Office of Child Support (OCS) Training Services manager, co-lead the workgroup. The workgroup is comprised of 12 members who represent IV-D professionals, county website personnel, members from each of the four child-support public websites and from OCS policy and training.

The Department of Human Services is currently in the midst of a major redesign of its public website, including the child-support main site. The Web Governance Work Group will be coordinating efforts with DHS. The new public website will launch soon with updates continuing throughout summer and fall.

For more information on the Web Governance Work Group, please contact Justine Peters, training manager, at Pettersj3@michigan.gov.



THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions.

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

- ▶ **Pepin v Pepin**, unpublished opinion per curiam, issued January 12, 2012 (Docket No. 305245). The trial court must explicitly state its findings as to each custody factor when determining custody of a child, but the court does not need to comment on every matter in evidence.
- ▶ **Roller v Roller**, unpublished opinion per curiam, issued January 26, 2012 (Docket No. 300543). A consent judgment of divorce is a contract and interpreted using contract principles. If a consent judgment is ambiguous, a clarification is only permitted when no change in the rights of the parties will result from the clarification.
- ▶ **Stratford v Stratford**, unpublished opinion per curiam, issued February 16, 2012 (Docket No. 300925). A court order cannot impose obligations and responsibilities on a person who was not a party to the divorce action.
- ▶ **Lafave v Lafave**, unpublished opinions per curiam, issued February 23, 2012 (Docket Nos. 301995, 302207). Children’s ages and their preference to live equally with both parents are not sufficient life changes to warrant a modification of the parenting-time schedule.
- ▶ **Suszek v Suszek**, unpublished opinion per curiam, issued February 28, 2012 (Docket No. 299167). In reviewing an arbitrator’s award, courts are not permitted to speculate about the mental processes used to reach decisions.
- ▶ **Gagnon v Glowacki**, 295 Mich App ___ (2012). When a child’s custody order prohibits the child from moving to another state without the court’s consent, regardless of the distance involved, the court must use the criteria set forth in MCL 722.31(4) to determine whether to relocate a child’s domicile.

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THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions.

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- ▶ **Urban v Briggs**, unpublished opinion per curiam, issued March 6, 2012 (Docket No. 306307). A court does not have to hear testimony of a friend of the court caseworker if the testimony would be the caseworker's cumulative report.
- ▶ **Hammoud v Hammoud**, unpublished opinion per curiam, issued March 8, 2012 (Docket No. 302619). A trial court cannot cede responsibility for setting a parenting-time schedule in anticipation that enforcement of the schedule would be problematic.
- ▶ **Peck v Peck**, unpublished opinion per curiam, issued March 8, 2012 (Docket No. 306329). In deciding a change of domicile motion, the court must evaluate a proposed parenting-time schedule on its own merit to determine whether it provides a realistic opportunity to preserve and foster the paternal relationship previously enjoyed and not whether it is equal to the current parenting-time schedule.
- ▶ **Mitchell v Mitchell**, 296 Mich App ___ (2012). The court is only required to determine whether proper cause or a change in circumstances exists before reviewing the statutory best interest factors with an eye to possibly modifying a prior custody order. Once a court determines there is proper cause or a change in circumstances, the court is not required to modify custody from an established custodial environment unless there is clear and convincing evidence that a modification is in the best interest of the child. A court does not abuse its discretion in placing a limitation on parenting time that is based on a party's refusal to submit a background check and the behavior of one of the parties.
- ▶ **Jaster v Lapratt**, unpublished opinion per curiam, issued March 15, 2012 (Docket No. 306450). The purpose of the Child Custody Act, MCL 722.21, is to minimize unwarranted and disruptive changes of custody orders, except under compelling circumstances. When a party moves to modify a custody order, there must first be a showing of proper cause or change in circumstances by a preponderance of the evidence.
- ▶ **Healy v Devereaux**, unpublished opinion per curiam, issued March 15, 2012 (Docket No. 306514). An evidentiary hearing is required before custody can be changed, but first determining whether proper cause or change in circumstances allows further consideration of a change in custody does not require an evidentiary hearing.
- ▶ **Baird v Rochmond**, unpublished opinion per curiam, issued March 20, 2012 (Docket No. 304901). While a trial court has the authority to limit the presentation of evidence under the Michigan Rules of Evidence, the court must consider all evidence that may be relevant to a best interest determination.
- ▶ **Saeed v Saeed**, unpublished opinion per curiam, issued March 29, 2012 (Docket Nos. 301778, 304661). When requesting the disqualification of a judge, threatening to hold a party in contempt and issuing temporary parenting-time orders against a party do not, by themselves, establish bias.
- ▶ **Solis v Solis**, unpublished opinion per curiam, issued March 29, 2012 (Docket No. 301816). A change in a party's work schedule may affect the specific hours of the day when the party can interact with the children, but it does not amount to proper cause or a change in circumstances sufficient to warrant revisiting child custody.
- ▶ **Jackson v Jackson**, unpublished opinion per curiam, issued April 10, 2012 (Docket No. 301953). When a court is punishing a party for violating the court's order, the court is exercising its criminal contempt power and the party must be afforded criminal due process safeguards.
- ▶ **Turkal v Schwartz**, unpublished opinion per curiam, issued April 17, 2012 (Docket No. 303574). When the trial court reviewed an arbitration hearing's transcripts and agreed with all but one of the arbitrator's findings, the trial court fulfilled its obligations to make an independent custody determination.
- ▶ **Happy v Green**, unpublished opinion per curiam, issued April 17, 2012 (Docket No. 305788). When determining a change in domicile for a child, the court should consider if the noncustodial parent will have a realistic opportunity to maintain and nurture the parental relationship.
- ▶ **Frowner & Frowner v Smith**, 296 Mich App ___ 2012 (Docket No. 305704). In a custody proceeding between a biological father and grandparents, the biological parent does not have to demonstrate a change in circumstances as a prerequisite to a custody hearing.

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