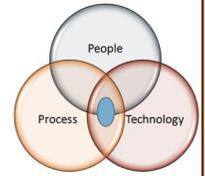




Pratin Trivedi

Champion's Corner Technology Champion of the Michigan Child Support Program Strategic Plan



The Program Leadership Group (PLG) has selected Pratin Trivedi, Director of Information Technology and Payment Operations at the Michigan State Disbursement Unit (MiSDU), as a champion of the technology portion of the Michigan Child Support Program Strategic Plan. *The Pundit* had the opportunity to interview Pratin on the importance of including technology in the child support program's strategic plan, and how he sees the program accomplishing this goal.

WHY IS THE USE OF TECHNOLOGY AN IMPORTANT PRIORITY FOR THE MICHIGAN CHILD SUPPORT PROGRAM?

Technology has become an integral part of our daily life, both personal and professional. Technology is essential in assisting us in the timely and efficient delivery of our services. Because the child support program is built on the goal that parents must be committed to improving their children's lives, Michigan's Child Support Program has prioritized improving business processes to strengthen that vision, along with providing improved customer service to parents. It is an objective of the program to enhance current technologies to increase the efficiency of improved business processes and support for improved customer service.

Technology has become an integral part of our daily life, both personal and professional.

The ongoing work of a technology organization is to keep the roads paved, potholes filled, and the car engine tuned and running. Envisioning and building the new roads and highways upon which a redesigned car (new business processes) will run optimally is a key strategic role that technology can play. Business processes cannot be improved without also focusing on available technology, improved customer service, and program efficiency. To implement new technology without optimizing business processes is minimally effective.

Therein lies the promise (and challenge) of prioritizing the current strategic goals of technology, business processes, and customer service.

HOW HAS THE MICHIGAN CHILD SUPPORT PROGRAM USED TECHNOLOGY TO FURTHER ITS GOALS OF CUSTOMER SERVICE, STAFF EDUCATION, AND OUTREACH?

Michigan has improved existing technology and deployed new technology in multiple areas of the program besides case management (MiCSES), like the MiCase and Support Specialist Interactive Voice Response (SS-IVR) enhancements.

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Introducing the new website for the Michigan State Disbursement Unit!

Redesigned for improved design and functionality, the new website is live and can be found at www.misdu.com.

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Parenting Time Resources



Online tools to keep parenting time calendars have gained popularity with parents in the past several years. Not only do these tools help parents track parenting time, but they have also facilitated civil communication between parents.

Two popular online programs are *Our Family Wizard* and *Custody X Change*. Jessie Eitzen-Savage, a parenting time and child support investigator at the Gratiot County Friend of the Court, regularly works with *Our Family Wizard*. Ms. Eitzen-Savage said that *Our Family Wizard* has been a successful resource for parents who have difficulty communicating. Use of these tools can be ordered by the court, but many parents use the tools on advice of their attorneys or friend of the court (FOC) staff.

Judge Michelle M. Rick of the 29th Judicial Circuit Court has been working for years with parents who use *Our Family Wizard*. She sometimes orders parents to use the program when they simply have difficulty communicating, but even more so when there are complicated matters between stepparents and communication needs to be restricted to the biological parents. “We have had remarkable success [with *Our Family Wizard*] . . . because it holds families accountable to one another,” said Judge Rick. She praised the program for “eras[ing] uncertainty” in parenting time arrangements and in encouraging civil communication between parents.

Parenting time calendars are tools that offer more than a simple calendar; they also include an expense log, a communication inbox, and shared and private journal areas. The calendar function allows parents to plug in their children’s schedules, including school, extracurricular activities, and other events. Laying out the schedule on a calendar provides assurance that both parents know when their parenting time will be. The expense log allows parents to track expenses, like medical costs, so that expenses for reimbursement are more organized. The shared-journal feature allows parents to share important information about the children in a recorded environment, while the private journal allows parents to keep records of incidents that may need to be recalled at a later date. Both program tools offer the flexibility to record actual parenting time when there has been a deviation from the plan, and likewise to track deviations over time. *Our Family Wizard* also offers third-party accounts, so that FOC staff, stepparents, and grandparents can see limited information that they may need. Both programs boast impressive tech-savvy features, too. *Our Family Wizard* includes smartphone applications, and *Custody X Change* supports exporting parenting time calendars to iPhone, Google Calendar, and other applications. Both programs have easy exporting and printing functions as well.

Ms. Eitzen-Savage explained that she asks her clients to copy her on all communications sent through *Our Family Wizard*, but she can also go into the parents’ account to determine exactly what was said, by whom, and when. When the court orders parents to use *Our Family Wizard*, the Gratiot County Friend of the Court asks the parents to fill out professional access permission forms providing their program username and other information. When both parents have handed in their forms, they are faxed to *Our Family Wizard*, which allows the FOC access to the parents’ accounts. Ms. Eitzen-Savage explained that if parents do not turn in their forms, the FOC schedules a show-cause hearing and the parents are instructed to complete the professional access permission forms in court. By monitoring parents’ communications through the program, Ms. Eitzen-Savage is able to mediate disputes early. Judge Rick is particularly impressed by how the

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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.

Champions Corner – Technology Champion

(continued from page 1)

MiCase has been implemented to provide a web-based channel for parents to access their own information and interact electronically with our program. While MiCase initially started with basic payment, case, and other look-up functions, we now include secure two-way communication, user friendly online child support applications, and electronic copies of select case-based communications. Use of this service has increased steadily over the past two years and continues to grow. As of mid-May, there are over 80,000 active users of MiCase, and we know that case information was accessed by over 13,000 unique visitors per day (many of whom accessed the information via mobile phones and tablets). Results continue to show that we are providing information customers need and demand, at their convenience, in a secure and user-friendly way.

Another successful implementation of customer-centric technology is the SS-IVR, which is one of the first implementations of natural voice technology within the State of Michigan. Once you dial the 800 number, there is no more pressing buttons on your phone – say what you are calling for and the system guides you to the appropriate support specialist. The specialist then knows what you are calling about when they answer the phone. Appropriate technology implementation, in conjunction with business process changes, has significantly enhanced service levels and satisfaction. The average wait time for a caller is now five minutes, a considerable reduction of previous wait times of over one hour.

HOW HAS THE MICHIGAN CHILD SUPPORT PROGRAM USED TECHNOLOGY TO IMPROVE PUBLIC PERCEPTION OF THE PROGRAM?

Because of the ability of today's technology, customers expect and demand access to information and services without regard to location or time. Traditional service-delivery models of *walk-in between 8-5; M-F*, are no longer effective. Work, distance, transportation, and other considerations prevent many of our customers from interacting with us in the traditional methods. Industry data reveals that over 50 percent of human services case customers use the web to access services and case information. Of course, critical aspects of case administration and program needs continue to require customers to provide in-person contact when necessary.

A recent example of technology benefits is the online child support application (e-1201). As an option to the traditional paper application, customers can now complete the form via the child support services portal (www.michigan.gov/micase). The benefits are not simply limited to convenience and reduced time frames because of mail delays, etc. The online application is designed to interactively guide the customer in providing required (and essential) information to allow the support specialist to timely and accurately create the case. Survey results from the pilot group of applicants overwhelmingly indicated that the customers liked the online application and would recommend it to others.

Effective use of technology that meets customer needs and provides customers with options to interact with us has, and will continue to, improve the overall effectiveness of services.

IS THE MICHIGAN CHILD SUPPORT PROGRAM USING ANY NEW TECHNOLOGY THAT YOU ARE PARTICULARLY EXCITED ABOUT?

I am certainly excited about use of the portal to provide online child support services (MiCase), and the continuing plans to enhance it and SS-IVR. Even though there is a lot of available data within our various systems, the data is not easily accessible to child support professionals for use and analysis. We are now working to improve data availability and analysis capabilities through use of the data warehouse. One of the objectives of the program's strategic plan in this multiyear effort is geared toward expansion of the accessibility of the data available within the data warehouse to facilitate data-driven decision-making. This type of availability will allow us that ability to analyze more data to gain better insights into the effectiveness of various program actions and strategies. The ultimate goal of the expanded data warehouse is to perform predictive analytics, which is the mining and analysis of our data to identify and predict changes in operational and performance trends through finding correlations and causations among different data elements and case events.

We have already seen improvements in the reporting capability. In addition to queries that are single purpose, static and one-time report inquiries, users can now further sort, refine, or filter reports to fit their individual needs, work approach, or local priorities.

One of the initiatives that will be available soon is the dashboard functionality. Dashboards essentially help present program data in an easy-to-understand format. While the data for performance factors always has been available, the dashboard is intended to provide an *at-a-glance* view of statewide and county performance. The operational dashboards will focus on data presentation and analysis that assists in gathering operational trends and areas of program focus.

Another exciting step in our journey to continually implement innovative technology is the development of the Child Support Verification Tool (CSVT). The initial target user is the Michigan State Housing Development Authority (MSHDA). Today, a paper verification process is in place where MSHDA submits, on paper, a child support income-verification request for one of its customers. Child support professionals then research and determine whether the individual has a case, the case particulars, and provide the results to the customer via paper. Through developments in technology, it is anticipated that the CSVT will become available on the child support services portal and that then users, who are MSHDA authorized, will be able to log in and securely obtain the information themselves, which results in substantial time and resource savings for both staff and customers.



Local Friend of the Court Forms Made Easy

BY SUZANNE HOLLYER, DIRECTOR OAKLAND COUNTY FRIEND OF THE COURT

In January of 2014, the Oakland County Friend of the Court rolled out a new electronic system for the public’s use when communicating with the office. This new *eforms* system provides convenience to parties in a case by allowing them to submit 15 various forms to the FOC office from the comfort of their own home or office.

The *eforms* system is not the same as *efiling*.

The *eforms* system is not the same as *efiling*. The forms that are available for immediate online delivery to the FOC are forms that, before the beginning of 2014, typically would have been mailed or dropped off at the FOC office for processing. By contrast, *efiling* is a process for getting court documents such as motions and orders into the file maintained by the circuit court clerk. Use of *eforms* is not mandatory, while the process of *efiling* often is mandatory. Parties using *eforms* may still submit forms by mail or in person. But for parties who are able to use the electronic system, the *eforms* service is free!

Eforms can be used at any time of day or night. Some of the *eforms* available would allow a party to request a review of a support order, to change personal information on file at the FOC, and even to file a grievance. Of interest to private attorneys, the *Request to be Excused from Early Intervention Conference* (EIC) form is also available. The EIC is a mandatory, predivorce program for all parties involved in a domestic relations case in Oakland County. However, prosecuting attorney-initiated cases are not required to attend the EIC.

Oakland County’s FOC motion forms and some other forms that have not been designated as *eforms* are also available on its website. The *eforms* are marked with an *eform* logo to allow users to identify the *eforms* easily. Whether a party wants to access an *eform* or any other form that Oakland County provides, all the forms found on Oakland’s website can be accessed and completed online at the following web location: www.oakgov.com/courts/foc at the tab marked *Forms & Applications*.

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Parenting Time Resources

program makes communications between the parents easy to track, while reducing the *he said, she said* parental disputes. Judge Rick described an instance where a parent who was supposed to review something on *Our Family Wizard* failed to do so, and the other parent was able to prove it with the program’s documentation of when items are viewed.

In Ms. Eitzen-Savage’s experience, parents haven’t had difficulty using *Our Family Wizard*. Her office has copies of a guidebook from *Our Family Wizard* about how to use the program that she gives to parents who are setting up accounts.

These programs do come at a cost to the parents who use them. *Our Family Wizard* is priced at \$99 per year, per parent. *Custody X Change* offers three different price points, with increasing features at each level, and also offers installment plans. Each program offers scholarships to parents with limited ability to pay. In Gratiot County, parents who cannot afford the cost of *Our Family Wizard* can submit scholarship requests to the FOC office (which acts as a middleman for the company scholarships), and the FOC office forwards the requests along to the company to review.

When asked whether she has seen any drawbacks to using *Our Family Wizard*, Ms. Eitzen-Savage explained that for most parents, the program is helpful. However, she has worked with a few parents who have resisted using the program. Some, who were court ordered to use the program, have complained that the court’s requirement to communicate through the program violates their rights. Some parents don’t like the idea that their communication through the program can be monitored by the FOC. Ms. Eitzen-Savage said that her office relies on parents to report when the other parent is not using the program as ordered, and in those cases the FOC would schedule a show-cause hearing. Ms. Eitzen-Savage also explained that even though parents log appointments and extracurricular activities in the program, last-minute changes have been known to cause confusion and difficulty between some parents.

Judge Rick explained that she has learned from experience by ordering parents in her courtroom to use *Our Family Wizard*. She said that just ordering parents to use the program is not effective unless the parents are also held accountable for making timely entries that fall before deadlines when using the calendar. Judge Rick now sets deadlines for parents to sign up for the program. Judge Rick also requires parents who use the program to check and respond to communications in the program within a certain period of time. Overall, the use of parenting time software has proven beneficial for parents both in terms of tracking their parenting time and in providing a means to support improved communication.

Muskegon SEED Program: Utilizing Technology to Overcome Barriers



Back row-left to right-Patrick A. Finnegan-Family Court Staff Attorney, Sandra Vanderhyde-Deputy Circuit Court Administrator, Jill Stamison-SEED Program Coordinator, and Eric Stevens-Muskegon County FOC/Circuit Court Administrator.

Front row from left to right-Becky Katzenbach-Family Court Officer, Jennifer O'Neil-Senior Accountant, Jennifer Hylland-Muskegon County Family Court Referee, Scott Fessenden-SEED Program Investigator.

A new program is available in Muskegon County to help recently established payers meet their support obligations with the help of technology and court innovation. The program is called SEED, an acronym for *Specialty Establishment and Enforcement Docket*.

SEED is designed to provide assistance to support payers who are willing to pay support, but who have barriers that prevent them from providing adequate financial support for their children. Although the emphasis of SEED support is placed on the payers, payees are invited to participate in all SEED proceedings.

The process begins when a referral is made by a family court staff attorney to a family counselor. Initially, a family court staff attorney identifies parents who are ordered to pay child support obligations, who want to pay their child support obligations, but currently do not have the ability to pay because of obstacles that include such things as prior felony convictions, recent long-term incarceration, lack of formal education, substance abuse history, chronic or long-term unemployment, lack of housing or personal transportation, as well as undiagnosed or

untreated mental health issues. "The idea behind SEED is to identify, at the establishment phase, those noncustodial parents who present with these types of barriers, to assist those individuals in gaining access to specific services that are designed to address and overcome those barriers, and then strictly monitor these cases in order to guarantee compliance with the court's order," said Patrick A. Finnegan, a family court staff attorney in Muskegon. Upon receiving a referral from a family court staff attorney, a family counselor performs a detailed investigation to determine the payers who meet the program's criteria.

The process of screening payers who are referred to the SEED program is thorough. Parents who are willing and able to participate, but lack some of the resources to pay their support obligations, will receive adequate help in SEED to successfully meet their child support obligations. In this program, a family court officer will work with the payer to set up a case service plan, which can include employment services, substance abuse treatment services, medical treatment services, mental health treatment services, transportation services, housing services, mediation services, education services, parenting skills education, batterer intervention, financial literacy services, and involvement in the Tuition Incentive Program. "In exchange for their participation in the SEED program, parents paying support will receive a reduction in their initial child support obligation for so long as they remain actively enrolled in the program, and the court remains satisfied the payer is in compliance with a case services plan. Our objective is to be proactive in addressing the potential problem of nonpayment within this target population, rather than having to retroactively manage substantial arrearages by means of traditional enforcement," said Finnegan.

The program combines the use of community resources and technology to conduct its outreach to the SEED participants. Case-workers can require SEED participants to attend web-based trainings for employment, complete diagnostic tools through a program's website, or even show enrollment in a database to help participants prepare resumes. Combining technology with the available community resources allows the SEED program to tailor its case service plans to meet the individual family's needs.

SEED participants are required to meet several obligations to successfully complete the program. The payer must attend review hearings every 30 days to assess whether the case service plan is being followed. The payer must also check in with the family court officer weekly via phone, text, e-mail, or in-person, with in-person check-ins required twice monthly. SEED participants are asked upon entry into the program to elect to receive SEED hearing and meeting notices via text message. Depending on the case, the payer must submit to random drug testing, obtain employment, attend educational and skills programs, attend counseling, attend treatment, and make minimum monthly child support payments. The trade-off for the benefits of participating in the SEED program is that the sanctions for noncompliance are significant. Participants who fail to live up to their obligations in SEED are subject to more frequent court appearances, more restrictive treatment options, tether restrictions, or possible incarceration. Although the program has just begun recently, Finnegan says that so far, the feedback that has been received from custodial and noncustodial parents has been "overwhelmingly positive."

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Local Friend of the Court Forms Made Easy

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Oakland County’s *eforms* system allows filing parties to search for their case number and will not allow cases to be submitted with incorrect case-caption information, thereby reducing errors. Forms can then be submitted electronically simply by clicking a *Send to FOC* icon at the bottom of each *eform*. This new application also allows Oakland County FOC clients to submit attachments along with their forms and retain and print copies for their own records. Once submitted, the sender receives a confirmation number. Documents are immediately saved in the FOC imaging system and routed electronically to the appropriate case-worker for action.

Oakland County FOC has asked the local bar association members to consider directing clients to these forms when an order of reference to the FOC is entered. Attorneys who seek an FOC investigation and recommendation regarding support, custody, or parenting time often do not advise their clients to complete the necessary case questionnaires needed by the FOC to begin the review process. Now, these questionnaires are available electronically and may be completed and submitted online along with any necessary attachment. Timely submission of the questionnaire will ensure timely recommendations by the FOC.

The Oakland County FOC is enthusiastic about this new electronic service available to the 54,000 families we serve.

The following forms are available through the Oakland County *eforms* system:

- Request to Access FOC Records
- Change in Personal Information
- Friend of the Court Grievance Form
- FOC Case Questionnaire & Child Care Verification Form
- Reference Questionnaire
- Request to be Excused from Early Intervention Conference (EIC)
- Free Text Letter
- Request for Review of Support
- Support Enforcement Request
- Parenting Time Complaint Form
- Custody & Parenting Time Questionnaire
- Request for Health Care Expense Payment
- List of Ordinary Health Care Expenses
- Information Regarding Person Wanted for Contempt
- Domestic Relations Judgment Information Form



*Muskegon SEED Program:
Utilizing Technology to Overcome Barriers*

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The Muskegon Friend of the Court (FOC) has high expectations for the program. “It is our hope that [by] identifying and engaging parties within our target group early on, at the establishment phase, we will be able to increase the overall amount of support collected during a child’s minority. That goal alone has far reaching benefits for the custodial household’s financial stability. It is also our experience that when a noncustodial parent becomes an active payer of support, there is an increased likelihood of engagement with the minor child(ren),” said Finnegan. SEED operates on the idea that these positive outcomes on individual families will yield substantial additional benefits for society, because children who have two involved parents are on average better educated, less involved with crime, less likely to do drugs, have a higher earning capacity, and are less likely to become a single parent or absent father themselves.

Finnegan described Muskegon’s hopes for SEED in this way: “The ultimate goal is to assist with providing children the financial and emotional support they are entitled to from both of their parents and to help foster an atmosphere of coparenting.”

If your court or FOC has questions about the SEED project or how to start a similar project in your county, please contact Suzy Crittenden at crittendens@courts.mi.gov or Elizabeth Stomski at stomskie@courts.mi.gov.

A Closer Look at the New Google Group for Intergovernmental Workers



Because of the complexities of intergovernmental cases, Michigan's intergovernmental workers have needed an effective way to communicate with each other regarding these cases. However, coordinating communication with such a large group can be difficult and inefficient. Recently, SCAO created a *Google Group* to assist intergovernmental workers to communicate with each other in a forum-type setting.

A Google Group is a web-based forum that Google allows users through its browser. SCAO recently set up a Google Group that allows members to post questions regarding intergovernmental cases. Before the Intergovernmental Google Group, intergovernmental workers used an e-mail based forum called *List 2* to e-mail their questions to other members; other members could respond to the e-mail with answers. A problem with the *List 2* type of communication is that it did not provide a repository, which is a necessary tool in this type of communication. A repository provides a holding place for old questions and answers; this creates efficiencies in a system involving intergovernmental communications because many times questions are repeated. For example, before Google Group, members of *List 2* had to spend time formulating a new answer each time a question was asked, even if the same question had been asked and answered before. This was inefficient, and in some cases caused confusion if members provided more than one answer.

The benefit and biggest change of having a web-based search engine forum is that the website provides a user-friendly search function. Members can search for answers based on the question's topic or through a generalized search through the group forum. This allows users to easily look back at past questions. Furthermore, in this system, members can post questions to the entire group, select questions to answer, and choose how often alerts are sent to the member regarding the group's forum activity. The Google Group has very large storage, so there is no concern that questions or answers will be deleted due to a lack of memory space. Another large benefit of using a Google Group is the security it provides; it is a secure site, with limited membership, in which users may discuss in-depth case information that can often be nuanced and confusing. Even though secure, users should not disclose any confidential information.

The Google Group provides members with a more effective communication tool, which was not available to members who communicated using *List 2*. As intergovernmental workers change, new hires are added, who need extensive training regarding the nuances of intergovernmental cases. Because of its archiving capability, the Google Group is a helpful tool in training new employees. Also, the training materials from various intergovernmental conferences are posted using the Google Group, so members have access to a large amount of material in the event that questions arise.

The Google Group has three moderators, Linda Bess, Elizabeth Stomski, and Bill Bartels. The moderators have the ability to approve new members of the group, and they can mark certain answers as *best answers* in order to provide an easy way for members who are looking back at older communications. In the recent months (since the Google Group has been running), the group has added 151 members, including some members from other states. Since Google Group's inception, the most difficult part of becoming a member was the registration process; but now, moderators are available to help with registration and the Google Group has been running very smoothly. Even though the *List 2* program will continue to run through the end of the year, with the Google Group's installation, *List 2* questions have almost completely ceased. Any IV-D worker can become a member of the Google Group, although the group is primarily for intergovernmental workers. If you would like to join the Google Group, e-mail Elizabeth Stomski for permission at stomskie@courts.mi.gov.

All issues of The Pundit can be accessed online at
<http://courts.mi.gov/administration/scao/officesprograms/foc/pages/pundit.aspx>

Current Use of Technology in the Courtroom



The days of relying only on the accuracy of human data entry are disappearing in Michigan courts. Manual recording systems and first generation microphone receivers are now gone. Technology has expanded what can be accomplished in a courtroom.

As technology continues to evolve, courts must decide when it makes sense to adapt to the changes, while, also, balancing challenges such as limited resources. In this decision-making process, court administrators must determine how combining new technology will affect the current court processes. At the same time, by adapting to the use of advanced technology, courts can move forward and plan for the future without getting so far ahead of court users (particularly *pro se* litigants) that courts become inaccessible.

In 2002, the Michigan Legislature passed the *cyber court* act that triggered a trend of technological advancements throughout the entire state of Michigan.¹ The purpose of *cyber court* was to allow commercial disputes to be resolved with the expertise, technology, and efficiency required by the information age economy.² The *cyber court* would allow depositions to be taken via audio and video conferencing; it also allowed parties, witnesses, and any other interested persons in the case to give testimony through Internet conferencing. However, limited resources and repealed legislation ended the project in 2013.³

Nonetheless, following the *cyber court's* trend to advance the use of technology in the Michigan court system, courts continue to utilize new and advanced technology as they are able. For example, many courtrooms are now capable of accommodating video presentations. Document cameras make it possible to transmit images of documents to monitors for the judge and jury to view instead of passing the images around the courtroom. Document presentation equipment often has touch-screen capability allowing counsel and witnesses to highlight information on the display and call attention to particular details. These advancements in technology make it imperative for administrators to consider the design of courtrooms to allow new equipment to be easily installed in the future.

The newest technology features digital multi-camera recording systems. Multiple microphones throughout the courtroom prompt a digital video camera to focus on a specific location from which a sound emanates. A different channel records the audio for each microphone, making it easier to review the proceedings when multiple speakers talk at the same time. Some of these systems even feature electronic log notes and may make simultaneous backup recordings, allowing easier searching. Those focused on privacy rights see potential issues regarding the availability of social media websites and the ability to place information on the Internet from reproduced and distributed video proceedings that may be given to litigants and the general public.

Document imaging has become the new standard in managing court documents. When a document is filed, it is scanned into a database and basic information concerning the document is entered into the court's case management system. Advanced systems are able to read the electronic data and update appropriate fields in the case management system. One drawback to imaging is that it is heavily dependent on a vendor's software platform and changes in software require the migration of old files to the new platform.

The U.S. District Court for the Eastern District of Michigan's *Shared Advanced Technology Courtroom* is an example of the use of technology in the courtroom. The technology courtroom is equipped with devices that allow the judge, attorneys, jury, and even spectators, the ability to not only hear the testimony throughout the courtroom, but to visualize the evidence through electronic presentations.⁴ These technology courtrooms offer an array of tools that allow the main focus to be on the evidence presented. The technology courtroom of the Eastern District of Michigan has the following tools: (1) eight computer monitors in the jury box, (2) two monitors at each counsel table, (3) one monitor at the clerk's desk, (4) one monitor in the witness box with annotation device capabilities, (5) one monitor with annotation device capabilities at the lectern, (6) video and teleconferencing devices, and (7) a language translation headset for the court reporter. The advantages gained from using these tools allows both the elimination of handling paper evidence and improved evidence security, faster trials, and improvements in the jurors' ability to understand certain aspects of the trial that might otherwise be lost in legal jargon.

As seen in the Eastern District of Michigan, the use of technology within the courtroom has the potential to change the way we think about our courts. Instead of viewing courts as turgid and dull, the public may find the courtroom experience to be more welcoming and engaging when evidence is presented in a way that is current with the world in which we live. Because technology is not slowing down, but is instead forever advancing, courts will continue to find innovative ways to use this technology to support their court processes.

¹2002 PA 663.

²Available at <http://www.lawrefs.com/michigan-cyber-court> / (accessed June 2, 2014).

³MCL 600.8001.

⁴Available at <http://www.mied.uscourts.gov/Information/Attorneys/courtroom%20technology.pdf> (accessed June 2, 2014).

Use of Technology in Wayne County’s POWER Court

Court systems in Michigan have implemented the use of technology for some of their newer programs to improve innovation and embrace technological advancements. Wayne County, in particular, recently established a new program called *POWER Court*, which is an acronym for Providing Opportunities for Work, Education and Respect. The primary focus of Wayne County’s *POWER Court* to achieve its intended outcome is to provide additional resources to parents so that they are financially and emotionally equipped to ensure that they are able to contribute to the best interests of their children. Custodial parents and children have an absolute need for the noncustodial parents to increase their ability to fulfill their support obligations.

The primary goal of *POWER Court* is to help payers remove barriers that get in the way of allowing them to fulfill payment of their support obligations. Some of the barriers include: unemployment, underemployment, lack of education, lack of current reviews of monthly child support obligations when there are changed circumstances, issues involving housing, transportation, substance abuse, mental health, and a variety of other issues. Before implementation of this program, traditional court outcomes for nonpayment of support tended to focus on sanctions such as jail time, but *POWER Court* uses alternative approaches. As a means to achieve its goals, *POWER Court* has built relationships with other agencies and organizations to create both strategic approaches and enhanced productivity for payers of support, thus, also, providing more opportunities for payers. *POWER Court* receives referrals from several community-based agencies to try to provide for the participants’ needs, including GED programs, free legal aid agencies, employment agencies, temporary staffing agencies, financial literacy programs, substance abuse programs, and mental health agencies.

The primary goal of *POWER Court* is to help payers remove barriers that get in the way of allowing them to fulfill payment of their support obligations.

POWER Court also receives assistance from *Michigan Works*, an organization whose role is to help participants with basic computer skills, such as typing, and introducing them to other computer programs. *Michigan Works* provides assistance to participants to build their resumes, using an online job searching tool called *Talent Connect*. SER Metro-Detroit (a community-based agency) communicates via e-mail with participants regarding their job search status.

POWER Court partners with other organizations to provide unique services to its customers. For example, GED programs that have redeveloped the infrastructure of their program by incorporating online sample tests, study materials, and instructions is another resource that can be provided to participants in *POWER Court*. Also, *POWER Court* uses a phone tree to remind participants of dates in which the program can assist participants with MiCASE registration. Additionally, American Assistance, a new resource, is available to provide free phones to participants in need and will enable them to receive FOC texts, as well as texts from additional community agencies.

In a world that now offers many technological advancements, courts can adapt to meet the consumer at the consumer’s level. One important way to do this is by providing holistic services and using technology as a bridge. With the implementation of *POWER Court* and the technology behind it, Wayne County hopes to achieve a goal that will alleviate pressures that payers of support endure and improve the lives of their children.



Introducing FOCB’s New Analyst – Paul Gehm



Paul Gehm is a new management analyst at the Friend of the Court Bureau (FOCB). Paul earned his undergraduate degree at Calvin College and his law degree at Valparaiso University School of Law in Indiana. While in law school in Indiana, he clerked in both an Indiana circuit court and the United States Attorney’s Office. After completing his degree and passing the Michigan Bar in 2012, Paul and his wife were happy to move back to Michigan. Paul’s interests focus on family issues and coming up with practical solutions to help families. In Michigan, Paul began his legal career working as a Departmental Analyst in the Executive Division of the Michigan Department of Human Services. In that position, he researched project plans and legal issues. Paul then transitioned within DHS to the Legislative Liaison Office, where he worked with the Michigan Legislature on many of the programs and issues that relate to children and families. In this position, Paul worked with both private and public stakeholders and drafted legislation on child welfare, marriage and fatherhood initiatives, and family issues involving court interaction. Paul is enthusiastic to be part of the FOCB team and to continue his work that involves finding solutions to difficulties faced by families through projects that encourage parental involvement, particularly that of fathers, and building healthy family relationships. Outside of work, Paul, his wife and new baby enjoy camping, sports, and spending time with family and friends.



Maintaining Privacy in Use of Social Media

The social media arena is growing by leaps and bounds. Facebook was a leader of social media for nearly ten years, but as older generations have increased their interest in Facebook, children and young adults have begun to search for alternate sites where they can share their lives with their peers. Parents who are interested in protecting their children's safety are often a step behind and do not realize it. While children are aware that their parents are trying to keep tabs on them online, children are knowledgeable enough to distract their parents and keep their Facebook pages active for their parents to monitor while they communicate with their friends more frequently in other ways, such as posting selfies on Instagram and tweeting about their lives on Twitter. These three sites do not scratch the surface of social media sites available to children.

Trying to keep up with the trends can be equally as daunting for friend of the court (FOC) employees. Social media is now prevalent within the court system. A 2013 study found that approximately 35 percent of all divorce proceedings cited Facebook in some way.¹ With so much information only a Google search away, social media has become an important instrument in ensuring caseworkers have all the facts, and even helps hold parties accountable. For example, a 2012 case in Milwaukee for felony nonsupport used Facebook pictures to prove ability to pay.²

Specific online information can also help determine the moral character of parties when courts are considering issues regarding child custody and visitation. A 2011 case, which granted primary custody to the child's father, cited Facebook posts made by the mother's live-in boyfriend who acknowledged drinking in the presence of the child and who also alluded to the fact that he may have driven while intoxicated. These incidents contributed to the father's argument that the mother's house was not a suitable living environment for the child.³ Additionally, a case in New York included evidence of the mother posting a picture on Facebook of her bandaged hand with the explanation that she lost her temper and punched a wall. The mother also used Facebook and a blog to publicly bad-mouth the children's father, calling him lazy and accusing him of owing thousands of dollars in arrearages. These findings were included in a court decision that awarded sole custody of the children to the father.⁴

Many people believe that their online information is protected by having their privacy settings enabled to prevent the general public from viewing their information and online posts. However, the frequency with which many of the most popular social media sites update their account and privacy settings often changes these settings. Sites regularly send notifications to their members updating them as to changes made to the sites' policies and privacy settings. Many people tend to skim these notifications and in doing so, they may miss significant changes. These changes may open access to all or part of the data that becomes available to the public, unless the account owners actively go into their accounts and reactivate their privacy settings.

It is equally as important for FOC employees to be aware of their own online information. As easy as it is for court employees to look up information on litigants, it is equally as easy for litigants to find information about caseworkers. Paying special attention to protecting personal information—such as full names, names of children and family, personal phone numbers, and home addresses—will aid in maintaining privacy both for caseworkers and the general public. An additional step to consider is having a conversation with family and friends about what they are posting about you online. Their information may also allow a person to access information that goes directly back to your own site.

People who use social media must realize that by deleting pictures and postings, the information that is deleted does not necessarily mean it is erased. That belief is a misconception. Anything posted anywhere on the Internet can likely be found again. It may disappear from the selected location, but often it only requires a bit of dedicated searching in order to find the deleted content elsewhere. A person who has web access has several options to save data the person discovers online—printing, re-posting, and print screen to name a few. Even if the information isn't captured in its located source, it is likely already stored somewhere else. Several sites, such as Spokeo, boast at being able to produce data from multiple sites and may already have copied the information to their sites. Once something is posted on the World Wide Web, it is never truly gone.

The importance of protecting your online identity is clear. A small sampling of the case evidence that is produced by online content includes identification of people being implicated in crimes, identification of people being fired from a job, divorce information, and a multitude of other court case evidence. While people are not going to stop using social media, they can become more diligent and more knowledgeable about how to protect their privacy online, and more aware of the importance of updating their privacy settings.

¹Brad Friedman, *Social Media and Litigation: Social Media Streams Tell an Important Story*. <http://socialmediatoday.com/bradfriedman/2477721/social-media-and-litigation-social-media-streams-tell-important-story>

²See Kristal Roberts, *Facebook Photos to be Used in Case to Prove Father Can Pay Child Support*. <http://www.abcactionnews.com/news/local-news/water-cooler/facebook-photos-to-be-used-in-case-to-prove-father-can-pay-child-support>. The pictures were posted by the payer, showing him flashing handfuls of money and standing in front of a piece of art, suggesting he had taken a vacation out of the country. Payer had previously told the court that he was unable to pay child support because he was working odd jobs for little income and continued to look for employment.

³*Bramble v Bramble*, No. 2011-CA-000461-ME (Ky. Ct. App. Dec. 2, 2011).

⁴2011 NY Slip Op. 51339(U).

More Than a Presumption: DNA-Test Results to Establish Paternity

Paternity/DNA
Testing

Ongoing advances in medical-technology testing have been changing the way courts establish paternity. Blood-test evidence in paternity actions began as early as the 1930s.¹ The best use of traditional blood-test results was to exclude an alleged father, but even then courts differed in the weight they afforded such evidence.² Today, a simple cheek swab can determine paternity with 99 percent accuracy. As this technology has improved by producing reliably accurate results, judicial and legislative acceptance of the evidence these tests produce has increased.

Court-ordered genetic testing is one procedure that child-support agencies and courts have at their disposal to establish paternity with relative speed and accuracy.

Court-ordered genetic testing is one procedure that child support agencies and courts have at their disposal to establish paternity with relative speed and accuracy. Typically, a DNA test that positively identifies a man as a child's biological father creates a presumption of paternity in court actions. But recently proposed legislation, House Bill (HB) 5463 and HB 5464 of 2014, would change the presumption into a legal determination.

Under the Genetic Parentage Act, HB 5464 of 2014, paternity is established if a DNA test determines that the probability of a man being the biological father of a child born out of wedlock is greater than 99 percent. Therefore, positive genetic testing alone would be the basis for court-ordered child support, custody, or parenting time—no further adjudication under

the paternity act would be necessary. After establishing paternity, the IV-D agency would file a *genetic paternity transmittal* and summary report with the state registrar (similar to the way paternity is acknowledged with an affidavit of parentage). Under the act, the child's birth certificate would be amended to reflect the father of the child.

Similarly, HB 5463 of 2014 places considerable confidence in genetic-testing technology. This proposed amendment of the Paternity Act similarly establishes (not presumes) paternity when genetic testing shows a 99 percent probability that a man is the child's biological father. Further, the only way to challenge paternity under this proposed amendment would be to challenge the admissibility of DNA evidence (in other words, challenging the accuracy of a DNA test in a paternity action would not be possible).

Even though the genetic-testing technology is capable of producing reliable results to determine paternity, the proposed legislation would also require trusting the aptitude of the technicians and the procedures used by the testing organization. Although this technology has progressed significantly in recent years to the point that identification of a biological father is nearly certain, test results are not infallible. Even laboratories that adopt the strictest standards must rely on their staff for quality assurance. For that reason, proposed HB 5583 of 2014 would amend the Revocation of Paternity Act to provide a procedure for challenging the genetic testing that established a man's paternity.

These bills have the potential to expedite the paternity process in the future as more advanced DNA testing technology is developed. Already, there are noninvasive blood tests available that can determine paternity when the mother is only 9 weeks pregnant. If courts start to order testing based on the accuracy of establishing paternity through the use of this new technology, men who are identified as biological fathers could become involved sooner and some lawyers suggest that IV-D agencies could start pursuing child support determinations before a child is even born.³

¹Theresa Glennon, *Somebody's Child: Evaluating the Erosion of the Marital Presumption of Paternity*, 102 W Va L Rev 547, 556 (2000). See also *Beach v Beach*, 114 F2d 479; 72 App DC 318, 319 (DC Cir 1940).

²See, e.g., *Berry v Chaplin*, 74 Cal App 2d 652; 169 P2d 442 (1946) (A famous case brought against silent-film star Charlie Chaplin; the court upheld the jury's determination of paternity despite blood-test evidence that excluded Chaplin as the father.).

³See Andrew Pollack, *Before Birth, Dad's ID*, <http://www.nytimes.com/2012/06/20/health/paternity-blood-tests-that-work-early-in-a-pregnancy.html?_r=3&pagewanted=all&> (accessed June 12, 2014).



THE LEGAL CORNER

A summary of recent Michigan Supreme Court and Michigan Court of Appeals decisions.

MICHIGAN SUPREME COURT AND COURT OF APPEALS DECISIONS – SEE [HTTP://COURTS.MI.GOV/OPINIONS ORDERS/OPINIONS ORDERS/PAGES/DEFAULT.ASPX](http://courts.mi.gov/opinions_orders/opinions_orders/pages/default.aspx)

MICHIGAN SUPREME COURT

In re Sanders, decided June 2, 2014 (Docket No. 146680). The state violates a parent's due process rights when the court exercises jurisdiction over that parent based solely on a finding that the other parent has abused or neglected the parties' child; Michigan's current process (the "one-parent" doctrine) is unconstitutional in those circumstances.

COURT OF APPEALS

Manssur v Manssur, unpublished opinion per curiam, released June 10, 2014 (Docket No. 319330). Escalated disagreements over topics that can have a significant impact on the children satisfy the requirement that a change of circumstances exists to modify parenting time.

Foster v Foster, unpublished opinion per curiam, released June 3, 2014 (Docket No. 318693). The trial court erred in abating child support to offset property settlement proceeds wrongfully withheld by the support payee because support is established to meet the children's needs and not as a party's property.

Arteaga v Hughes, unpublished opinion per curiam, released May 27, 2014 (Docket No. 318882). Unsubstantiated sexual abuse allegations, animosity between the parties, and lack of communication, constituted a substantial change in circumstances sufficient to change custody. In evaluating best interest factors, the court was not limited to considering events that had occurred only since the last custody order and could properly consider the plaintiff's 2005 conviction for money laundering.

Bonnell v Bonnell, unpublished opinion per curiam, released May 13, 2014 (Docket No. 318445). When there is an established custodial environment with both parents, a change in parenting time that changes the parent with whom the child lives most of the time that is not so extensive as to preclude the minor from naturally looking to both parties for guidance, discipline, the necessities of life, and parental comfort does not constitute a change in custody.

Donohue v Donohue, unpublished opinion per curiam, released May 13, 2014 (Docket No. 318230). When the defendant had not established a need for immediate change of custody, it was error for the court to change custody, even temporarily, without holding an evidentiary hearing.

Lingam v Aruru, unpublished opinion per curiam, released May 8, 2014 (Docket No. 315598). The Uniform Child Custody Jurisdiction and Enforcement Act does not limit a parent's right to challenge a registered parenting time order to only the time provided in the statute when the basis for contesting the registration arose after the order was registered (when the original order vacated by issuing court).

Poag-Emery v Emery, unpublished opinion per curiam, released April 22, 2014 (Docket No. 318401). The court did not commit error when it changed joint legal custody to sole legal custody based on the mother's refusal to abide by the court's orders, meritless accusations and the court's finding that "[t]hese parents simply can't agree on anything, and the [mother] simply won't agree on anything."

Briggs v Burnette, unpublished opinion per curiam, released April 22, 2014 (Docket No. 317408). Where one parent repeatedly frustrates another parent's parenting time, conceals the child's location, and is held in contempt of court, proper cause exists to change custody even though only two custody factors favor the new custodian.

Licari v Licari, unpublished opinion per curiam, released April 22, 2014 (Docket No. 314025). Where the defendant failed to communicate with counsel and help counsel prepare for trial, resulting in her late request to withdraw, which was granted on the day of the trial, and where the trial court took judicial notice of the fact that defendant had been in court before and was familiar with court processes, the trial court's denial of the motion to adjourn was not an abuse of discretion.

Hess v Hess, unpublished opinion per curiam, released April 17, 2014 (Docket No. 317203). Once the court found that there was good cause to modify child support, the court erred in not establishing support in accordance with the child support formula or in finding that it was appropriate to deviate from the formula even if the parties did not present much evidence on the issue of support.

Burke v Lobodzinski, unpublished opinion per curiam, released April 17, 2014 (Docket No. 317022). The trial court committed error by changing the child's established custodial environment in which the parties exercised equal parenting time to parenting time that relegated one parent to a *weekend parent* without finding clear and convincing evidence to support the change. Also, the court should have granted a hearing on the motion for reconsideration when the defendant presented evidence that the plaintiff may have presented false testimony to the court.

**THE LEGAL CORNER**

A summary of recent Michigan Supreme Court, Michigan Court of Appeals decisions, and a summary of recent Michigan IV-D memoranda.

(continued from page 12)

Kimball v Kimball, unpublished opinion per curiam, released July 29, 2014 (Docket No. 319862). To perfect an appeal to a referee's recommendation, the objecting party is required to request and pay for the transcript within the 21-day objection period, as outlined in MCR 3.215.

Beard v Stankiewicz, unpublished opinion per curiam, released July 22, 2014 (Docket No. 319638). The trial court did not commit error by holding an evidentiary hearing to establish whether proper cause existed to change custody where the disputed motion did not establish proper cause on its face.

Servis v Van Putten, unpublished opinion per curiam, released July 17, 2014 (Docket No. 320208). The trial court did not err in failing to hold a de novo hearing following service of a referee's proposed order when the objection was filed one day later than the 21-day objection period set forth in court rule.

Visser v Visser, unpublished opinion per curiam, released July 15, 2014 (Docket No. 314185). The scope of arbitration is defined by contract and an arbitrator's decision must be vacated when the arbitrator fails to adhere to the parties' agreement submitting the case to arbitration (failing to make a stenographic record of custody issues and failing to adhere to the rules of evidence).

Robinson v Simpson, unpublished opinion per curiam, released July 10, 2014 (Docket No. 316242). When a parent has sole custody and wants to move to another state, it is unnecessary for the court to make a finding concerning the child's domicile under MCL 722.31.

Dennis v Goyer, unpublished opinion per curiam, released July 1, 2014 (Docket No. 318613). Allegations in a motion to change custody combined with admissions pursuant to discovery did not constitute an "offer of proof" sufficient to support proper cause to change custody absent an explanation of what evidence supports the allegations, which admissions apply to the motion, and how they support the motion.

MICHIGAN IV-D MEMORANDUM (OFFICE OF CHILD SUPPORT)

2014-013 (June 2, 2014) Updates to Michigan IV-D Child Support Manual Sections 2.05 and 3.03 Regarding IV-D Application Processing and Managing Associations Between Applicants and Michigan Child Support Enforcement System (MiCSES) Records

In April 2014, OCS made electronic applications for IV-D services (e1201s) available to the public and permits applicants to convey information necessary for the creation of a IV-D case through an interview-style interface. When an applicant completes the online application, the system produces electronic (PDF) copies of the *IV-D Child Support Services Application/Referral* (DHS-1201) form. Beginning with the MiCSES 8.8 Release, MiCSES will automatically process e1201s completed by applicants, will match applicants to existing MiCSES members and IV-D cases, will initiate appropriate workflow, and will alert IV-D staff to new and changed information that may warrant action. This memorandum introduces updates to Section 2.05, "Referrals and Applications," of the *Michigan IV-D Child Support Manual*. Section 2.05 now describes a uniform intake process for both automated referrals and electronic applications for IV-D services, and clarifies aspects of processing paper applications for IV-D services.

2014-014 (June 16, 2014) Self-Assessment (SASS) Audit – Establishment of Paternity and Support Order (Establishment) Program Compliance Criteria Corrective Action Plan (CAP)

This IV-D Memorandum provides information related to the fiscal year (FY) 2013 SASS audit and findings: a brief overview of the SASS audit process; an explanation of the SASS audit findings; the Establishment program compliance criteria findings; the Establishment program compliance criteria regulations and rules; an overview of Michigan's Establishment program compliance CAP; an explanation of the required local office CAPs for counties with audit findings; an explanation of the required actions for all FOC and PA offices; and an explanation of the required webinar for all FOC and PA offices. OCS published information about FY 2011 SASS audit findings, Establishment program compliance criteria findings, and Michigan's Establishment CAP in IV-D Memorandum 2013-001 on January 8, 2013. Significant changes since that 2013 publication are highlighted in this memorandum (IV-D Memorandum 2014-014).

***The Pundit* is a publication of the Friend of the Court Bureau,**