



THE PUNDIT

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SCAO Friend of the Court Bureau - Working to Improve Outcomes within Michigan's Child Support System

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Introducing New SCAO Analyst – Meredith Cohen

Introducing FOCB's New Analyst – Meredith Cohen is the new management analyst at the Friend of the Court Bureau (FOCB). She is a proud Spartan, Wolverine, and Warrior! Meredith earned her Bachelor's degree in social work from Michigan State University in 2007, and her law degree from Wayne State University Law School in 2010. While in law school, Meredith clerked at the Michigan Children's Law Center defending children in delinquency proceedings and representing children as a lawyer-guardian ad litem. Meredith also held internships with both Judge Avern Cohn of the U.S. District Court, Eastern District of Michigan, and Judge Judy Hartsfield in the Third Circuit Court of Michigan, Family Division – Juvenile Section.



Meredith went on to earn her Master of Social Work from the University of Michigan in 2011, in the practice method of Social Policy and Evaluation, and the practice area of Children and Youth in Families and Society. While pursuing her MSW, Meredith had the opportunity to assist in starting a specialty court docket called the Baby Court project, promoting stability and expedited reunification or permanency for our youngest children in foster care.

Meredith began her legal career as a staff attorney at the Detroit Center for Family Advocacy (CFA), where she worked to keep families together and advocated for children to be raised in stable, loving environments, surrounded by their attachment figures. At CFA, Meredith represented parents and other identified permanency providers, handling any type of legal issue that, when resolved, would prevent a child from entering foster care or expedite a child out of the foster care system. Within this practice, Meredith focused on the intersection between juvenile and domestic relations matters.

Meredith is thrilled to be a part of the FOCB team. She is excited to explore new ways for the courts to provide holistic, innovative services, ensuring families are as strong, committed, and empowered as possible when working with the Friend of the Court. Outside of work, Meredith is on the council for the State Bar of Michigan's Children's Law Section, and loves spending time with her friends and family. You can contact Meredith at cohenm@courts.mi.gov.

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Northern Sweep a Success

This past May, Genesee, Macomb, Oakland, and Wayne counties combined forces in a sweep of 10 northern Michigan counties – Emmet, Mackinac, Otsego, Cheboygan, Presque Isle, Crawford, Charlevoix, Menominee, Ogemaw, and Wexford – collecting a total of \$119,398 in current and past-due child support for the four counties. In this sweep, Genesee partnered with the four-county sweep group and traveled north in order to contact obligors living in the northern counties.

Sweeps are enforcement mechanisms used to resolve bench warrants for child support. In some instances, an obligor is incarcerated before the team's arrival, typically for less than 24 hours. If an obligor is unable to post bond, the team from the visiting counties works with the obligor to secure a payment less than the bond amount. Occasionally, an obligor can pay the bond amount or more once the obligor is able to contact family or make arrangements to secure funds through cash or credit card payments. In other instances, an obligor is picked up by the visiting team and placed into custody where payments are then facilitated and arranged.

Before implementing sweeps, obligors with bench warrants would be arrested in other counties, and the obligor's county would have to pick them up each time an individual was arrested as a result of a bench warrant. This often required multiple trips throughout the year and a considerable amount of resources. Traditionally, counties have limited their pick-up range to 100 miles, but this range is not mandated and is ultimately decided by the availability of resources. For example, Lapeer and Oakland counties have a statewide pick-up range, while Macomb is limited to 100 miles, and Shiawassee will not pick up obligors from Genesee (its neighboring county).

In 2011, John (Jack) Battles, the Friend of the Court in Genesee County, thought it would be more efficient to plan a single trip to the northern counties in order to collect past-due support. First, Special Projects Unit Supervisor, Alan Alguire, reviewed cases to decide which obligors would be contacted. When scheduling sweeps, the team would look for a return on the investment compared to resources involved and child support collected.

The number of obligors that could potentially be contacted is a heavily-weighted factor in determining when and where sweeps would be appropriate. Obligor who live north of US-10 who were not employed or receiving SSI benefits were targeted. The team concluded that it would notify the northern counties of its impending trip and ask them if they would be willing to help. This resulted in a multijurisdictional enforcement effort by FOC staff, judges, and sheriffs. Alan emailed a list of the obligors to sheriffs ahead of time so they could locate the obligors and pick them up. There were two goals met in this sweep: past-due money was collected and obligors avoided lengthy arrests.

Four people went on the 2011 sweep, collecting over \$50,000 from 44 individuals for Genesee County. Sheriffs from the northern counties helped in collection efforts by picking up obligors before the sweep and placing them in jail, awaiting Genesee's arrival. Of the 44 individuals contacted, 10 were brought back to Genesee for arraignment; two of those individuals were released later that night after making payments. The team also transported obligors from Genesee to Antrim, Crawford, Grand Traverse, and Otsego counties.

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THE PUNDIT

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Northern Sweep a Success (Continued from page 2)

Because the sweep was such a success, the team wanted to do it again, but bigger. After a few years of organizing and gathering resources, it was time. One Friday morning in May, 2015, the original four staff again went north accompanied by six other individuals, a mix of deputies and caseworkers. Tom Blohm, the Director of the Macomb FOC, also made the trek. Not only was the team able to resolve bench warrants, but the accompanying caseworkers were able to provide case management services including: requests for modification, waivers, and payment plans. An exhausted but proud team returned the following Sunday evening. Overall, the northern sweep resulted in a collection of \$119,398 from 100 obligors, with some obligors given up to two weeks to make payments. The highest collection for a single obligor was \$10,000, with three additional cases that collected \$4,000 or more. Additionally, 13 individuals were transported back to southeast Michigan.

Two other factors made the success of this year's northern sweep possible: cooperation between the counties, and excellent in-house locate services, which included extensive use of MiCSES and social media.

To assist the northern counties, Genesee offered to either collect payments from the northern obligors located in Genesee or to drop the obligors off in their respective counties on the way. In fact, Macomb was able to collect \$24,745 on behalf of the northern counties. When the team was not able to make contact with an obligor in person, it left a business card, prompting the obligor to contact the office to arrange payments in order to clear the bench warrant.

In comparison, the success rate seems comparable with the previous year's sweep. This year, Jack and his team traveled to the obligor's last known address and spoke with the residents there directly, instead of having the obligors picked up ahead of time. While Genesee's in-house locate service was very helpful in making sure contact information for the obligors was up-to-date, having to locate the obligors individually made the project more time-intensive. For future sweeps, Genesee hopes to establish a better means of communication. By channeling all pick-up and LEIN information through a single agency (instead of juggling multiple contacts), logistical issues like the pick-up schedule will smooth out.

Since the northern sweep, Genesee has conducted several other sweeps in various geographic areas. A sweep was conducted recently on the west side of the state, and the team is hoping to travel to Macomb and Oakland counties before the end of the November.

**2015 Partner Forum Recap: A Commitment to Collaboration and Communication**

On Wednesday, November 4, 2015, partners from the Michigan Child Support Program gathered at the Hall of Justice for the annual Partner Forum meeting. The meeting served as an opportunity for the partners to celebrate the program's accomplishments and envision goals for the future.

Erin Frisch, Director of the Office of Child Support, started off the day welcoming the partners: "Thank you for making the time to engage in improving Michigan's Child Support Program. I always look forward to this opportunity for us to talk about the big picture issues and ideas pertinent to our program. Today, we are going to have some serious fun while we do so."

With a focus on increased collaboration and communication across the program, the day's agenda consisted of sessions such as "A Mad Tea Party: Thinking through purpose and context, TRIZ"— a session about making space for innovation, and "Crowd Sourcing"— an activity for generating and sifting powerful ideas.

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2015 Partner Forum Recap: A Commitment to Collaboration and Communication

For the Crowd Sourcing exercise, each partner was asked to write down on a note card a big project that the program needs to undertake. The partners passed around the cards and scored them; cards that scored higher were prioritized, while the rest were set aside. The top 10 issues were sent to their respective groups during the team meetings as “priority projects.”

The work improvement teams (WITs) and workgroups were also recognized for their accomplishments and progress. Highlights of these accomplishments include:

Case Management

- ◇ Many Case Management WIT members participated in user acceptance training for case closure and related reports. Case closure went into production as part of the Michigan Child Support Enforcement System (MiCSES) Release 8.11 on March 6, 2015.

Enforcement

- ◇ The Enforcement WIT reviewed policy documents introducing the MiChildSupport Calculator. The WIT also provided a demonstration of the Calculator.

Establishment

- ◇ Many Establishment WIT members participated in the E-842 effort and the development of the MiChildSupport Calculator.

Financial

- ◇ The Financial WIT assisted in the establishment of electronic billing coupons. The WIT also submitted proposed changes to FOC10, Uniform Child Support Order.

Intergovernmental

- ◇ The Intergovernmental WIT completed work on international case processing and added it to the WIT’s problem statement. The WIT is also reviewing the Michigan-specific version of UIFSA 2008 and assisting in identifying potential training issues that the field may need.

MiChildSupport

- ◇ The MiChildSupport Workgroup released billing coupons that are now available electronically. Additionally, the Workgroup has established notifications in the system, where users have the ability to receive notifications for upcoming court hearings, payments received, payments on hold, etc.

Performance Management

- ◇ The Performance WIT set performance factors for the fiscal year 2015. Phase I of the Establishment Management Reports is complete; a training webinar was presented in September to educate users about these reports, and a recorded webinar is available online on Mi-Support.

Customer Service

- ◇ The Customer Service Workgroup created an IVR card for each of the Friend of the Court offices, which provides relevant contact information.

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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.

2015 Partner Forum Recap: A Commitment to Collaboration and Communication

Even with these accomplishments, the Program continues to seek ways it can improve. The 2015 Partner Forum resulted in new priorities being assigned to most WITs and Workgroups, as well as the decision to form a new Workgroup focused on collaboration and communication between partners. Priorities for 2016 include:

- * Improve the establishment process, including reducing the time from application to order;
- * Review locate processes and tools, and provide recommendations on how to improve locate efforts;
- * Improve intergovernmental processes with better documentation, training and communications;
- * Define large allocation business requirements;
- * Allow parents to update contact information on MiChildSupport;
- * Review and evaluate effectiveness of enforcement activities; and
- * Work on branding and marketing materials for the program.

A comprehensive list of the program's accomplishments, priorities, and strategic goals is in the June 2015 publication of *The Pundit* at <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/FOC/Documents/Pundits/Pundit-May-June2015.pdf>.

Erin concluded the meeting with a positive message to the Partners: "I'm excited about these priorities and encouraged by the work of the Partner Forum participants to guide us in a direction that will improve the lives of children in Michigan."



Domestic Relations: One Court's Approach

By: Hon. Kathleen McCarthy, Presiding Judge, *Third District [sic] Court, Detroit, MI*

[Ed. Note: This article is reprinted with permission from the Office of Child Support Enforcement's Newsletter *Child Support Report*, Volume 37 No. 5 June 2015.]

Navigating the legal system can be time-consuming and frustrating to people with good legal representation. Parents involved in domestic relations matters who cannot afford such advice find the system much more difficult. The Third Circuit Court of Michigan, located in Detroit, is the eighth largest court in the country. Over 80 percent of our domestic relations litigants represent themselves in divorce, custody, paternity, personal protection, and child support cases. The legal system calls these pro per litigants. With over 32,000 domestic relations cases initiated in this court in 2014 alone, the lack of attorneys can strain both litigants and the court.

Lack of knowledge is the biggest problem in court cases without attorney involvement. Pro per litigants who do not understand how the judicial system works can have serious problems. For example, when noncustodial parents' incomes drop, they might not know that they need to file a motion to modify child support payments. Instead of learning what to do, some ignore the situation in hopes that it will just go away. They might then fail to meet their child support obligation and end up with a contempt of court citation. Because the court cannot retroactively modify child support, both the in pro per litigant and the court get frustrated. The litigants are often angry because they cannot pay, and the court staff is frustrated because it cannot assist litigants who did not ask for the court's help at the proper time. This lack of knowledge and access to justice becomes detrimental to both parties.

Our solution is education and empowerment. In the Third Circuit Court and its child support enforcement arm, the [Wayne County Friend of the Court](#), we recognize the devastating effect that lack of knowledge has on our litigants. We implemented programs and procedures to increase their understanding of and access to our court system. As an initial step, we developed easy-to-understand motion packets that help parents through the filing process for child support, child custody, and parenting time changes or enforcement. We provide hard copies of the materials at several locations throughout the court and they are printable from the [court's website](#).

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Domestic Relations: One Court's Approach

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The availability of motion packets will not work, however, if litigants do not complete and file the motions correctly. To assist parents, we have a self-help center that has motion packets and information pamphlets available, as well as public computers. Parents can use the computers to access www.michiganlegalhelp.org, a site that provides legal advice on domestic relations issues and helps litigants complete and print out motions and other legal documents. Additionally, the self-help center has information about agencies and legal aid offices that provide legal assistance, including volunteer attorneys who provide free on-site and off-site legal advice. The court also offers an on-site legal clinic several days each month and sponsors community outreach clinics during the year that provide free legal advice to litigants throughout our county, including libraries and United Auto Workers centers. All of this updated information can be found on our website. When litigants use these resources, filings are more complete and they are better prepared for court hearings.

While trying to provide equal access to all litigants regardless of economic status can be daunting, to us it is an imperative goal. Our court diligently strives to provide the best resources to our pro se litigants so they can achieve the best results in their domestic relations matters for themselves and their families.

**MICHIGAN COURT OF APPEALS DECISIONS**PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Riemer v. Johnson, published per curiam, released August 18, 2015. (Docket No. 321057). An order which gradually increases parenting time over a three-year period does not require proof of change in circumstances for each increase, as these changes are contemplated under the original order. Note: the trial court entered an order in this case like those discussed in the September 2015 (Volume 30 No. 3) edition of the *Pundit* that adjusted support to take into account future contingencies.

Rogers v. Wcisel, published per curiam, released August 25, 2015. (Docket No. 318395). In a Revocation of Paternity Act case, the defendant's belief that he was the biological father at the time of signing the acknowledgement of parentage as well as unchallenged DNA evidence is sufficient to establish a mistake of fact.

Varran v. Granneman, published, released October 13, 2015. (Docket No. 321866, 322437). Where a parent has legal custody of the child, an order regarding grandparenting time is a postjudgment order affecting the custody of a minor and is appealable by right.

Teran v. Ritley, published per curiam, released November 17, 2015. (Docket No. 322016). Although the mother, child, and father all currently reside outside the state of Michigan, the court may properly hear the case because the statutory requirements for where to file the paternity case are not jurisdictional but rather relate to venue.

LaCourse v. LaCourse, unpublished per curiam, released August 20, 2015. (Docket No. 322517). Trial court does not abuse its discretion in awarding weekday overnight parenting time when the parties live in the same neighborhood and there is no specific evidence that weekday overnights would be disruptive to the children.

Zalewski v. Garrison, unpublished per curiam, released August 20, 2015. (Docket No. 324809). After the party with primary physical custody moves and the other parent's attempt to stop the parent from enrolling the children in a school near the new primary residence, the trial court's refusal to allow new enrollment is error as the children's best interests are not served by continuing to enroll the students in a school 14 miles from the father and 28 miles from the mother.

Kirby v. Holland, unpublished per curiam, released September 15, 2015. (Docket No. 326118). Both parties knowledge that a party is not the father at time of signing an Affidavit of Paternity does not amount to fraud, and it was proper to deny the petition for revocation of paternity.

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MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

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Ketchmark v. Hayman, unpublished per curiam, released September 15, 2015. (Docket No. 321201). Out-of-network confinement expenses may be awarded if they are reasonable and necessary.

Brady v. Brady, unpublished per curiam, released September 22, 2015. (Docket No. 326396). Plaintiff's alcohol abuse while on anti-epileptic medication resulting in emergency medical care is a proper change of circumstances to revisit and change physical and legal custody.

Johnson v. Marsh and Young, unpublished, released October 1, 2015. (Docket No. 322037). In a revocation of paternity case, it is proper to set aside an earlier order revoking an affidavit of parentage when the court failed to consider the child's best interests.

Kraus v. Gerou, unpublished per curiam, released October 6, 2015. (Docket Nos. 326397, 327149). When the parties initiate divorce and custody proceedings in Michigan but subsequently depart for other states and the child's new home-state determines that Michigan is the more appropriate forum for the initial determination and modifications of custody, Michigan may exercise exclusive continuing jurisdiction over the contest as the more convenient forum for litigation under the UCCJEA.

Bolz v. Bolz, unpublished per curiam, released October 13, 2015. (Docket No. 321870). Where the divorce order explicitly grants plaintiff sole legal and physical custody, MCL 722.31(4) factors do not apply.

London v. London, unpublished per curiam, released October 13, 2015. (Docket No. 325710). Trial court erred in deciding a motion to change school districts by failing to consider the reasonable preferences of the 7-year-old children affected.

Kiesling v. Johnston, unpublished per curiam, released October 22, 2015. (Docket No. 326294). Where child's mother represents to defendant that she will take his name off the birth certificate after receiving the results of a DNA test the mother requested, the mother has made a false or misleading representation sufficient to grant defendant a filing extension under the Revocation of Paternity Act.

Baxter v. Baxter, unpublished per curiam, released October 13, 2015. (Docket No. 327195). In determining appellant's income, although a company car, mobile phone, and retirement account are properly considered part of appellant's income, trial court erred by not making specific findings as to the worth of these items.

Vessels v. Vessels, unpublished per curiam, released October 22, 2015. (Docket No. 322122). Where the plaintiff-grandparents fail to show that the child's parents' decision to deny grandparenting time will create a substantial risk of harm to the child's mental, physical, or emotional health, the court should deny the complaint and not consider grandparenting time even if the child's parent has defaulted.

Hinsberg v. Hinsberg, unpublished per curiam, released October 27, 2015. (Docket Nos. 324046, 325807, 324455). Where a parent with joint custody seeks a change of domicile, an increased salary and continuation of the current marital relationship has the potential to improve the life of the children as the extra time saved from working a second job can be used to parent the children and potentially improve the academic performance and reduce stress from the current environment.

Coston v. Coston, unpublished per curiam, released November 10, 2015. (Docket No. 327395). In the aftermath of the mother's false claims that the father kidnapped the child, the trial court's order suspending the mother's parenting time and legal custody until she completes a psychological examination is not error despite trial court's failure to explicitly find a change in circumstances as her dangerous behavior clearly establishes such circumstances.

Petty v. Arnold, unpublished per curiam, released November 10, 2015. (Docket No. 327507). The court correctly determined that an altercation between father and child was sufficient to constitute a change in circumstances to support a motion for a change of custody.

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MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED SEE: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

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Shively v. Willard, unpublished per curiam, released November 17, 2015. (Docket No. [327247](#)). Where child has an established custodial environment with a third party and there is clear and convincing evidence that the best interests of the child is served by placing the child with the third party, the trial court does not err by placing the child with the third party.

Michigan IV-D Memorandum (Office of Child Support)

2015-021 (Aug. 8, 2015) Self-Assessment (SASS) Audit – Establishment of Paternity and Support Order (Establishment) Program Compliance Criterion Corrective Action Plan (CAP). This IV-D Memorandum provides information related to the fiscal year (FY) 2014 SASS audit and findings and local office CAPs from FY 2013.

2015-022 (Sept. 28, 2015) Updates to Policy Regarding National Medical Support Notice (NMSN) Terminations and Revisions to the Notice of Rescission/Termination of Health Care Coverage (FEN308). This IV-D Memorandum introduces policy changes to NMSN terminations and form revisions regarding the FEN308. These changes will be effective with the Michigan Child Support Enforcement System (MiCSES) 8.12.4 Release (October 5, 2015).

2015-023 (Sept. 25, 2015) Introducing the MiChildSupport Calculator and Necessary Preparation in Support Determination Processes. This IV-D Memorandum provides advance notice of upcoming changes that will affect the support determination processes (order establishment, court-referred support investigations, and review and modification) in PA and FOC offices.

2015-024 (Sept. 29, 2015) Updates to Federal Expiration Date and Service of Process (SOP) Policy. This IV-D Memorandum announces policy updates and clarifications related to the Federal Expiration Date and service of process (SOP) as well as future enhancements to the Michigan Child Support Enforcement System (MiCSES).

2015-025 (Oct. 15, 2015) Implementation of the Federal Case Registry (FCR) Misidentified Participant Application on the State Services Portal (SSP). This IV-D Memorandum introduces policy regarding the FCR Misidentified Participant application, which was implemented on the SSP (also known as the Child Support Portal) on March 23, 2015.

2015-026 (Oct. 15, 2015) Reporting the 15 Percent Medical Support Incentive As Program Income on Cooperative Reimbursement Program (CRP) Billing Statements (DHS-286 Forms Submitted Through EGrAMS). This IV-D Memorandum explains how IV-D staff must report the 15 percent Medical Support Incentive on monthly Cooperative Reimbursement Program (CRP) billing statements (DHS-286 forms submitted through EGrAMS).

2015-027 (Nov. 9, 2015) Updates to Support Order Determination Policy Accompanying the Introduction of the MiChildSupport Calculator and the Calculation Results (CALCRSLT) Template. This IV-D Memorandum explains updates to policy and procedures regarding support determination processes (order establishment, court-referred support investigations, and review and modification) in PA and FOC offices.

2015-028 (Nov. 9, 2015) Electronic Employment/Income Termination Reports, Michigan Child Support Program Employer Job Aid (MiCSPEJA), and OCS Central Operations Email Address Changes. This IV-D Memorandum announces revised policy regarding employment/income termination information. It also announces case member address and employment/income information that will become available in the Michigan Child Support Enforcement System (MiCSES) as of the MiCSES 8.13 Release (November 13, 2015).

2015-029 (Dec. 4, 2015) Cooperative Reimbursement Program (CRP) Agreements, Line Item Transfers, and Amendments. This IV-D Memorandum updates the procedures for CRP applications and agreements, line item transfers, and amendments.