

Friend of the Court  
Annual Grievance  
Report to the Legislature  
Calendar Year 2011

MICHIGAN SUPREME COURT  
State Court Administrative Office  
Friend of the Court Bureau

April 2012

## EXECUTIVE SUMMARY

This is the 28th Annual Grievance Report by the Friend of the Court Bureau (FOCB) to the Michigan Legislature.

The FOCB is part of the State Court Administrative Office. The FOCB was created by the Friend of the Court Act, 1982 PA 294, MCL 552.501 *et seq.* (the Act). Among other duties, the Act requires the FOCB to collect data on the operations of friend of the court (FOC) offices, including data on all grievances filed with FOCs and the FOCs' responses to those grievances.

Section 19 of the Act, MCL 552.519(3)(d), requires the FOCB to prepare an annual FOC grievance report to the Michigan Legislature. That report must provide a summary of the types of grievances each office receives, and whether the grievances are resolved or outstanding.

During the 2011 calendar year, 471 grievances were filed with FOC offices, 78 fewer than in 2010.

Grievances sometimes raise issues that the Act does not recognize as "grievable." Examples of nongrievable issues include: complaints about the substance of a court's ruling; complaints about the substance of an FOC's recommendation to a court; and issues that must be addressed by some agency other than the FOC. The FOCs accept these grievances and respond to them, but the response may simply inform the grievant that the issue is not grievable under the Act. A grievance might also raise multiple issues. The FOC then will respond substantively only to those issues that are grievable.

In this annual report, grievance responses are grouped into four categories: (1) grievances acknowledged in full; (2) grievances acknowledged in part; (3) grievances denied; and (4) grievances deemed to be nongrievable. In 2011, 22 grievances were acknowledged in full, 57 were acknowledged in part, 346 were denied, 59 were deemed nongrievable, and 5 remained pending as of December 31, 2011. [Note: A single grievance with multiple issues may result in more than one response. For example, a single grievance may contain one issue that is denied, while another issue in the same grievance may be acknowledged in part.]

The 471 grievances that were filed with FOC offices raised a total of 761 discrete and grievable issues. Of those issues, 60 percent (454) were complaints about some aspect of FOC office operations, while 40 percent (307) were issues related to an FOC employee's performance.

In the "office operations" category, 53 percent (243) raised a child support issue, 14 percent (64) focused on parenting time, 5 percent (21) involved custody, and 6 percent (29) alleged gender bias. The remaining 21 percent (97) were classified as "other" because the issues they raised were unique or nearly so, and did not fit into the categories listed above.

In response to the grievances of all types that FOCs acknowledged either in full or in part, the FOCs changed their office procedures in 14 instances and took personnel actions in 34.

The attachments that follow provide more detailed grievance data information about the FOC grievance process.

Also attached is a separate summary of grievance processing by FOC Citizen Advisory Committees in the two counties that have committees.

**LINKS TO ADDITIONAL INFORMATION:**

**Grievance Report Links**

SCAO Grievance Forms:

<http://courts.michigan.gov/scao/courtforms/domesticrelations/focgeneral/foc1a.pdf>

Statute describing grievance process:

[http://www.legislature.mi.gov/\(qadqm1nshwju4rymkvim41eb\)/mileg.aspx?page=getObject&objectName=mcl-552-526](http://www.legislature.mi.gov/(qadqm1nshwju4rymkvim41eb)/mileg.aspx?page=getObject&objectName=mcl-552-526)

## GLOSSARY OF TERMS USED IN THE DATA CHARTS THAT FOLLOW

Total Filed	Number of grievances filed in each office during the reporting year of January 1 through December 31.
Response Over 30 days	Number of grievances not responded to within the statutorily required time period of 30 days. MCL 552.526.
Duplicate Grievance (DG)	Same party filed a grievance on the same issue.
Same Grievance Filed With the Citizen Advisory Committee. (CA)	The same grievance filed with the FOC and a citizen advisory committee.
Same Party/ New Grievance (SP)	Same party filed a prior grievance dealing with items not addressed in current grievance.

### GRIEVANCE ISSUE CATEGORIES:

Employee (Empl)	Number of grievances filed that concerned an employee.
Office Operations	This broad category (for which the charts do not show a cumulative number) includes grievances regarding support, parenting time, custody, gender, or “other.” The charts provide numbers for each of those “office operations” components.
Support (S)	Number of grievances in which support-related concerns were at issue.
Parenting Time (PT)	Number of grievances in which parenting time concerns were at issue.
Custody (C)	Number of grievances in which custody concerns were at issue.
Gender Based (GB)	Number of grievances in which gender concerns were at issue.
Other (O)	Number of grievances in which other concerns not related to support, parenting time, custody, or gender were at issue.

### POSSIBLE GRIEVANCE RESPONSES:

Acknowledged in Full (AF)	Merit in grievance.
Acknowledged in Part (AP)	Merit in part of grievance.

Denied (D)	No merit in grievance.
Nongrievable (NG)	Issue does not come under the grievance procedure.
Pending Response (PR)	Number of grievances not resolved at the time the grievance report was submitted to the State Court Administrative Office.

GRIEVANCE RESULTS:

Change in Policy/  
Operations (CO)      Grievance resulted in change in office operations.

Personal Action  
(PA)      Grievance resulted in personnel or employee action.

No Action  
(NA)      No change in policy or personnel action.

Notes      A single grievance may involve both office operations and an employee. Therefore, the total number of grievances filed may be less than the sum of employee-related grievances plus office operations grievances.

A grievance may involve multiple concerns that require an FOC response. One response may address multiple concerns. Therefore, the total number of grievance concerns reported here (e.g., custody, parenting time, support, gender, and other) may exceed the total number of grievances filed. Also, one FOC response may address multiple concerns.

County	2011 total filed	Response over 30 days	Multiple Grievances			Types of Grievance Issues						Grievance Response Category					Grievance Result		
			DG	CA	SP	Empl.	S	PT	C	GB	O	A/F	A/P	D	NG	PR	CO	PA	NA
ALCONA/ ARENAC/ IOSCO/ OSCODA	2	0	1	0	1	0	0	2	0	0	0	0	0	2	0	0	0	0	2
ALGER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALLEGAN	10	10	1	0	0	6	6	2	2	0	0	0	1	9	0	0	0	0	10
ALPENA/ MONTMORENCY	1	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	1
ANTRIM/ GRAND TRAVERSE/ LEELANAU	7	1	2	0	0	5	7	2	2	1	0	0	1	5	6	0	1	0	6
BARRY	6	0	0	0	2	6	4	1	1	0	5	0	2	4	0	0	2	0	4
BAY	3	0	0	0	0	3	3	0	0	0	0	0	0	1	1	1	0	0	2
BENZIE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BERRIEN	4	1	0	0	0	4	2	1	0	0	3	0	0	3	0	1	0	0	3
BRANCH	2	0	0	0	0	3	0	0	0	0	0	0	0	2	0	0	0	0	2
CALHOUN	7	0	0	0	0	1	7	0	0	0	0	0	0	6	1	0	0	0	7
CASS	4	0	1	0	0	4	0	1	0	2	1	0	0	3	1	0	0	0	4
CHARLEVOIX	1	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	1
CHEBOYGAN/PRESQUE ISLE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CHIPPEWA	2	0	0	0	0	1	0	0	0	1	0	0	0	2	0	0	0	0	2
CLARE	2	0	0	0	2	1	1	0	0	0	1	0	0	2	0	0	0	0	2
CLINTON	2	0	0	0	0	1	1	0	0	0	0	0	0	2	0	0	0	0	2
DELTA	2	0	0	0	0	1	2	0	0	0	0	0	1	1	0	0	1	0	1
DICKINSON	1	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	1
EATON	3	1	0	0	0	3	2	1	0	0	0	0	0	3	0	0	0	0	3
EMMET	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GENESEE	26	10	0	0	0	16	13	7	0	0	20	0	0	24	3	0	0	0	26
GLADWIN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GOGEBIC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRATIOT	2	0	0	0	0	0	1	1	0	0	0	0	0	1	1	0	0	0	2
HILLSDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HOUGHTON/ BARAGA/ KEWEENAW	3	0	0	0	0	3	1	0	0	0	0	0	0	3	0	0	0	0	3
HURON	2	1	0	0	0	2	1	0	1	0	0	0	0	2	0	0	0	0	0
INGHAM	18	0	0	0	0	15	7	3	0	0	3	2	0	13	3	0	0	3	15

County	2011 total filed	Response over 30 days	Multiple Grievances			Types of Grievance Issues						Grievance Response Category					Grievance Result		
			DG	CA	SP	Empl.	S	PT	C	GB	O	A/F	A/P	D	NG	PR	CO	PA	NA
IONIA	4	0	0	0	1	3	1	0	0	0	0	0	1	3	0	0	0	0	4
IRON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ISABELLA	4	1	1	0	2	3	2	0	0	1	2	1	2	1	2	0	3	0	1
JACKSON	6	0	0	0	0	4	2	0	0	1	3	1	1	4	0	0	0	2	4
KALAMAZOO	11	0	1	0	0	9	7	1	0	2	6	2	0	7	2	0	0	2	9
KENT	30	0	2	0	5	16	18	1	0	3	3	1	13	16	0	0	0	0	30
LAKE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LAPEER	5	0	0	0	0	3	2	1	0	0	1	0	0	5	0	0	0	0	5
LENAWEE	10	6	3	0	1	14	7	3	1	2	11	1	3	7	4	0	0	0	14
LIVINGSTON	8	0	0	0	1	7	5	2	2	1	1	0	1	5	2	0	0	0	8
LUCE	1	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	1
MACKINAC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MACOMB	30	7	0	0	2	23	7	3	0	1	3	0	2	28	0	0	0	1	29
MANISTEE	10	0	1	0	0	5	7	0	0	0	1	0	1	9	0	0	0	1	9
MARQUETTE	2	0	0	0	0	3	0	0	0	0	0	0	2	0	0	0	0	0	2
MASON	2	0	0	0	0	0	1	1	0	0	0	0	0	2	0	0	0	0	2
MECOSTA	2	0	0	0	0	0	2	0	0	0	0	0	0	2	0	0	0	0	2
MENOMINEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MIDLAND	1	0	0	0	0	1	1	0	0	0	0	0	1	0	0	0	0	0	0
MONROE	8	1	2	0	0	8	6	2	0	1	2	1	1	6	2	0	1	2	6
MONTCALM	3	0	0	0	0	0	2	1	0	0	0	0	0	2	1	0	0	0	3
MUSKEGON	5	3	0	0	0	4	2	0	0	0	0	0	0	4	0	0	0	0	4
NEWAYGO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OAKLAND	62	0	12	6	12	57	21	10	1	11	7	1	3	50	8	0	1	1	60
OCEANA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ONTONAGON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSCEOLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OTSEGO/ CRAWFORD/ KALKASKA	1	0	0	0	0	1	1	1	1	0	1	0	0	1	0	0	0	0	1
OTTAWA	17	3	4	0	0	17	14	3	0	0	2	0	1	14	2	0	1	0	16
ROSCOMMON/OGEMAW	3	0	0	0	0	2	2	1	0	0	1	1	0	1	2	0	1	0	3
SAGINAW	10	0	1	0	0	10	8	3	3	0	0	0	0	10	0	0	0	1	9
ST. CLAIR	9	0	2	0	0	3	7	3	5	0	0	0	0	5	6	0	0	0	9

County	2011 total filed	Response over 30 days	Multiple Grievances			Types of Grievance Issues						Grievance Response Category					Grievance Result		
			DG	CA	SP	Empl.	S	PT	C	GB	O	A/F	A/P	D	NG	PR	CO	PA	NA
ST. JOSEPH	3	1	0	0	0	1	2	0	0	0	0	0	0	3	0	0	0	0	3
SANILAC	1	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	1
SCHOOLCRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SHIAWASSEE	1	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	1
TUSCOLA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VANBUREN	6	1	0	0	0	1	4	2	0	1	3	0	0	4	2	0	0	0	6
WASHTENAW	16	6	0	0	0	5	5	4	0	1	2	2	2	11	0	0	2	0	13
WAYNE	85	9	0	1	2	27	43	1	0	0	13	9	17	47	9	3	1	20	61
WEXFORD/MISSAUKEE	5	0	2	0	0	5	2	0	0	0	2	0	1	6	0	0	0	1	6
<b>TOTAL</b>	<b>471</b>	<b>62</b>	<b>36</b>	<b>7</b>	<b>31</b>	<b>307</b>	<b>243</b>	<b>64</b>	<b>21</b>	<b>29</b>	<b>97</b>	<b>22</b>	<b>57</b>	<b>346</b>	<b>59</b>	<b>5</b>	<b>14</b>	<b>34</b>	<b>421</b>

## **2011 Friend of the Court Citizen Advisory Committee Supplement**

### **State Court Administrative Office (SCAO) Friend of the Court Bureau (FOCB) 2011 Citizen Advisory Committee Report to the Legislature**

This report summarizes the current status of the Friend of the Court Citizen Advisory Committees (CACs). A brief history of the CACs can be found in the SCAO's 2004 Annual Grievance Report to the Legislature, available at: <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Reports/focb/grievrpt2004.pdf>.

In January 2012, the SCAO/FOCB contacted all Friend of the Court (FOC) directors and asked if they had an active CAC in their county. Based on the responses from the directors, the two counties with active CACs were sent the annual CAC reporting forms. Those two counties were Kent County and Oakland County.

#### **Kent County CAC**

The Kent County CAC met six times and submitted minutes after each CAC meeting to the county board of commissioners. A subcommittee was formed to review grievances. CAC members attended contempt hearings scheduled by the FOC at the family court and solicited feedback from family court staff. The CAC held two informal hearings. One grievance was filed directly with the committee. That one grievance raised one child support issue and one issue considered "other." The CAC disagreed with the grievant.

In addition to reviewing grievances filed directly with the committee, the CAC also received and reviewed 1 out of every 3 grievances (10 total) filed with the Kent County FOC. Those 10 grievances contained 8 child support issues, 1 gender-based issue, 2 parenting time issues, and 2 issues considered "other." The CAC agreed with the FOC's responses 6 times, partially disagreed with 2 responses, and completely disagreed with the FOC 2 times. The FOCB reviewed the 4 grievances that the Kent County CAC partially disagreed or completely disagreed with the FOC. The FOCB examined the issues raised in the grievances and found the FOC's responses to be acceptable. The Kent County CAC provided the following regarding problems that impeded the committee's functions and activities. "The FOC has met the statutory requirements in 2011. The CAC would like to improve communication with the FOC, as well as the Kent County Board of Commissioners and the Kent County Family Court."

#### **Oakland County CAC**

The Oakland County CAC met 11 times in 2011. Two of the CAC meetings were held at night to better accommodate the public. During 2011, 14 citizens attended Oakland CAC meetings. There were 14 informal hearings held. The CAC recommended that litigants be provided an opportunity to purchase a CD that contained their FOC case documents instead of having to pay \$1 per page. This recommendation was adopted by the FOC. The CAC continues to maintain a website that provides CAC information. Minutes were submitted to the county board of commissioners after each CAC meeting. The committee also submitted a written report to the board of commissioners.

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The CAC had 12 grievances filed directly with the committee. Those 12 grievances raised 6 gender-based issues, 5 support issues, 1 parenting time issue, 1 custody issue, and 7 issues considered “other.” The committee partially agreed with the grievant 3 times and disagreed with the grievant 8 times.

The CAC listed as a problem that impeded the committee’s functions and activities that the same parties submitted multiple grievances.

The CAC reviewed 37 grievances that were filed initially with the FOC office. Those 37 grievances raised 18 gender based issues, 13 child support issues, 10 parenting time issues, 5 custody issues, and 22 issues considered “other.” The CAC fully agreed with the FOC 35 times, and partially agreed with the grievant 3 times.

### **Summary**

Only two counties (Kent and Oakland Counties) have active CACs. Both CACs provided reports to the SCAO. The SCAO will continue to provide assistance to FOCs regarding CAC duties and responsibilities.