

Friend of the Court Grievances  
Annual Report to the Legislature  
Calendar Year 2008

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

Amended  
April 2008

## EXECUTIVE SUMMARY

This is the Friend of the Court Bureau's 25th Annual Grievance Report to the Michigan Legislature. Note: The 2008 Friend of the Court Grievances Annual Report to the Legislature that was posted in March of 2009 erroneously omitted some friend of the court grievance reports. The April 2009 report was updated to include those reports.

The Friend of the Court Bureau ("the Bureau") is part of the State Court Administrative Office. The Bureau 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 Bureau to collect data on the operations of county friend of the court ("FOC") offices, including data on all grievances filed with county FOCs, and the FOCs' responses to those grievances.

One section of the Act, MCL 552.519(3)(d), requires the Bureau to prepare an annual FOC grievance report to the Michigan Legislature. That report must summarize the grievances that were filed with FOCs during the preceding year, detail how the grievances were resolved, and state the number of grievances that remained pending at the end of the year.

During the 2008 calendar year, 623 grievances were filed with county FOC offices.

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 also occasionally raises 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. During the past year, 37 grievances were acknowledged in full, 70 were acknowledged in part, 442 were denied, 77 were deemed nongrievable, and 4 remained pending as of December 31, 2008. 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 623 grievances that were filed with county FOC offices raised a total of 905 discrete and grievable issues. Of those issues, 66 percent (595) were complaints about some aspect of FOC office operations, while 34 percent (310) were criticisms of an individual FOC employee's performance.

In the "office operations" category, 59 percent (354) raised a child support issue, 11 percent (67) focused on parenting time, 4 percent (23) involved custody, and another 4 percent (26) alleged gender bias. The remaining 21 percent (125) were classified as "other" because the issues that 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 county FOCs acknowledged either in full or in part, the FOCs changed their office procedures in 17 instances and took personnel actions involving 33 individual employees.

The attachments that follow provide more detailed grievance data and some web links to additional information about the FOC grievance process.

Also attached is a separate summary of grievance processing by FOC Citizen Advisory Committees in the four counties that have such 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)

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

Citizen Advisory Committee Reporting Forms (also can be found in Attachment C of the 2004 Grievance Report):

<http://courts.michigan.gov/scao/resources/publications/reports/focb/grievrpt2004.pdf>

1998 PA 551 (also can be found in Attachment D of the 2004 Grievance Report):

<http://courts.michigan.gov/scao/resources/publications/reports/focb/grievrpt2004.pdf>.

Michigan Court Rule 3.218:

<http://courtofappeals.mijud.net/rules/documents/1Chapter3SpecialProceedingsandActions.pdf>

2004 PA 210 (also can be found in Attachment F of the 2004 Grievance Report):

<http://www.legislature.mi.gov/documents/2003-2004/publicact/pdf/2004-PA-0210.pdf>

Recommendation for random selection of grievances (also can be found in Attachment G of the 2004 Grievance Report):

<http://courts.michigan.gov/scao/resources/publications/reports/focb/grievrpt2004.pdf>

## 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.

**PENDING:** Number of grievances not resolved during the reporting year.

### POSSIBLE GRIEVANCE RESPONSES:

**A/F:** Acknowledged in full - merit in grievance.

**A/P:** Acknowledged in part - merit in part of grievance.

**D:** Denied - no merit in grievance.

**NG:** Nongrievable - issue does not come under the grievance procedure.

**PR:** Pending response - number of grievances not resolved at the time the grievance report was submitted to the State Court Administrative Office.

**Dupl:** Duplicate - same party filed a grievance on the same issue.

**Same Party/  
New Grievance:** Same party filed a prior grievance dealing with items not addressed in current grievance.

### GRIEVANCE ISSUE CATEGORIES:

**Empl:** Number of grievances filed that included an employee problem.

**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 do provide numbers for each of those "office operations" components.

**Supp:** Number of grievances in which support-related concerns were at issue.

**Par Time:** Number of grievances in which parenting time concerns were at issue.

**Cust:** Number of grievances in which custody concerns were at issue.

**Gend Based:** Number of grievances in which gender concerns were at issue.

**Other:** Number of grievances in which other concerns not related to support, parenting time, custody, or gender were at issue.

### GRIEVANCE RESULTS:

Chg. Policy/Ops: Change in Office Operation - grievances resulted in change in office operation.

Pers Action: Grievances resulted in personnel or employee action.

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

A grievance may involve multiple concerns that require a finding of the court response. One response may address multiple concerns. Therefore, the total number of grievance concerns (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.

2008 Friend of the Court Citizen Advisory Committee Supplement

County	2008 Total Filed	Grievance Responses					Number Pending 12/31	Multiple Grievances		Grievance Issue Category						Grievance Results		
		Response over 30 days	A/F	A/P	D	NG		Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gen. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
ALCONA/ ARENAC/ IOSCO/ OSCODA	6	0	1	5	0		2	0	3	5	0	0	0	1	0	1	5	
ALGER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
ALLEGAN	20	0	7	13	2	0	0	4	8	13	1	1	0	2	0	3	17	
ALPENA/ MONTMORENCY	3	0	1	1	1	0	0	0	0	1	0	0	2	0	0	0	3	
ANTRIM/ GRAND TRAVERSE/ LEELANAU	6	0	1	6	2	0	0	0	5	1	1	1	3	0	0	0	6	
BARRY	4	0	1	2	0	0	0	0	4	4	0	0	1	3	2	2	2	
BAY	3	0	0	2	1	0	0	0	0	0	0	0	1	2	0	0	3	
BENZIE	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	
BERRIEN	4	1	0	3	0	0	0	0	2	2	1	0	1	0	0	4		
BRANCH	1	0	0	1	0	0	0	0	1	1	1	1	1	1	0	1		
CALHOUN	16	1	0	11	1	1	1	0	3	13	1	1	0	0	0	0		
CASS	1	0	1	0	0	0	0	0	1	0	0	0	0	1	0	1		
CHARLEVOIX	2	0	0	2	0	0	0	0	1	1	0	0	0	0	0	2		
CHEBOYGAN/PRESQUE ISLE	6	0	1	3	2	0	0	0	4	6	1	0	1	0	0	1		
CHIPPEWA	4	1	0	4	0	0	0	0	4	2	2	0	0	1	0	4		
CLARE	1	0	0	1	0	0	0	0	0	1	0	0	0	1	0	0		
CLINTON	1	0	0	1	0	0	0	0	1	1	0	0	1	0	0	1		
DELTA	3	0	0	2	0	1	0	1	3	1	2	1	1	1	0	2		
DICKINSON	5	0	0	5	0	0	1	0	0	0	0	0	0	5	0	5		
EATON	*FTR																	
EMMET	11	0	0	2	9	0	5	8	3	7	0	0	0	1	0	11		
GENESEE	29	17	1	28	2	0	0	6	19	16	9	4	0	29	0	29		
GLADWIN	1	0	0	0	1	0	0	0	2	0	0	0	0	0	0	1		
GOGEBIC	*FTR																	
GRATIOT	7	1	0	7	0	0	0	2	0	0	0	0	0	7	0	7		
HILLSDALE	1	0	0	1	0	0	0	0	1	0	0	0	0	0	0	1		
HOUGHTON/ BARAGA/ KEWEENAW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
HURON	2	2	0	2	0	0	0	0	1	1	0	0	0	0	0	2		
INGHAM	20	0	3	11	5	1	0	0	8	11	3	0	0	0	2	18		

County	2008 Total Filed	Response over 30 days					Number Pending 12/31	Multiple Grievances		Grievance Type Category						Grievance Results		
			A/F	A/P	D	NG		Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
IONIA	3	1	0	0	3	0	0	1	1	1	0	0	2	1	0	0	2	0
IRON	1	0	0	0	1	1	0	0	0	0	0	0	0	0	1	0	0	1
ISABELLA	3	3	0	1	0	0	0	0	0	3	3	0	0	0	0	0	1	2
JACKSON	10	1	2	0	8	0	0	0	0	5	3	4	0	0	0	2	0	8
KALAMAZOO	15	1	1	1	13	0	0	0	0	5	8	0	1	0	7	1	1	13
KENT	47	8	2	15	24	6	0	2	2	23	18	4	0	4	14	4	0	43
LAKE	*FTR																	
LAPEER	17	0	0	0	16	1	0	2	0	9	10	4	0	0	5	0	0	17
LENAWEE	15	3	0	4	6	8	0	1	2	14	9	3	0	5	1	0	3	12
LIVINGSTON	4	0	0	0	4	0	0	0	0	4	3	2	1	0	4	0	0	4
LUCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MACKINAC	*FTR																	
MACOMB	41	7	0	1	38	2	0	0	0	25	19	2	0	1	6	0	0	41
MANISTEE	5	0	0	3	2	0	0	0	0	4	5	0	0	0	1	1	2	2
MARQUETTE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MASON	*FTR																	
MECOSTA	3	0	0	1	2	0	0	0	0	0	2	0	1	0	0	0	0	3
MENOMINEE	3	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
MIDLAND	3	0	0	0	3	0	0	0	0	3	3	1	0	0	0	0	0	3
MONROE	9	0	1	1	3	4	0	0	0	9	5	0	0	0	2	1	0	8
MONTCALM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MUSKEGON	6	0	0	2	4	1	0	0	2	4	4	0	0	0	0	0	0	6
NEWAYGO	4	0	0	0	4	0	0	0	0	0	1	0	1	0	2	0	4	0
OAKLAND	81	0	4	2	71	4	0	8	6	51	49	8	5	4	0	1	3	77
OCEANA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ONTONAGON	1	0	0	0	1	0	0	0	0	1	0	1	0	0	0	0	0	0
OSCEOLA	4	0	0	0	4	1	0	0	0	4	4	1	0	0	0	0	0	4
OTSEGO/ CRAWFORD/ KALKASKA	3	1	0	1	1	2	0	0	0	3	2	0	1	0	1	0	0	3
OTTAWA	14	2	1	4	9	2	0	0	0	15	2	2	0	0	0	1	5	9
ROSCOMMON/OGEMAW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SAGINAW	14	0	0	0	10	4	0	0	0	7	13	0	1	0	0	0	0	14
ST. CLAIR	9	4	1	0	8	0	0	0	1	10	8	4	0	0	0	0	1	8

County	2008 Total Filed	Grievance Responses					Number Pending 12/31	Multiple Grievances		Grievance Type Category						Grievance Results		
		Response over 30 days	A/F	A/P	D	NG		Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
ST. JOSEPH	2	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	2
SANILAC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SCHOOLCRAFT	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0
SHIAWASSEE	3	0	0	0	1	1	0	0	0	1	0	0	0	0	0	1	0	0
TUSCOLA	1					1										1		1
VANBUREN	6	2	2	1	3	1	0	0	0	2	4	0	0	0	4	2	0	4
WASHTENAW	19	0	1	2	16	0	0	0	3	9	11	7	0	0	2	1	1	17
WAYNE	116	0	16	16	69	12	1	3	6	26	73	1	0	0	16	0	0	0
WEXFORD/MISSAUKEE	2	0	0	1	1	0	0	0	0	2	0	0	0	0	0	1	0	1
<b>TOTAL</b>	623	56	37	70	442	77	4	26	44	310	354	67	23	26	125	17	33	440

\* FTR stands for failed to report.

**State Court Administrative Office (SCAO)  
Friend of the Court Bureau (FOCB)  
2008 Citizen Advisory Committee Report to the Legislature**

This report summarizes the current status of the friend of the court citizens advisory committees (CAC). A brief history of the citizens advisory committees can be found in the State Court Administrative Office's 2004 Annual Grievance Report to the Legislature, available at:  
<http://courts.michigan.gov/scao/resources/publications/reports/focb/grievrpt2004.pdf>.

In January 2009, SCAO/FOCB mailed 2008 annual reporting forms to each county that has ever formed a CAC. This year's responses reflect the trend of recent years; i.e., almost all counties either have never formed a committee or have allowed their committee to become inactive. The following list shows the current status of CACs in Michigan. The data came from written reports, correspondence, and other contacts with the counties.

**Kent County CAC**

The Kent County CAC met six times and submitted its meeting minutes after each CAC meeting. A subcommittee was formed to review grievances. Four grievances were filed directly with the committee. Those four grievances raised four child support issues and two issues considered "other." The CAC partially agreed with the grievances three times and denied one grievance. The CAC recommended a change in local polices or operations four times.

In addition to reviewing grievances filed directly with the committee, the CAC also received and reviewed one out of every three grievances filed initially with the Kent County Friend of the Court. In total, 16 grievances were forwarded by the friend of the court. Those 16 grievances contained 11 child support issues, 2 parenting time issues, and 6 issues considered "other." The CAC agreed with the friend of the court's responses ten times, partially agreed with five grievances, and completely disagreed one time.

This CAC did not list any other services it provided and did not list any problems that impeded the committee's efficiency.

**Macomb County CAC**

The Macomb County CAC met once in 2008. The meeting minutes were submitted with the CAC's annual report to the county commissioners. One grievance was filed directly with the committee. That grievance raised a parenting time issue. The CAC disagreed with the grievance.

In addition, the committee reviewed 21 grievances that were filed initially with the friend of the court office. Eleven of those grievances alleged that a decision had been made based on gender rather than the best interest of the child. Those 11 grievances

contained 5 child support issues, 4 parenting time issues, 2 issues considered “other,” and 1 custody issue. The other ten grievances reviewed were randomly selected for CAC review. They raised eight child support issues and two parenting time issues. The CAC agreed with the friend of the court’s response to all 21 of the referred grievances.

The Macomb County CAC listed the following problems that impeded the committee’s services:

- The public’s lack of knowledge of the CAC’s existence.
- Lack of knowledge of scope of CAC review.
- The CAC’s inability to effect change.

This CAC submitted a written statement along with its report. The statement reported that many litigants attempted to use the CAC grievance procedure (improperly) to appeal a referee’s recommended order or judge’s order. The statement also said that grievances filed with the CAC often requested a transfer of a domestic relations case to a different friend of the court employee or referee. Many of the grievances reviewed by the CAC alleged gender bias, but the committee did not find that. Also the CAC noted that there were fewer complaints this year regarding the Michigan Disbursement Unit. The CAC recommended more public education for those who have friend of the court cases.

### **Oakland County CAC**

The Oakland County CAC met 11 times in 2008. Meeting minutes were submitted to the county board of commissioners after each CAC meeting. In 2008, 77 members of the public attended CAC meetings. The CAC formed six subcommittees: administrative, liaison, governance, grievance, media, and a high-conflict case programs.<sup>1</sup>

The Oakland County CAC is developing its own website. CAC members provided approximately 500 hours of volunteer service to the CAC in 2008.

This CAC had three grievances directly filed with the committee. Those three grievances raised one parenting time issue, one custody issue, and two gender bias issue. As of the date when the CAC submitted its annual report, two of the CAC responses to directly filed grievances were still pending. On the third grievance, the CAC agreed with the grievant.

The CAC also reviewed 19 grievances that were filed initially with the friend of the court office. Those 19 grievances raised 8 child support issues, 4 parenting time issues, 1 custody issue, and 6 issues considered “other.” The CAC fully agreed with the friend of the court 15 times, disagreed with the friend of the court 1 time, and 4 grievances were pending review by the CAC at the time the report was submitted.

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<sup>1</sup> This committee was formed at the request of the presiding family division judge. The committee was charged with developing programs for high-conflict divorce cases.

## **Oceana County CAC**

The Oceana County CAC met once in 2008. Meeting minutes were submitted to the county board of commissioners after the CAC meeting. CAC members also appeared at a county board meeting. The CAC did not have any grievances filed directly with the committee, nor did the committee review any grievances filed initially with the friend of the court. Informational brochures were given to committee members to distribute.

## **Summary**

On January 22, 2009, the SCAO sent the annual CAC reporting forms and an explanatory cover memo to all counties that have ever formed CACs. The memo requested that the county report on its CAC activities.

Based on the reports submitted to SCAO, only two CACs (Kent and Oakland) are actively meeting (six or more times per year). The Kent County CAC met 6 times and the Oakland County CAC met 11 times in 2008. Macomb and Oceana Counties' CACs each met once in 2008.

The Kent, Macomb, and Oakland Counties' CACs had grievances filed directly with them. Kent County had 4 grievances, Macomb County had 1 grievance, and Oakland County had 3 grievances filed directly with the committee. Of grievances initially filed with county friends of the court, the Kent County CAC randomly selected 16 grievances to review, the Macomb CAC randomly selected 10, and the Oakland CAC randomly selected 19.

The Macomb CAC reviewed 19 grievances that alleged gender-based decision making, and the Oakland CAC had 2.

In comparison to 2007:

- The same number of CACs reported in 2008 (four CACs).
- Four more grievances were filed directly with the CACs in 2008 (eight versus four in 2007).
- More grievances filed with the friend of the court were later randomly selected for review by CACs (45 versus 33 in 2007).

The State Court Administrative Office will continue to provide assistance to FOCs regarding CAC duties and responsibilities.