

Friend of the Court
Annual Grievance
Report to the Legislature
Calendar Year 2009

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

July 2010

EXECUTIVE SUMMARY

This is the Friend of the Court Bureau's 26th Annual Grievance Report to the Michigan Legislature.

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.

Section 19 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 provide a summary of the types of grievances each office receives, and whether the grievances are resolved or outstanding.

During the 2009 calendar year, 579 grievances were filed with county FOC offices, 44 fewer than in 2008.

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. During the past year, 26 grievances were acknowledged in full, 66 were acknowledged in part, 429 were denied, 67 were deemed nongrievable, and 1 remained pending as of December 31, 2009. [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 579 grievances that were filed with county FOC offices raised a total of 874 discrete and grievable issues. Of those issues, 59 percent (517) were complaints about some aspect of FOC office operations, while 41 percent (357) were criticisms of an individual FOC employee's performance.

In the "office operations" category, 56 percent (291) raised a child support issue, 14 percent (72) focused on parenting time, 4 percent (19) involved custody, and another 4 percent (21) alleged gender bias. The remaining 22 percent (114) 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 12 instances and took personnel actions in 25.

The attachments that follow provide more detailed grievance data and 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 three 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)

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 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.

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 Operations – grievance resulted in change in office operations.

Pers Action: Grievance resulted in personnel or employee action.

No Action: 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	Grievance Responses						Number Pending 12/31	Multiple Grievances		Grievance Issue Category						Grievance Results		
	2009 Total Filed	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
ALCONA/ ARENAC/ IOSCO/ OSCODA	8	0	0	0	7	1	0	1	0	3	3	2	0	0	3	0	0	8
ALGER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALLEGAN	10	0	0	0	9	1	0	0	0	8	7	4	0	0	1	0	0	10
ALPENA/ MONTMORENCY	2	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	2	2
ANTRIM/ GRAND TRAVERSE/ LEELANAU	5	0	0	0	5	1	0	1	0	4	0	0	0	0	1	0	0	5
BARRY	2	0	1	0	0	1	0	0	0	2	2	0	0	0	1	1	1	1
BAY	8	4	1	3	2	2	0	0	0	6	6	1	1	0	0	2	0	6
BENZIE	2	0	0	0	2	0	0	0	0	2	1	2	0	0	0	0	0	2
BERRIEN	4	2	0	2	2	0	0	0	0	4	1	3	1	0	0	0	0	4
BRANCH	2	0	0	0	1	1	0	0	0	0	2	0	0	0	0	0	0	2
CALHOUN	21	1	0	0	19	2	0	1	0	12	16	2	0	0	0	0	0	21
CASS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CHARLEVOIX	6	0	0	2	4	0	0	0	0	2	4	0	0	0	2	0	0	6
CHEBOYGAN/PRESQUE ISLE	3	0	0	0	3	0	0	0	0	3	0	2	0	0	0	0	0	3
CHIPPEWA	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1
CLARE	1	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1
CLINTON	4	1	0	1	3	0	0	1	0	3	1	1	0	0	0	0	0	4
DELTA	1	0	0	1	0	0	0	0	0	1	1	1	0	0	0	1	0	1
DICKINSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EATON	4	1	0	1	3	0	0	0	0	5	3	1	3	2	0	1	0	3
EMMET	3	0	0	0	2	1	0	0	2	1	3	0	0	0	0	0	0	3
GENESEE	30	11	1	3	24	0	0	0	5	23	16	8	3	0	30	0	1	27
GLADWIN	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
GRATIOT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HILLSDALE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HOUGHTON/ BARAGA/ KEWEENAW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HURON	1	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0
INGHAM	19	0	2	4	12	1	0	0	0	16	5	0	0	1	10	1	5	14

County	2009 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.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action	
IONIA	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
IRON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ISABELLA	2	0	0	0	0	2	0	0	1	4	1	1	0	2	2	0	0	2	
JACKSON	11	0	0	0	11	0	0	0	0	6	1	0	0	3	2	0	0	11	
KALAMAZOO	22	3	0	2	16	4	0	2	3	15	7	1	0	0	11	0	2	20	
KENT	43	11	3	6	33	0	1	1	0	25	17	2	3	0	10	4	0	38	
LAKE	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	
LAPEER	8	0	0	0	6	5	0	0	0	4	6	1	0	0	0	0	0	8	
LENAWEE	11	1	0	5	7	5	0	0	0	13	5	1	0	0	3	1	0	10	
LIVINGSTON	7	0	0	0	5	2	0	0	1	6	5	2	1	0	0	0	0	7	
LUCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MACKINAC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MACOMB	26	2	0	0	25	1	0	1	0	14	9	0	0	2	8	0	0	26	
MANISTEE	3	0	0	1	2	0	0	0	0	2	1	0	0	0	2	0	1	2	
MARQUETTE	2	0	0	0	2	0	0	0	0	1	0	1	0	0	0	0	0	2	
MASON	2	2	0	1	1	0	0	0	0	1	1	0	0	0	0	0	1	1	
MECOSTA	2	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	2	
MENOMINEE	1	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	
MIDLAND	1	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0	0	1	
MONROE	5	0	0	2	3	0	0	0	0	5	1	0	0	0	4	0	3	2	
MONTCALM	3	0	0	0	1	3	0	1	0	4	0	0	0	0	0	0	0	0	
MUSKEGON	13	3	0	0	12	3	0	0	2	10	7	3	0	0	0	0	0	15	
NEWAYGO	3	0	0	0	3	0	0	0	0	2	1	0	0	0	0	0	0	3	
OAKLAND	97	0	1	8	80	7	0	9	16	69	47	12	2	5	4	0	4	92	
OCEANA	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	
OSCEOLA	2	0	0	0	2	0	0	0	0	1	1	1	0	0	0	0	0	2	
OTSEGO/ CRAWFORD/ KALKASKA	2	0	0	1	0	1	0	0	0	1	2	0	0	0	0	0	0	2	
OTTAWA	14	1	0	0	14	3	0	0	0	17	8	5	0	0	0	1	2	12	
ROSCOMMON/OGEMAW	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SAGINAW	16	0	0	1	15	0	0	4	0	12	14	0	2	0	0	0	1	15	
ST. CLAIR	8	0	0	0	4	6	0	0	2	9	5	3	2	3	1	0	0	8	

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ST. JOSEPH	1	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	1
SANILAC	3	0	0	0	3	0	0	2	0	0	3	0	0	0	0	0	0	0	3
SCHOOLCRAFT	2	0	0	0	2	0	0	0	0	2	0	0	0	1	1	0	0	0	2
SHIAWASSEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TUSCOLA	4	0	0	0	4	0	0	0	0	1	4	0	0	1	0	0	0	0	4
VANBUREN	2	1	1	0	1	0	0	0	0	2	0	0	0	0	1	0	1	1	1
WASHTENAW	16	4	1	3	12	0	0	0	0	7	7	5	0	0	1	0	1	15	
WAYNE	107	4	15	19	56	13	0	11	1	23	61	6	1	0	15	0	0	0	
WEXFORD/MISSAUKEE	1	0	0	0	1	0	0	0	0	1	0	0	0	1	0	0	0	1	
TOTAL	579	53	26	66	429	67	1	35	33	357	291	72	19	21	114	12	25	435	

2009 Friend of the Court Citizen Advisory Committee Supplement

State Court Administrative Office (SCAO) Friend of the Court Bureau (FOCB) 2009 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 Citizen 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 2010, the SCAO/FOCB contacted all the Friend of the Court directors and asked if there was an active CAC in their counties. Based on the responses from the directors, those counties with active CACs were mailed the annual CAC reporting forms and an explanatory cover memo.

Kent, Macomb, and Oakland counties returned the reporting forms.

Kent County CAC

The Kent County CAC met 6 times and submitted its meeting minutes after each CAC meeting. A subcommittee was formed to review grievances. The subcommittee reviewed grievances bi-monthly. Two grievances were filed directly with the committee. Those 2 grievances raised child support issues. The CAC partially agreed with 1 of the grievances, and agreed fully with the other grievance. As a result of the grievances filed directly with the CAC, the committee recommended 1 change in local polices or operations.

In addition to reviewing grievances filed directly with the committee, the CAC also received and reviewed 1 out of every 3 grievances (14) filed initially with the Kent County Friend of the Court. Those 14 grievances contained 9 child support issues, 6 parenting time issues, 3 custody issues, and 3 issues considered "other." The CAC agreed with the Friend of the Court's responses 10 times, partially disagreed with 3 responses, and completely disagreed with the Friend of the Court once.

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

Oakland County CAC

The Oakland County CAC met 11 times in 2009. Two of the CAC meetings were held at night to better accommodate the public. Meeting minutes were submitted to the county board of commissioners after each CAC meeting. The committee also submitted 2 written reports to the board of commissioners, appeared at 6 county board meetings, had 2 meetings with the court, and conducted 2 informal hearings.

2009 Friend of the Court Citizen Advisory Committee Supplement

The CAC implemented 5 subcommittees:

- Administrative Subcommittee provided clerical duties.
- Liaison Subcommittee met with the board of commissioners.
- Governance Subcommittee is developing a policy manual.
- Grievance Subcommittee reviews grievances.
- Friend of the Court Investigative Subcommittee reviews the Oakland County FOC's practices

In 2009 the Oakland County CAC members developed a website and provided over 550 hours of volunteer service to the CAC.

The CAC reviewed 34 grievances that were filed initially with the Friend of the Court office. Those 34 grievances raised 8 gender based issues 18 child support issues, 4 parenting time issues, 2 custody issues, and 31 issues considered "other." The CAC fully agreed with the Friend of the Court 19 times, and partially agreed with the grievant 15 times.

Macomb County CAC

The Macomb County CAC did not meet in 2009.

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

- Unable to have a quorum to hold a meeting.
- Too few grievances filed to justify multiple meetings.
- Grievance issues had apparently all been resolved by the time of scheduled meetings.
- Time delay between grievances and meetings makes meetings useless.
- Inability to force a resolution because the CAC is not an appellate body making binding rulings.
- Issues are beyond ability of CAC to review (personnel, State Disbursement Unit issues).

Summary

In February 2010, the SCAO sent the annual CAC reporting forms and an explanatory cover memo to the 3 counties with active CACs. The memo requested that each county report on its CAC activities.

Kent, Macomb, and Oakland counties responded to the SCAO's request. Based on the SCAO's contact with counties, it would appear that there now are only 3 active CACs.

The SCAO will continue to provide assistance to FOCs regarding CAC duties and responsibilities.