



STATE OF MICHIGAN

DEPARTMENT OF HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

MAURA D. CORRIGAN
DIRECTOR

May 9, 2014

Mr. Larry S. Royster
Clerk of the Court
Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

RE: ADM File No. 2010-32 – Proposed Amendment of MCR 3.210

Dear Mr. Royster,

The 2013-2017 Strategic Plan for the Michigan Child Support Program focuses on engaging parents to improve children's lives. We have established, in association with our Title IV-D program partners at SCAO's Friend of the Court Bureau, local Friends of the Court, and Prosecuting Attorneys (PAs), the following goals:

- Process cases in a way that provides effective, efficient and holistic child support services;
- Improve collections, especially on cases with inconsistent payment histories;
- Deliver services to the public in an engaging, effective and accessible manner;
- Promote healthy family relationships through parental engagement;
- Foster a culture of excellence in which Michigan child support professionals work as a team;
- Secure stable and sufficient funds to provide excellent services to Michigan's families; and
- Use innovative technology to enhance customer service and improve business practices.

The Department of Human Services Office of Child Support's (OCS's) review of the proposed amendments of MCR 3.210 leads us to believe that the workgroup of family law practitioners and judges who created this proposal share our goal of engaging parents. Our concern is that the proposed amendments may result in the engagement of parents at the expense of efficient service; we must find a balance.

OCS contracts with PA offices to litigate paternity and child support cases under Title IV-D of the federal Social Security Act. These matters are filed under the Family Support Act, MCL552.451 et seq, the Uniform Interstate Family Support Act, MCL 552.1101 et seq, the Status and Emancipation of Minors Act, MCL 722.1 et seq, and the Paternity Act, MCL 722.711 et seq. These cases constitute a significant percentage of the domestic relations docket in most counties.

A number of paternity and child support cases are resolved by entry of a default judgment or consent judgment. In many cases, the PAs submit proposed judgments to the court for entry **without** a hearing. The proposed amendments would require all of these cases be scheduled for a formal hearing before a default judgment or consent judgment may be entered. This requirement could place a large burden upon the child support system and we believe on courts, when it is possible to determine the amount of child support without a hearing.

Recently, we met with friends of the court representatives, office of child support representatives, and PA representatives to discuss how best to balance the need for efficiency with the need for fact finding to enter appropriate orders. Prosecutors now have access to income and employer data, address information, workers compensation information and social security benefits from parties to a case. With this information, they are able to calculate child support and send out a proposed recommendation. As a result of our meeting, the PAs agreed that a modified version of the proposed court rule would allow them to send out a recommendation when they had income information and schedule a hearing when one of the parties requested a hearing or when there was insufficient information to propose a support amount. The suggested modification is attached.

In this way, families anxiously awaiting support order determinations can be served as quickly as possible. Thank you for your consideration.

Sincerely,

Erin P. Frisch
Director, Office of Child Support
Michigan Department of Human
Services

Attachment