THE PUNDIT

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The Times - They Are a Changing - Part I

Adapting Mechanisms to Establish Paternity

BY TONY MCDOWELL, JUDICIAL ADVISORY ASSISTANT TO HON. DUNCAN M. BEAGLE
7TH CIRCUIT FAMILY COURT

A young man is leaning on the podium in a family court in Michigan. He is able to answer the court's questions, but is obviously trying to fight back tears. Behind the young man is his mother, being supportive as possible, and holding a newborn baby in her arms.

The young man never married the child's mother, but he did sign an affidavit of parentage that made him the child's legal father, for now. He and the child's mother parted ways. Their parting words were something to the effect that he was not the child's father. DNA testing confirmed this.

The mother of the child cannot be found; she has a neglect case and a substance abuse problem. This young man cannot help the court find the mother because their relationship was brief. With the DNA test results in his hand, the young man would like the court to set aside the affidavit of parentage; he no longer wishes to care for the infant who is not his biological child.

Upon approval from the court, the young man's mother brings the child to the podium and the Department of Human Services foster care caseworker takes the child from her for placement.

Weeks later, when the birth mother finally appeared for court, she provided the name of another potential father, but she did not know where to find him. At the present date, no new father has been found and the child remains in foster care.

The young man who signed the affidavit of parentage has attempted to file a motion to set aside the affidavit. However, there is no open case to file the motion in, because the state of Michigan has not yet started a support case. He is unable to file the motion without a case, and he cannot afford to hire an attorney. At present, the young man, who has no biological connection to the child, remains the legal father.

This is not the story of one case in family court, but it is the story of many cases in family court.

Family dynamics in Michigan are changing. In 2011, 43 percent of the births in the state were to unwed parents. In our county, Genesee County, almost 55 percent of the births are to unwed parents. In Flint, our county seat, the percentage of births to unwed parents has risen to nearly 78 percent. Each of these percentages represents a 10 percent increase over the past decade.

Although more and more children in our state and community are born to unwed parents, we have not efficiently adapted our legal system to account for the changing family dynamics. It is not that our state does not have the mechanisms to establish paternity of these children; it is that the mechanisms to establish paternity are not working.

A current option used to establish paternity is for the parents to sign an affidavit of parentage. An affidavit can be signed by the parties at any time, but is frequently signed at the hospital soon after the birth of the child. In 2011, only 64 percent of the children born to unwed parents in Michigan had a legally established father at birth. In Genesee County, our largest birthing hospital is Hurley Medical Center, where paternity is established in only 47 percent of the births. Although these numbers are poor, the reality behind these numbers is likely much worse. As the story of the young man above illustrates, the parents signing the affidavit are often not certain of the parentage of the child. In fact, unofficial reports in our county estimate that when an alleged or acknowledged

(*continued on page 2*)

INSIDE THIS ISSUE

Adapting Mechanisms to Establish Paternity 2

Contributing to the Support of Children-Exposing Invisible Common Ground Between State and Tribal Courts 3

New Strategies to Reduce and Discharge State Owed Arrearages 4-5

Haskel Heroism 6-7

Smart Phone Apps Developed for States 8

Legal Corner 9-10

(*continued from page 1*)

Adapting Mechanisms to Establish Paternity

father requests genetic testing, the results of the testing conclude that he is not the father one-third of the time.

This means that in Michigan, we are establishing the true biological paternity of children by affidavit approximately two-thirds of the time, and that one-third of fathers who sign an affidavit are not actually the biological fathers of those children and may eventually return to court to revoke paternity.

There is another way to establish paternity under the Paternity Act that is used when an action is brought by the prosecutor after an unwed mother requests state assistance. This process, while it allows for genetic testing, also has complications. To receive assistance, the mother must name a man as the father. The prosecutor's office must then serve the man with a summons and complaint to eventually establish an order for paternity and support.

This procedure can take years. If the mother names a man who, by genetic testing, is found not to be the father, the case must start again from the beginning, assuming the mother is able to name another man. Even if an order is entered, problems continue as the order often preserves the issue of parenting time or simply states, "as the parties agree." Most parties do not have an ongoing relationship and are unable to agree on the weather outside, let alone parenting time.

Ultimately, while there are two types of events that may result in establishment of paternity (for example, the signing of an affidavit of parentage at "birth" or when an unwed mother requests state assistance, at which time the mother must name the father), the results of paternity testing in both events do not necessarily provide our community, children, or courts with much certainty. Problems that arise from having children with no established father are manifold. They range from societal, with single-parent homes and no financial support, to personal, with no parenting time for unwed fathers. These issues are apparent in family court every day. In domestic cases involving unwed parents, the parties often relate to each other like strangers, which make resolving disputes nearly impossible. In neglect cases where there is no established father, there is no paternal family available for placement.

While it may seem that the paternity system is broken, it is not broken beyond repair. We live in a state where people are constantly looking for solutions to adapt to the changing times. Fortunately, I have had the great pleasure to work with administrators, friends of the court, judges, and prosecutors as they attempt to find ways to improve the paternity system in our state and community. In part two of this article, I will discuss new mechanisms that are being discussed to provide certainty, expediency, and permanency to the Michigan paternity system.

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.

THE PUNDIT

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Contributing to the Support of Children

Exposing Invisible Common Ground Between State and Tribal Courts

The Tribal Court of the Pokagon Band of Potawatomi Indians (the Pokagon Band) is one of 12 federally-recognized tribes in Michigan.[1] It takes its name from Chief Leopold Pokagon, an influential leader of the early 19th century whose political savvy is credited with arranging for the Potawatomi of southwestern Michigan to remain on their land when other Potawatomi were removed from the area. The Pokagon Band homeland is recognized as the counties of Berrien, Cass, Van Buren, and Allegan in Michigan, and La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko in northern Indiana.

As a sovereign Indian nation, the Pokagon Band exercises jurisdiction over its citizens and its tribal lands. Among other sovereign acts, the Pokagon Band maintains both an independent tribal court of justice and a police department. As a federally-recognized tribe, and in accord with a 2008 compact with the state of Michigan, the Pokagon Band has been able to develop and open three casinos in Michigan. The Pokagon Band opened its first Four Winds Casino Resort in 2007 on the Pokagon Reservation in New Buffalo Township, the second in Hartford in 2011, and the third this year in Dowagiac.

Tribes are sovereign entities, and as such are not subject to the jurisdiction of Michigan courts. Pursuant to the "full faith and credit" mandate of federal law, each tribe has a procedure for recognizing and enforcing a Michigan court support order. The Pokagon Band decided that it was important for others to be aware of its sovereign political status. Until federal reaffirmation, it had virtually been invisible and ignored by state government. Thus, the Pokagon Band took the position that foreign court child support orders would be required to go through its court rather than simply being enforced by administrative process because other courts do not have authority to order the Band or its officials to do anything. Only the courts of the Pokagon Band have that authority. Thus, Pokagon Band's Administrative Order 06-002-TC stipulates that support orders issued by a state's court or a federally-recognized tribe (i.e., an order from a foreign court) will be immediately recognized and enforced by the Pokagon Band Tribal Court. Once an order from a foreign court is submitted to the tribal court, it generates its own "Order to Withhold Income for Child Support," indicating the terms of the foreign court's support order, the legal basis for the tribal court's recognition of a valid child support order, and the one-time processing fee associated with recognition of the order. The foreign court's order is then attached to the tribal court's order, and served by first-class mail on the parties to the action and the necessary employer. Objections to the recognition and enforcement of the foreign court's order may be made within 21 days if at least one of two criteria is met: (1) if the rendering court lacked jurisdiction, or (2) if the income withholding order was obtained without fair notice or a fair hearing. If objections under either of these criteria are raised, the court schedules a hearing. Otherwise, the order takes effect immediately.

In addition to orders to withhold income for child support, the tribal court issues various orders required to recognize and enforce child support. These include orders to withhold income for health care coverage, for child support *and* health care coverage, orders compelling disclosure of income and health insurance information, and notice of employment status disclosure and employer's disclosure of income and health insurance information. The Tribal Court also issues orders amending or terminating income withholding as necessary.

The contribution of the tribal court to the well-being of children in Michigan – and elsewhere – speaks for itself. According to the latest figures, the Pokagon Band has recognized and enforced over 387 child support orders from 22 counties across Michigan (August 1, 2007 – June 2013). As of June 5, 2013, the Pokagon Band has withheld over $1,140,000 for child support in Michigan; nationwide, that amount increases to over $2,500,000 withheld for cases from 15 states.

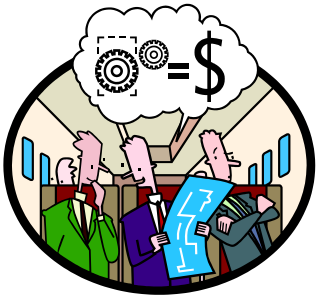
The tribe is one of the region's top employers. Because of its sheer size, a substantial majority of its employees are non-Indian. One would think that it's fair to extrapolate the numbers across the child support case activity spectrum to the number of cases that involve non-Indian parents and non-Indian children. The reality exposed is that the Pokagon Band Tribal Court spends significant resources and work time enforcing state court child support orders.

Michigan Supreme Court Justice Michael Cavanagh, the Court's liaison to Michigan's Tribal Courts, had this to say about the tribe's contribution:

"As this example of the Pokagon Band Tribal Court's role enforcing child support orders illustrates, Michigan courts are fortunate to partner with our tribal courts. This is one example of the significant, yet relatively unknown, collaborations occurring throughout the state. This type of partnership demonstrates that the care and support of children is a common issue that transcends jurisdictional boundaries. I anticipate our tribal-state court relations will continue to grow and strengthen as we build upon existing relationships, create new ones, and reestablish our tribal-state judicial forum."

[1]The February 2012 edition of *The Pundit* includes an article briefly describing how state child-support orders are enforced by the various Indian tribes of Michigan ("Enforcing State Child-Support Orders in Tribal Courts"). Although the focus of this article is on the work of the Pokagon Band, it is important to note that the Band's efforts are merely illustrative of the efforts all the tribes exert when it comes to contributing to the support of children.

New Strategies to Reduce and Discharge State-Owed Arrearages



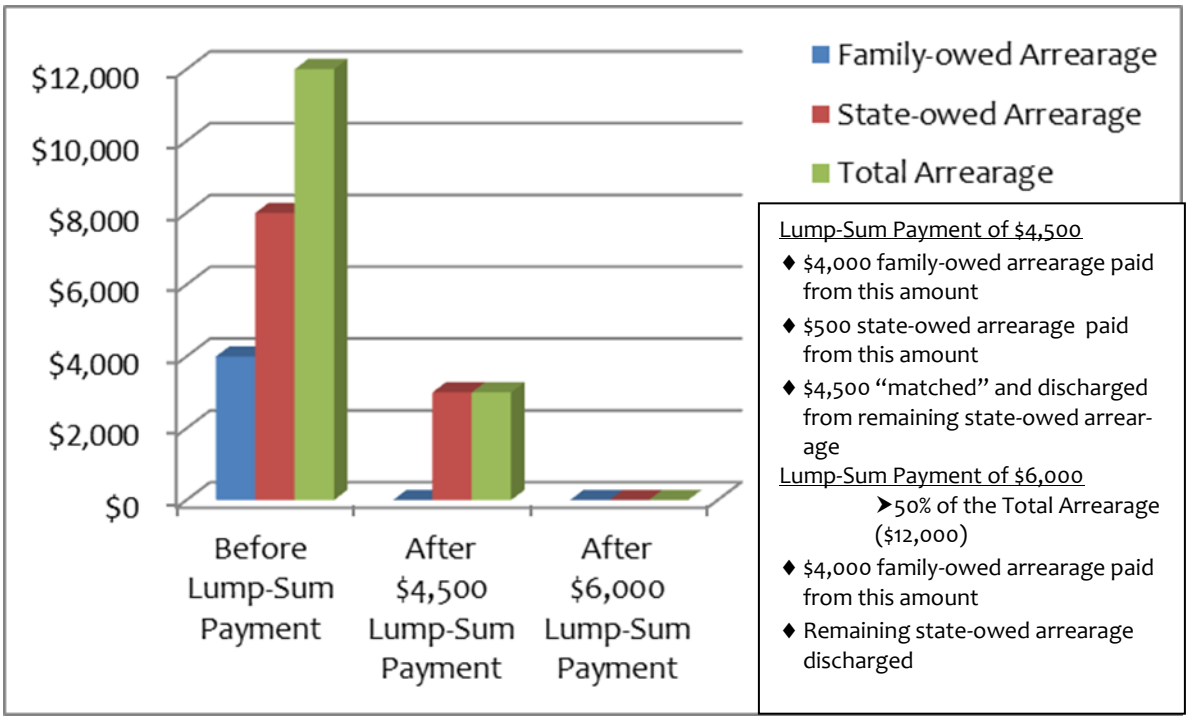
On October 26, 2012, the Department of Human Services (DHS) published new guidelines in its Michigan IV-D Child Support Manual regarding arrearage management strategies.[1] These guidelines were drafted in consideration of the large amount of state-owed arrearages that have accumulated through Michigan's child support program, many of which are deemed to be uncollectible from the noncustodial parent (NCP). Implementation of these strategies would reduce the number of cases seeking enforcement of uncollectible arrearages and would allow Friend of the Court (FOC) offices to more productively apply resources to other cases.

Arrearage Management Strategies

Arrearage management strategies provide an administrative method for discharging state-owed arrears. The guidelines provide three new options for the reduction or discharge of state-owed arrearages, including permanently assigned arrearages (PAA) and foster care (Titles IV-E and IV-F) arrearages.

1. Arrearage Reduction/Discharge Under Circumstances of Extreme Difficulty (Arrearages REDUCED). If an NCP can demonstrate a circumstance of extreme difficulty, state-owed arrearages may be discharged either in full or partially, depending on the specific circumstances.

2. Lump-Sum Payment.[2] If an NCP is unable to pay the entire arrearage on all IV-D cases (both family-and state-owed) but can pay a lump-sum amount at one time, state-owed arrearages may be discharged either in full or partially. When an NCP makes a payment equal to 50 percent of the total arrearage on all IV-D cases, all state-owed arrearages will be discharged. When an NCP makes a payment in an amount less than 50 percent of the total arrearage on all IV-D cases, every dollar of that payment will be "matched" by a reduction in the state-owed arrearage amount.



[1] http://www.mfia.state.mi.us/childsupport/policy/manual/6.0/6.51.pdf

[2] http://mi-support.cses.state.mi.us/policy/resources/6.51E2.pdf for lump-sum payment examples.

New Strategies to Reduce and Discharge State-Owned Arrearages (*continued from previous page*)

These strategies are appropriate when traditional enforcement remedies such as income withholding or income tax offsets are ineffective. They are meant to benefit the NCP who has remained engaged with the IV-D program or with his or her child (ren), and to allow the FOC to use its resources for enforcement in other cases that are not considered uncollectible. Thus, to qualify for the new arrearages management strategies, the NCP must demonstrate: (1) an inability to pay, and (2) either engagement with the child(ren) or the IV-D program.

3. **Compromise Arrearages in Return for On-Time Support (CAROTS)**. This option is currently available as a pilot program that has been implemented in several counties. After an evaluation of the pilot, CAROTS may be introduced statewide through another update of the Child Support Policy Manual. The FOC offices that elected to participate in CAROTS may discharge the NCP's state-owed arrearage to provide incentive for the payment of a current support obligation.

Process for Determining NCP Eligibility

When it appears that an NCP may be eligible to use an arrearage management strategy, the FOC may choose to contact the NCP; Office of Child Support Central Operations staff may refer the NCP to the FOC Arrearage Management Coordinator; or DHS may advise the NCP to contact the FOC. The first step for the NCP is to complete the Request to Discharge State-Owed Debt (DHS-681) and return it to the FOC office. From there, FOC staff may use the Arrearage Discharge Worksheet provided by the State Court Administrative Office to determine the NCP's eligibility.

Ingham County FOC's Arrearages Forgiveness Program

Ingham County's FOC is one of the first FOC offices to work with the new arrearages management strategies and has had an enthusiastic response to its Arrearages Forgiveness Program. Since implementing the new policy, Ingham County's FOC has processed 341 Requests to Discharge State-Owed Debt, 40 cases have been closed, and over $3 million in state-owed arrearages have been waived. Shauna Dunnings, the Ingham County Friend of the Court Director, reports that the program does more than just reduce arrearages, in that it "gives the enforcement workers an opportunity to feel good about what they are doing for the people [they] serve." Additionally, the program gives FOC employees "an opportunity to provide a fresh start to many payers [and] establish goodwill." By adopting the new guidelines, both the employees and their clients are provided a sense of satisfaction with the work done by their FOC office.

Shauna Dunnings, the Ingham County Friend of the Court Director, reports that the program does more than just reduce arrearages, in that it "gives the enforcement workers an opportunity to feel good about what they are doing for the people [they] serve."

Helping NCPs and Helping FOCs

The goals achieved by enacting these strategies are elimination of uncollectible arrearages, making families more self-sufficient, and increasing arrearage payment collections. Julie Vandenboom, OCS Policy Analyst and author of the arrearage management policy, has noticed that the FOC offices that have implemented these strategies are seeing positive results. "They're able to take a lot of pressure off of some of the NCPs who are in tough circumstances today, or who may have not had a 'right-sized' order years ago and saw their state-owed arrearages grow as a result of surcharge." The appeal of the policy is clear to the NCPs who are given the opportunity to discharge or reduce their IV-D arrearages.

But, not only NCPs benefit from the policy. The NCPs targeted by the arrearages management strategies are considered to be uncollectible arrearages. When an NCP owning one of these uncollectible arrearage amounts makes a payment toward the total amount due, that payment increases the number of cases paying towards arrearages and increases the county's collection base amount. As Vandenboom points out, an FOC office can offer "relief to those who need it most, while at the same time improving the office's incentive factors." In other words, it pays to use this policy.

Haskel Heroism

In a recent interview, Haskel told The Pundit that he expects to retire in 2014—after 32 fulfilling years of public service. He also discussed his role as court administrator, and his plans for the future.

Tom Haskel has certainly made an impression—not only upon his colleagues, friends, and family, but upon the people of Michigan, at large.

As the court administrator for Crawford County, Haskel has invested a great deal into his community. From developing programs for at-risk youth to creating a children's reading zone in the Crawford County Courthouse, it is clear that Tom is unwavering in his determination.

A few of Haskel's many accomplishments, listed below, include his involvement in establishment of the:

- **Viking Vision Career Academy**, which serves students who are in danger of dropping out of high school.
- **Time Out Project (TOP)-Phoenix Program,** an anti-truancy program for middle-school students.
- **Read to Kids Zone**, which is a reading area for children in the Crawford County Courthouse with bookshelves that have been refurbished from old courtroom pews.

In late 2012, Haskel was recognized by the Michigan Supreme Court and Department of Human Services for his altruistic work ethic; he received the Daniel J. Wright Lifetime Achievement Award. The Wright Award was established in honor of the late Daniel J. Wright of Grand Ledge, an attorney and longtime leader in child support and child welfare reform. Wright was a former director of the State Court Administrative Office's Child Welfare Services Division and the Friend of the Court Bureau.

What is the interplay between your position, as court administrator, and the various court offices?

In Crawford County all the court offices (circuit, district, probate and family) operate under one administrator as a unified trial court. Therefore, the judges, supervisors, and staff interact with each other on a daily basis. This helps in the processing of cases so that "the right hand generally is aware of what the left hand is doing."

Do you find any correlation between the cases/families/individuals in the juvenile court system and those that enter the family court system?

A large percentage of juvenile court cases (both delinquency and child protective proceedings) do not involve the traditional two-parent family unit. As a consequence, many have corresponding FOC cases where support, custody, and visitation orders must be reviewed. Additionally, when the juvenile court expends funds to pay for out-of-home placements of children, there is a need to have parental support payments redirected to reimburse the federal, state, and county funding sources.

Are there any specific objectives you would like to achieve within the next few years?

The Honorable Monte Burmeister, 87C District Chief Judge, has asked me to assist in administering a four-county pilot DWI Court that may begin during the next fiscal year if grant funding is approved following a request by the State Court Administrative Office (SCAO). The reason SCAO has proposed this regional DWI Court concept is to enable offenders the opportunity to participate in a program that can increase their chances for successful rehabilitation even if their local court does not operate a treatment court. Thus, my objective would be to coordinate services in a four-county region that will support the DWI Court to function beyond a three-year grant period.

Describe some of the most significant challenges you have faced, as court administrator, in carrying out your objectives?

I think the biggest challenge is coordinating the resources that are available for children and families in order to provide them opportunities to succeed. Poverty is a tremendous obstacle for families that compounds legal, educational, and health issues, thus, preventing success. Combatting substance abuse is also a very difficult challenge; many clients are hopelessly addicted to substances that adversely affect their ability to succeed both personally and socially.

(*continued from previous page*

Haskel Heroism

Alternatively, what are some of the challenges you expect to face in the future with regard to carrying out your objectives?

If funding is approved for our regional DWI Court, I presume my biggest challenge will be to successfully coordinate treatment services that comport with the directives of the DWI Court Judge. Different communities have varying strengths in this area and developing case-service plans for each offender in differing counties will be a unique experience.

You have quite the community service record! Given the somewhat dismal forecast and current state of Michigan's economy, what inspires/motivates you to "fight the good fight?"

I have been fortunate in Crawford County to work with a number of fine individuals both within the county/court system and other law enforcement, corrections, human services, mental health, school systems, and private agency entities. Several years ago, our county participated in a Title V grant process where we made an in-depth analysis of the risk and protective factors that exist for children in our community. This process detailed the many resources that are available for children and families and gave many of the task force members a common vision on working to address the risk factors children and families encounter. Being part of this worthwhile group effort is what inspires me and fellow professionals to dedicate our efforts to improve the social welfare of others.

When it comes to combatting the quandaries of the court system, Haskel is certainly a force to be reckoned with. Theodore Roosevelt once said:

"THIS COUNTRY WILL NOT BE A GOOD PLACE FOR ANY OF US TO LIVE IN UNLESS WE MAKE IT A GOOD PLACE FOR ALL OF US TO LIVE IN."

Even a cursory review of Haskel's public-service record would reveal that he strongly embraces Roosevelt's philosophy.

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Smart Phone Apps Developed for States

BY MILES JACKSON, *OFFICE OF CHILD SUPPORT ENFORCEMENT*

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Smart phones and apps are sweeping across the world in countless forms, from gaming and banking to social media and news; there is an app for just about everything. Now commercial developers are creating apps to help custodial and noncustodial parents calculate their monthly and annual support payments. Although these apps are not yet interactive, predominantly state-by-state calculators, the reviews are stellar.

Companies have developed child support smart phone applications for 17 states including Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas.

The core service of each app is a child support calculator that, depending on the state, helps to calculate monthly child support payments for noncustodial and custodial parents. The calculators include variables such as an obligor's monthly salary, the number of children, and the number of support orders between the custodial and noncustodial parent.

The apps are not managed directly from state or local child support offices, but rather by a group of various family law contractors that often coordinate directly with states to maintain current child support law (2013 Federal Tax Act), which assures calculation accuracy for all parents.

Each app is available in the App Store, and all are free except in Massachusetts, Michigan, South Carolina, Tennessee and Texas (where apps cost $.99 to $9.99). Online reviews avow user-satisfaction, with an average 4.9 out of 5 stars. The apps are available for smart phones and tablets, such as the Android, iPhone, iPad, and Kindle. These apps are no doubt useful for parents, but they could offer other features. A look at apps developed by official government agencies, such as ones sponsored by the National Institutes of Health, demonstrates innovative and hands-on approaches between the federal agency and their customer base. Child support apps may well be more dynamic and accomplish much more by complementing the child support calculator with some other very basic features.

An interactive chat room, or contact information for state and local child support agencies, could significantly increase app use. Customers might also like to use the app as a medium to set up court dates and find out basic information on their cases or support payments. The AIDS.gov app offers an FAQ. A child support FAQ could include information on paternity establishment; establishing and modifying orders; arrears management; military and veteran resources; state Access and Visitation services; family violence resources; a map for the OCSE Intergovernmental Reference Guide; and the list goes on. The state child support calculator apps can serve as an entrance into the world of applications, with exciting opportunities for state and local agencies across the country. For information on official state mobile apps, visit the National Association of State Chief Information Officers (NASCIO) web page, http://www.nascio.org/apps/.

All issues of The Pundit can be accessed online at
http://courts.mi.gov/administration/scao/officesprograms/foc/pages/pundit.aspx

THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions.

Abshire v Abshire, unpublished opinion per curiam, issued May 23, 2013 (Docket No. 313503). A change in circumstances sufficient to revisit custody can be established by a move exceeding 80 miles, coupled with a change in a child's school and living arrangements.

Bergeron v Bergeron, unpublished opinion per curiam, issued April 11, 2013 (Docket No. 312258). The test for established custodial environment does not merely depend on contact between parent and child, but includes consideration of other factors, notably, to whom the child naturally looks for guidance, discipline, comfort, and the necessities of life.

Hoskins v Hoskins**,** unpublished opinion per curiam, issued May 28, 2013 (Docket No. 309237). Income disparity does not make the Michigan Child Support Formula manual unjust or inappropriate; the formula is intended to set child support levels based on the child's needs and the parents' income.

Johnston v Johnston, unpublished opinion per curiam, issued May 23, 2013 (Docket No. 314587). A change in circumstances is required to revisit custody, and it must be a change with an extremely significant impact on the child's well-being, not simply normal life changes (good or bad) or disagreements between parents about the proper way to care for their child.

In re Moss Minors, published opinion, issued May 9, 2013 (Docket No. 311610). Establishes that whether termination of parental rights is in the best interests of the child must be determined by a preponderance of the evidence.

Nasser v Yafai, unpublished opinion per curiam, issued May 28, 2013 (Docket No. 311085). A state agency's determination that a parent's disciplinary practices do not constitute abuse does not prevent a trial court from independently considering the evidence that the parent might have used inappropriate corporal punishment, which might constitute the proper cause or a change in circumstances necessary to revisit custody.

Vilcans v Vilcans, unpublished opinion per curiam, issued April 30, 2013 (Docket No. 313007). A 38-40 night increase in parenting time is not sufficient to constitute a change in the custodial environment when the children continue to live with the custodial parent most of the time during the majority of the year.

Govitz v Muma, unpublished per curiam opinion, issued June 6, 2013 (Docket No. 312982). When a child successfully influences the custodial parent to avoid attending school for substantial periods of time, the failure to attend school can be a change in circumstances that warrants reconsideration of a custody order.

Smith-Dennis v Dennis, unpublished per curiam opinion, issued May 28, 2013 (Docket 313719). In determining whether it is an inconvenient forum and that a court of another state is more convenient, a trial court must consider all relevant factors, including the eight enumerated factors in MCL 722.1207(2).

Williams v Sherod, unpublished per curiam opinion, issued May 30, 2013 (Docket No. 307855). The Revised Judicature Act, as amended by 1996 PA 388, specifically permits a juvenile court that has jurisdiction over a child to also determine custody pursuant to the Child Custody Act.

Rains v Rains, ____ Mich App ___ (2013)**.** MCR 7.202(6)(a)(iii), categorizes postjudgment orders "affecting the custody of a minor" as final orders appealable by right. Here it is held that an order granting or denying a motion for a change in domicile is appealable by right where the proposed change would potentially impact an established joint custodial environment, thereby affecting the custody of the minor.

Porter v Hill, ___ Mich App___ (2013). Any rights a grandparent may have to seek grandparenting time flow from the parental rights of the son or daughter who is the grandchild's parent. Termination of the son or daughter's parental rights terminates the legal right of the grandparents to seek grandparenting time.

Goble v Goble, unpublished per curiam opinion, issued June 18, 2013 (Docket No. 313988). The trial court is required to obtain and review up-to-date information pertaining to the "best interest" factors upon a case being remanded from the Court of Appeals.

Nerell v Bond, unpublished per curiam opinion, issued June 18, 2013 (Docket No. 310912). Divorcing parties can waive the right to future petitions of a spousal support modification, and this waiver will be binding on the parties for the duration of the case. Without the specific waiver being acknowledged by the parties in the original order, spousal support is modifiable.

THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions.

Warnsholz v Leppanen, unpublished per curiam opinion, issued June 20, 2013 (Docket No. 309149). When determining a custodial environment, a court must evaluate the "significant duration" of time the child spends with a parent, taking the child's age into account as well as the relationship between child and parents, security provided to the child, stability in the child's life, and possibility of permanence.

Asbury v Leonard, ___Mich App___ (2013). A mutually acknowledged father-child relationship is enough for probate court to determine who is eligible to inherit under a will.

Duggan v Duggan, unpublished opinion per curiam, issued July 2, 2013 (Docket No. 312501). A custodial parent's ongoing relationship with a child sex offender is sufficient proper cause for the noncustodial parent to seek a change in child custody.

Hager v Diehl, unpublished opinion per curiam, issued July 2, 2013 (Docket No. 314104). Where a school-aged child has an established custodial environment with both parents, and parenting time is alternated daily, thus making the child subject to two different learning environments, the court can determine which learning environment is in the child's best interest and modify parenting time accordingly, so that one parent has continuous parenting time throughout the week, and the other has parenting time on alternating weekends, without changing joint custody.

Miller v Saxton, unpublished opinion per curiam, issued July 2, 2013 (Docket 312272). Contract principles do not govern custody matters, and where a trial court has jurisdiction over a child, the court has the authority to determine custody issues according to the best interests of the child, independent from agreements reached by the parents.

OFFICE OF CHILD SUPPORT TITLE IV-D MEMORANDA

***2013-009*: *Updates to the Change in Personal Information* (*FEN350*) *Form*:** This IV-D Memorandum explains formatting and wording changes to the FEN350 form in the Michigan Child Support Enforcement System (MiCSES). The FEN350 form has been revised to incorporate changes made by the State Court Administrative Office (SCAO) forms committee.

***2013-010*: *Process Improvements Related to the Introduction of the Michigan Child Support Enforcement System* (*MiCSES*) *Order Preparation and Entry* (*OPRE*) *Screen*:** *This* IV-D Memorandum explains changes in policy and procedures regarding the order entry process. To reflect these changes, a new MiCSES screen, *Order Preparation and Entry* (OPRE), is now available. This memorandum also explains changes to reports on the *Legal Case List Selection* (LLST) screen and the *Legal/Establishment Management* (LRPT) screen. IV-D workers must enter all child support orders into MiCSES, regardless whether the order and/or the guideline calculations were prepared within the IV-D program or within MiCSES.