



Monica Bowman

Champions Corner Michigan Strategic Plan Customer Service Champions *Selected by the Program Leadership Group*



Jack Battles

The Program Leadership Group (PLG) has selected Monica Bowman, Director of the Office of Child Support Central Operations, and Jack Battles, Friend of the Court Genesee County, as champions of the customer-service portion of the Michigan Child Support Program Strategic Plan. *The Pundit* had the opportunity to interview Bowman and Battles on the importance of including customer-service goals in the program's strategic plan, and how they see the program accomplishing those goals.

WHY IS CUSTOMER SERVICE AN IMPORTANT PRIORITY FOR THE MICHIGAN CHILD SUPPORT PROGRAM?

We, as a program, recognize that the Child Support Program is difficult for parents and caregivers to navigate. Providing excellent customer service should be a primary goal for all our IV-D partners and is essential in order for us to deliver necessary services to strengthen families and improve the lives of children. Parents and caregivers are our partners in providing child-support services; they need respectful education, timely communication, and appropriate case handling.

As a system, we recognize that all too often we determine success based on measurements such as how many orders were entered or how much money was collected. While quantitative measurements are necessary, we cannot lose focus of our customers and the holistic services that they may need to be successful. In addition, engaging clients in an open, respectful, and informative manner will effectively help educate parents about their rights and responsibilities to provide for the emotional, psychological, and financial needs of their children.

We should be delivering services to the public in an engaging, effective, and accessible manner. How we accomplish this is a big indicator as to how successful our program really is.

WHAT ACTIONS HAVE BEEN TAKEN TO DATE BY MICHIGAN'S CHILD-SUPPORT PROGRAM TO FURTHER THE IMPROVEMENT OF CUSTOMER-SERVICE GOAL?

After the PLG released the strategic plan, it met again in 2013 and held a workshop with additional partners to discuss and determine the seven main goals that were named in the plan. Then out of those seven goals, they chose three to focus on in the next few years. Customer service was one of the top three goals identified. The business plan for customer service includes some significant milestones already completed. Specifically noted are:

- MiCase: Michigan child support program web service portal improvements and use of two-way communication. Technology improvements for this were completed in spring 2013. Currently, there are five counties using this functionality.
- E1201: Electronic child support application. Parents and caretakers who would like to start a child support case will soon be able to submit the child support application (DHS-1201) electronically instead of having to mail a hard copy of the application to OCS. The soft launch for this began November 25, 2013.

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Champions Corner – Selected by the PLG

- New Interactive Voice Response system (IVR) for OCS support specialists: The design for this has been completed, allowing customers to access a support specialist regardless of the location of the customer’s case. The anticipated implementation date is early 2014.
- PLG Partner Forum: The theme of the 2013 Partner Forum focused on the strategic plan goal of customer service. Various customer service models were presented to the group for consideration. Breakout sessions followed, during which the groups were to answer three main questions: (1) What components or approaches of these customer service models could be implemented now? (2) What components or approaches of these customer service models could be implemented with modification? (3) What components or approaches of these customer service models would not work and why? We have recently compiled the feedback gathered from the breakout sessions and that feedback will be integrated into the customer service business plan.

There is a page on MiSupport that describes the strategic plan goals, the champions assigned to those goals, PLG approved business plans and progress on the plans for all IV-D staff to review at their leisure.

WHAT IS THE CHILD SUPPORT PROGRAM DOING IN THE CUSTOMER SERVICE AREA TO ACHIEVE A POSITIVE PUBLIC PERCEPTION (I.E., THE PROGRAM SHOULD THINK ABOUT WHAT IT WANTS THE PROGRAM TO "LOOK LIKE")?

In increasing positive responses to the program by the public, the program should consider such things as: Are we successful as a program? Are we delivering services to the public in an engaging, effective and accessible manner? When progress is made toward achieving those actionable goals, the perception of the program will improve. As long as we are changing along with current developments, improvement is inevitable and improved customer satisfaction will be one measure of success. In essence, the strategic plan is an excellent road map to achieve significant progress for changes in our program.

In conclusion, in order to achieve excellent customer service, we should not focus on overall perceptions, but rather on what we as individuals and as an IV-D system can do to eliminate barriers facing our program’s families and how we can improve the lives of these children. Providing services in an honest, engaging, and effective manner by treating customers as partners with us in a mutual goal of providing for our customer’s children will help determine how public perception of our program is changing. The extent of our success to focus on the needs of the children and families we deal with will likely indicate improved public perception of our IV-D program. The mission and goals developed by the PLG to achieve this type of successful interaction between the program and the public should distinguish Michigan as a one of the country’s renowned child support systems.

If a court or FOC staff member has questions regarding the Michigan Child Support Program Strategic Plan and its Customer Service goal, please contact Monica Bowman or Jack Battles by email at bowmanm@michigan.gov and jbattles@co.genesee.mi.us.

THE PUNDIT

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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.

On November 6, 2013, the Office of Child Support sponsored the Michigan Child Support Program Partner Forum. The forum was attended by members of the Work Improvement Teams and IV-D Workgroups. It was designed to strengthen the federally funded IV-D program partnership, operation, and administration by sharing updated Program Leadership Group priorities and commitments with the Work Improvement Teams and IV-D Workgroups. Two participants were asked specifically to share their perspectives of the forum with Pundit readers. Rahman M. Shareef is the CEO of New Young Fathers.com (NYF), a nonprofit organization committed to helping fathers – especially young fathers – assume the responsibilities of fatherhood. Megan Elyse Williams holds a Master of Social Work in Social Policy and Program Evaluation from the University of Michigan School of Social Work.

The Michigan Child Support System-Customer Service and Fathers

By Rahman M. Shareef with contributions from David Bates and Steve Dandridge



If the Michigan Child Support system were to grade itself overall on meeting its objectives and providing quality service, what grade should it give itself? Certainly the services that child support professionals provide are absolutely

essential in the system's collection of the \$1.3 billion due annually in child support payments, much of which would probably not be paid to custodial parents without the services of these professionals. However, what factors can be attributed to the approximate \$9 billion that is never collected?

If child support professionals were able to hear honest feedback from the many fathers who find themselves in the uncollected child support category, professionals may be surprised to hear that there are numerous factors that contribute to it. We at New Young Fathers.com (NYF) have heard this honest feedback from hundreds of fathers over the years, and we would like to share it with Pundit readers in an effort to improve services and the treatment of fathers in the child support system.

Fathers unable to pay can be grouped into three individual categories with regard to their outstanding child support: (1) fathers who have no intention of trying to be responsible, (2) struggling fathers whose limited finances and circumstances cause them to fall behind on their support payments, and (3) fathers who need life coaching and job-placement assistance. Subsequently, it is most logical to conclude that focusing on the last two types of fathers is where outreach efforts and affording leniency will yield the best results.

When it comes to difficulties that these two groups of fathers face in their communications with the friend of the court (FOC) offices, we have found that customer-service factors and lack of understanding expressed by families and of court staff contribute most to these fathers' difficulties. Think about what must go through the mind of a father who would rather sit in jail than deal with FOC staff. The fact that some fathers are immediately able to bail themselves out of jail once they are arrested shows that they had at least some ability to pay the outstanding obligation, but they chose to serve jail time rather than deal with FOC staff.

The Role of Customer Service in Child Support Enforcement

By Megan Elyse Williams, M.S.W.

The primary focus of the 2013 Michigan Child Support Partner Forum centered on the delivery of customer service by child-support partners. Customer service plays a key role in the relationship that develops between child-support enforcement staff and parents. The partner forum offered various perspectives on how to improve the interaction between staff and parents and possible new approaches to pursue going forward. Steve Capps, Friend of the Court Bureau Director, began the day's events with a recap of child support over the years and ended his introduction, by asking, "Are we doing the right thing for today?"

To understand whether the right thing is being done today in the child-support program, the partner forum heard from the customers, presented customer service models to possibly be used in the future, and allowed child-support partners the opportunity to share their understanding of the role of customer service and the best way to proceed.

The voice of the customers was in part, represented by the organization "New Young Fathers.com." NYF staff members Rahman Shareef, Steven Dandridge, and David Bates shared FOC customer service interactions gleaned from the fathers' individual personal experiences and from working with other fathers through NYF. They noted that while noncustodial parents were able to work out payment arrangements, they focused on long waits, confusing instructions, and unpleasant interactions with FOC staff. NYF staff member David Bates pointed out the importance of improved customer service by asking "[h]ow many people have gone to a bad restaurant? How many people did you tell?" He then mentioned how frightening these bad experiences can be for those parents who are new to the system and how the experience itself may affect a noncustodial parent's willingness to comply. The NYFs recommended an orientation be provided to those parents who are entering the system and that the orientation should provide a clear discussion of everything expected of the parent, what the process is and how it works, and discussion about the forms needed. Sensitivity training and a "smile





Second Chance at Friend of the Court

By Gina Miller and Danielle Wenzel, Social Service Workers
Bench Warrant Enforcement Team, Genesee County Friend of the Court



The Genesee County Friend of the Court (FOC) in partnership with Genesee County Commissioner Omar Sims and the Second Chance Church in Flint, Michigan, offered FOC clients who had outstanding bench warrants and/or arrearages an opportunity to engage with FOC staff at a neutral location. The event was held December 5, 2013, at the Second Chance Church from 1-4 p.m., and was an overwhelming success. The goal of this project between FOC staff and FOC clients was to reach out to clients who could benefit from one or more of the FOC's arrears management programs and to allow these clients amnesty from arrest. The response was both unprecedented and unexpected. In preparation of this meeting, FOC anticipated and was prepared to provide casework services for up to 70 individuals. Church staff attempted to maintain a count of clients in attendance, but because of the large number of clients, it lost count at 700 individuals. On the basis of information garnered from paperwork submitted by attendees that was collected after the event, the attendance was actually estimated to be greater than 1,000 clients.

Because of the large turnout, it became apparent that FOC's planned case reviews to determine whether an individual would be eligible for the Arrears Management Program (AMP) simply could not be performed for all the clients who attended on December 5, 2013. Based on the number of attendees and the FOC's inability to have on-site MiCSES access, all warrants were placed on hold for the individuals who attended, and instead, the FOC casework staff focused on asking clients to complete requests for CAROTS (Compromise Arrears in Return for On-Time Support) and AMP eligibility. Again, because of the unexpected overwhelming attendance of clients, FOC thought 200 DHS-681 forms to the event would be sufficient. But because of the immediate need, additional FOC staff was dispatched to the Second Chance Church supplying another 250 application forms. Beyond that, church staff provided an additional 300 copies of the forms, which of course still did not meet the demand. Many clients simply submitted their names, case numbers, and telephone numbers on sticky notes imprinted with the FOC logo for subsequent follow-up by FOC staff. As a result of the Second Chance outreach, 513 warrants were removed temporarily from LEIN (Law Enforcement Information Network) from December 6 to January 2.

With severely limited access to case information, FOC staff attempted to review as many cases as possible on-site to determine the programs for which individuals might be eligible. Casework staff at the church used their phones to contact the FOC office to obtain specific case information. Follow-up with the clients started the next day and was completed by the end of the following week for every individual who attended the event. While 335 requests to discharge eligible state-owed debt through AMP were denied, 808 AMP requests were approved and processed. In addition, over 50 individuals were screened for participation in the CAROTS program. To date, 12 individuals have been confirmed for the program with several others pending. Finally, 74 cases were submitted to the review and modification unit to have these orders right-sized to reflect the payer's current financial situation.

More than one client was wary of the FOC and voiced concern that the event was a *setup* and that clients would be arrested. The clients indicated that they felt more comfortable attending this program at a neutral location, stating that if the location had been held at an FOC office, they would not have attended for fear that they would be arrested. Because of this mistrust, one NCP (noncustodial parent) refused to go to the FOC office to sign up for CAROTS despite the probability of reducing a significant amount of arrearage owed. But the person eventually agreed to take a chance and made an appointment, ultimately signing a CAROTS agreement.

Most clients were eligible for the new programs and received substantial discharge of the arrears they were unable to pay. One veteran who had struggled for years with physical ailments that rendered him unable to work was brought to tears after intervention by FOC staff, relieved that his uncollectible state of Michigan arrearages would be discharged through AMP. One family appeared where both the father and son owed substantial arrearages to the state of Michigan and took advantage of the programs being offered. Being extremely grateful for the help they received, they commented that "Maybe we can get our uncle to come down since you helped us so much."

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WHAT IS CAROTS?

CAROTS, or Compromise Arrears in Return for On-Time Support, is a program utilized by pilot FOC offices to allow noncustodial parents (NCPs) who make timely current support and minimal arrears payments to receive state-owed arrears reductions. For more information on the CAROTS program, please visit the "CAROTS FOC Caseworker Toolkit" on mi-support at https://misupport.state.mi.us/CentralActivities/Retooling%20Grant/CAROTS_Toolkit_042513FINAL.pdf

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The Michigan Child Support System-Customer Service and Fathers

Negative feedback that we often hear from complaining fathers is that they say the atmosphere at the FOC is very unpleasant. Some fathers have stated that in their 18 years of paying into the system, they have never been greeted with a smile and that the staff has sometimes been brusque with them even when they were current in making their support payments. Thus, the fathers feel as though staff makes preconceived judgments about all fathers in the system (as though they are “deadbeat dads”).

Think about the demoralization of fathers who patronize a business every month in attempt to pay their hard-earned support. Each time the fathers visit the payment office, they were never greeted with a smile and the communications that occurred left the fathers feeling unworthy. In a similar business situation in which a person frequents a business to pay for goods or services, and during which time, the person is mistreated by employees, the end result would be a disheartened customer who would never go back to that business. This is the same attitude that some fathers have developed when it comes to their interactions with the FOC. Other common complaints about the FOC that we hear from fathers (even if they have not personally experienced the situation), are that: (1) they are being given threatening and unrealistic pay ultimatums, (2) the FOC favors women, so why bother, (3) all fathers are treated like deadbeat dads even before approaching the window, and (4) they have been tricked before to come in and discuss their support dilemma, only to be arrested on the spot. While FOC staff state that they serve both parents, until fathers consistently experience that type of uniform treatment, many will continue to be distrustful.

There are also some positive comments made by fathers about the FOC every now and then. Fathers are happy when: (1) their 18-year child-support obligations end promptly and when they are supposed to, and (2) when caseworkers actually work with them and provide information about how they can handle their child-support issues.

Based on the feedback provided by fathers in our communities, NYF strongly recommend the following suggestions be adopted by FOC offices:

- Communicate positively and effectively to convey that FOC staff values its communications with all its clients.
- Use common courtesy by greeting everyone with a smile and thanking all clients (even when the client is just meeting expectations).
- Provide notification to fathers when their caseworkers change. Some fathers have established rapport with their caseworkers and it can be disturbing to discover, after the fact, that a father no longer has the same caseworker.
- Provide a certificate/cumulative receipt to fathers who have made their last payments on their child-support obligations.

To improve relationships between fathers and the child-support system, fathers must understand their parental roles related to their monetary obligations to provide support for their children. Likewise, child-support professionals must understand the cause and effect of providing a positive customer service interaction to support payers, thus increasing positive outcomes and cooperation of fathers.

For more information about NYF, you may visit www.newyoungfathers.com, or contact them at 313-288-0537.



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The Role of Customer Service in Child Support Enforcement

when taking money out of [our] pocket[s]” were also highly recommended parts of the NYFs’ suggested changes as they relate to training customer-service staff.

At the forum, child-support partners were also able to share their perspectives about the customer service offered and their thoughts on possible changes, including incorporation of the three customer-service models presented earlier in the day (Pathways to Potential, CFS2, and Zingerman’s). The group members commented that discussion of the models gave them an opportunity to reflect on their office’s stance towards customer service. Several child support partners individually recalled over-hearing disturbing interactions in which staff members were disrespectful to noncustodial parents. Some participants even suddenly became aware of roadblocks they were placing in front of their customers.

Both representatives from NYF and service providers recalled examples of noncustodial parents being treated disrespectfully. Many people have preconceived impressions about why people are in the situations they are in, often without having accurate knowledge about the truth of their lives and specific situations. Child support partners should continually monitor the judgments they bring to each of their interactions with customers. They also must remember that just because a process is easy for them to understand, it is not always so easy for others.

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Second Chance at Friend of the Court

Overall, responses from attendees were extremely positive. Some stated that if they had known it would be so easy to resolve the issue(s), they would have come in a long time ago. Kendrick, who signed up for the CAROTS program, said "I heard about it on the news and came to the church when I heard about the possibility of having my arrears waived. I was so happy to get some relief." When asked how FOC could improve future amnesty events, Kendrick's response was "I'm not sure how you can organize and efficiently help this many people." Phone calls continued for days after the event. Those who could not attend wanted to know whether FOC had provided transportation to the event and if so, when the next event would be scheduled.

Clearly, an event this large required participation from all departments within FOC. According to Connie Boniecki, Special Projects/Casework Supervisor "[t]he entire staff worked extremely hard on working these cases both during and after the event, and we are very proud of how our office was able to pull together and handle the volume that we did."

The recent amnesty event in Genesee County is a window into what is going on in many communities across Michigan. Michigan is carrying enormous state-owed arrearages on child support cases that cannot be collected. Wiping out a six figure impending debt from someone's child support case(s) improves the quality of life for that individual who may otherwise have lived in fear of consequences if not paid. It also boosts efficiencies for FOC staff by preventing caseworkers from repetitious work on a case without ever collecting additional money. Instead, placing emphasis on collectible arrearages owed to a parent strengthens families and parental relationships. Putting the focus on collecting from those who *can* pay is a meaningful and economical way to utilize resources. By gaining understanding about the complexities that exist in Michigan's communities helps FOC staff increase its effectiveness in collections. Many NCPs begin the procedure to resolve an arrearage matter, but give up along the way because they simply get lost in the labyrinth of the system and the vicious cycle continues. The Second Chance outreach was a direct and simplified project that allowed clients to take advantage of new state programs.

The outcome of the recent amnesty project illustrates benefits that are gained by everyone involved by planning an event that is partnered with other agencies and organizations in the community. The voices of the people involved in this partnership spread the word to large groups of people about new programs developed at the state level, and helped instill our clients' trust when dealing with FOC staff at the local level. The services that were provided to the participants gave them a feeling of hope that they can get out from under their overwhelming arrearages and provided them a second chance. The FOC is planning additional outreach programs in other locations during 2014, in an effort to allow other families experiencing hardships to take advantage of state-sponsored arrears management programs.



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The Role of Customer Service in Child Support Enforcement

It is important to remember, too, that simply being placed in the child-support enforcement system is stressful, no matter what the parties' backgrounds or financial situations may be. The process automatically assumes that the noncustodial parents are not able or willing to play responsible roles in their children's lives without the state's intervention. Orders might not be consistent with what parents can afford to pay, and orders can cause tension between parents that can affect their children.

Whether a specific customer service model can or will be implemented, there are nonetheless small steps that each child-support partner can make while endeavoring to help families; smile, stay calm even when the customer is not, avoid making assumptions about the customer's life, and help them understand whatever it is that they find confusing.

If interactions and processes between customer-service partners and parents improve, then people generally will be more likely to see child-support partners as resources, instead of threats, thus, allowing both the Michigan Child Support Program and parents who are in the enforcement system to better fulfill their responsibilities.

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Resources for Pro Se Parents Seeking Legal Advice



“Nobody will help me” is a common complaint heard at Friend of the Court (FOC) offices across the state. But this complaint does not mean that FOC employees are not answering questions, enforcing child support orders, or providing valuable services to parents. Often, instead, this type of complaint comes from a self-represented party who doesn’t understand how the law applies to his or her case.

Although Michigan does not keep statewide statistical data on the number or types of cases in which litigants represent themselves, most FOC offices would agree that a large amount of their customers are in pro per. According to the 2010 Access to Justice Committee Report, 80 percent of divorce cases in the Berrien County Circuit Court involved at least one self-

represented party.¹ Jim Riggle of Legal Services of Northern Michigan (LSNM) says that clerks in Luce, Chippewa, and Mackinac counties confirm that “over 60 percent of their divorces cases are in pro per.”

Although there are numerous self-help resources available to FOC customers, difficult situations can always arise that fall outside the scope of a divorce packet or the instructions on a court form. When parents have questions, they inevitably turn to their local FOC for answers. But as FOC employees know, employees cannot provide legal advice. Tina Yost, an attorney referee, has felt the frustration of parties who ask questions that she is not allowed to answer. Her response is familiar to many FOC employees: “It is not that I do not care; I cannot tell you how to do this.” What can FOC and family court employees do when parties ask for legal advice?

There are many reasons that parties to domestic relations cases navigate the legal system without an attorney – but for most, the reason is financial. For those who can afford to pay for services, the Michigan State Bar provides the Lawyer Referral and Information Service (LRIS). Parties can call 866- 968-0738 or fill out an online referral request at https://www.michbar.org/programs/LRS_request.cfm. An LRIS panel member will provide an initial 30-minute consultation at a cost of no more than \$20.00.

For those who cannot afford to pay, the Michigan State Bar provides the Pro Bono Manual, another valuable resource that is available online at <http://www.michbar.org/programs/probonomanual.cfm>. This website allows users to search Michigan law-related organizations by service [e.g., “Family (Divorce/Custody)”] and county.

Similarly, the website MichiganLegalHelp.org has a “Find a Lawyer” link for users who need legal advice.² This part of the site is one of the most popular pages on the website, which also provides informative articles and toolkits to help litigants prepare to represent themselves in court. The website is responsive to user feedback, and is continually adding content to help better serve its users.

The website’s most popular area is family law. Michigan Legal Help (MLH) provides more automated documents for family law cases than any other type of case. While these automated documents are popular—through September 2013, users have started 51,699 Michigan interviews, resulting in 27,064 completed sets of court forms—they do have limitations. Angela Tripp, Project Manager, explains: “While the divorce interview is the most popular interview on the site, it does have some limitations. The divorce interview provides some answers to people who want spousal support, or who want to divide a pension, or who have other difficult issues for which they cannot find the information. People needing help in these areas can finish the interview and complete forms they need to start a divorce, but they are reminded that they might want to consult with an attorney in order to finish their divorce. But for thousands of users in Michigan, the MLH website is an invaluable self-help tool that provides free legal information to those who cannot afford an attorney.”

There will always be litigants who cannot afford to hire an attorney but who nonetheless have more complex questions that must be answered, thus requiring actual legal advice (rather than information available in a self-help format). For some of these litigants, legal aid services may be available. Typically, litigants must meet economic and substantive screening requirements so that these resources are provided to litigants who have the greatest need. And even then, many legal aid offices are forced to turn away qualifying cases because they simply do not have enough resources to meet the growing need of litigants. But according to Tina Yost, herself a veteran legal aid attorney, some offices have a list of pro bono attorneys who will take a certain number of cases with a referral from legal aid. “They have a mini lawyer-referral service of local attorneys who might be able to assist.”

¹Available at https://www.michbar.org/generalinfo/jcft_only/ATJCrossroadsFullReport.pdf.

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²Available at <http://michiganlegalthelp.org/organizations-courts/find-lawyer>.

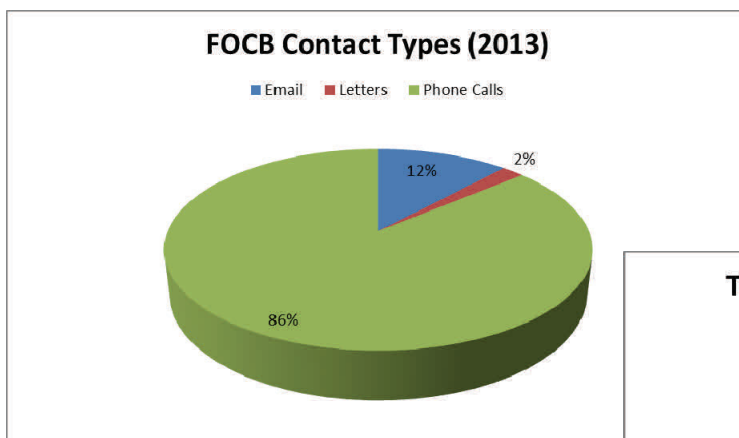
Friend of the Court Bureau Issue Tracker

Issue Tracker is an electronic database that monitors all incoming messages to the Friend of the Court Bureau. Clerks manually enter the substance of each phone call, e-mail, and all correspondence received. In addition to the litigant’s name and contact information, clerks identify the county handling the case and the nature of the communication (whether the issue relates to support payments, parenting time, custody, etc.). The database allows FOCB management analysts to “track issues,” paying particular attention those that frequently occur.

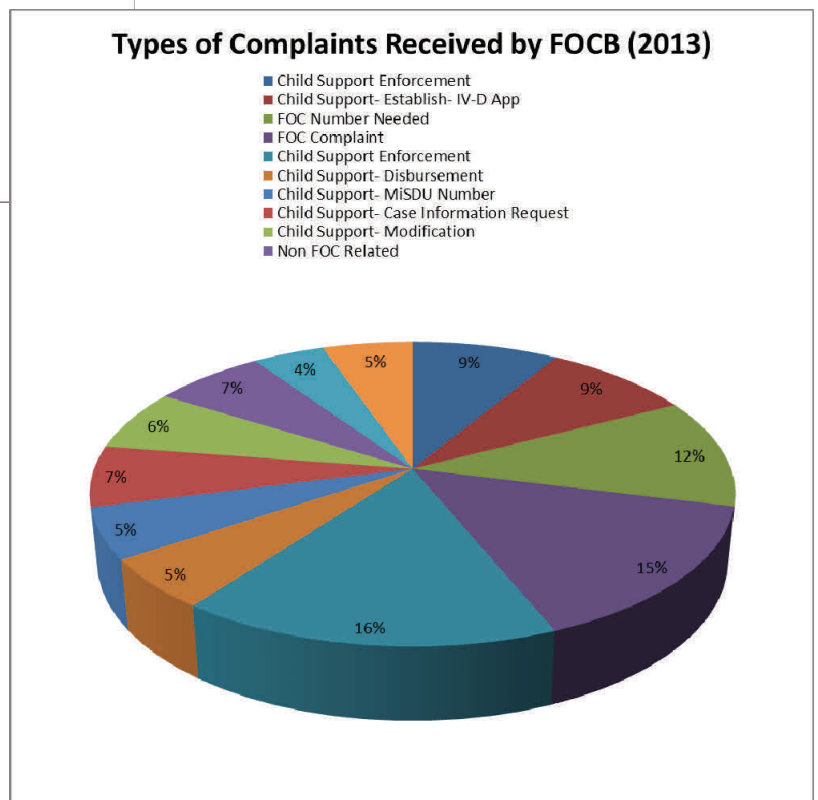
On a regular basis, FOCB analysts review the data to ensure efficient operations at the local level. When a pattern emerges, analysts focus on that specific area of policy and take corrective action, if needed. For example, if the FOCB analysts realize that an unusually high call volume has occurred complaining about a particular county’s FOC office, an analyst will notify that FOC office and, if necessary, discuss remedial steps that the FOC should take to alleviate the problem.

The FOCB also utilizes Issue Tracker as a performance-measurement tool. As clerks document their responses to litigant questions in the database, analysts can ensure that the responses are accurate and consistently follow FOC policy. Such a proactive approach is ideal because it places the FOCB in a better position to maintain efficiency despite any effect that legislative reform may have on the family court system.

Although Issue Tracker is a relatively new system for the FOCB, it is an effective data and customer service measuring tool. Used this way, it provides the FOCB with a real-time snapshot of trending issues and establishes a record of overall staff performance. Local FOC offices are encouraged to implement performance-measuring devices such as Issue Tracker to ensure uniform, quality FOC services to the families served by FOC.



The graphs represent the various types of contact the FOCB receives.



Resources for Pro Se Parents Seeking Legal Advice



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And it is important to understand that resources differ across the state. For example, LSNM serves the top 35 northern counties. Many of these counties are comprised of small communities where most attorneys have small, 1-2 person offices serving a small coverage area. This makes pro bono work difficult because it can seriously cut into the bottom line of such a small operation. For this article, The Pundit interviewed Mary Kavanaugh-Gahn, Deputy Director of LSNM, who provided a strictly personal opinion that does not reflect the views of LSNM. She notes, “The economies of scale are different up north.” Many statewide pro bono models expect the private bar to take on the growing burden of the working poor – litigants who cannot afford to hire an attorney but who do not otherwise qualify for free legal aid. But in smaller, more impoverished communities, this expectation is unrealistic. “The local FOCs help – they are wonderful and we appreciate all the work that they do,” says Kavanaugh-Gahn, but “the amount of service by circuit and county are very different as you move to rural areas.” These are important regional differences that affect the types of assistance available to self-represented litigants. For instance, it was not until 2009 that all trial courts in the Upper Peninsula could use computers to do their work and keep their records. But they are catching up quickly, and initiating innovative solutions to bring more legal services to self-represented individuals.

One such solution from LSNM is the Internet Representation Project (IRP), available online at <http://www.lsnmirp.org/client.php/>. At this site (self-screening of litigants, based purely on income), litigants can post their legal questions anonymously. Then a pool of private attorneys from all over the state will work pro bono to post responses.

Additionally, LSNM is implementing free divorce clinics that are open to the general public. These clinics provide divorce packets free of charge, and LSNM staff attorneys or volunteer attorneys from the local bar run a class to explain the nonconflict divorce process through the first filing. Some of the clinics even provide an opportunity to consult with attorneys one-on-one and discuss personal questions that were not covered in class.

LSNM is hoping to continue implementing these clinics across its coverage area, with help from the legal community. For instance, Kavanaugh-Gahn says that “Judge Janet Allen was instrumental in helping get the program in Otsego County.” And the Sault Ste Marie office of LSNM has recently hosted its first family law clinic. As Jim Riggle explains, the clinics are “filling a niche for those who don’t meet the criteria” for LSNM, but who still need help navigating the legal system.

Because available resources are different across the state, it is always good to check with local bar associations. Rebecca Shiemke, family law attorney with the Michigan Poverty Law Program, says, “Sometimes there are programs targeted to specific legal needs.” For example, Washtenaw County has the Family Law Modest Means program. This is a referral service for individuals who cannot afford the typical costs to hire a private attorney but also do not qualify for legal services (more information available at <http://www.washbar.org/lawyer.html>). But Ashley Lowe, director of the Family Law Assistance Project in Oakland County, notes that “not all legal service providers prioritize domestic cases, so this kind of help may not be available in all counties.”

As more Michigan parents are navigating the court system without legal representation, FOC employees are sure to be asked legal questions that they cannot answer. While Michigan is by no means equipped to provide free legal services to every litigant who asks for services, FOC employees can refer their litigants to the wide range of resources that have been provided in this article. FOC offices offer so many valuable services to their customers; FOC staff that can provide these references and correctly steer pro se parents to a resource (or resources) that helps answer their specific questions will also improve the FOC’s image. It is beneficial both to the FOC and its parent customers that the FOC aspire to improve communications with parents by assisting them in a way that allows everyone to feel positive about the interaction and that provides useful resources and information to the parents seeking help.

¹As noted by then-Chief Justice Marilyn Kelly in her 2010 State of the Judiciary address (available at <http://www.michbar.org/courts/pdfs/2010%20State%20of%20the%20Judiciary.pdf>).

²Any attorney in the state can contact the executive director to become a part of this project for a unique pro bono activity.

³More information about the Family Law Assistance Project available at <http://www.oakgov.com/libraries/Pages/events/familylaw.aspx>.

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



e1201 Availability for Child Support Customers

In November of 2013, 65 customers who contacted the OCS Central Operations through the Interactive Voice Response (IVR) system requesting an application for child support were offered the opportunity to apply using the new electronic version of the DHS-1201, IV-D Child Support Services Application/Referral (e1201). The “soft launch” of the e1201 will allow OCS to evaluate, on a limited scale, the difficulties and benefits of the new system.

Applicants for child support services still will have the option to apply manually, but the electronic option expedites the process by eliminating mail delivery time, offering guidance to applicants by providing detailed online explanations, and ensuring that all required information is included before submitting the application. One of the anticipated outcomes of this project is that the electronic process of the IV-D program would minimize time consuming “back-and-forth” that has been required for manual applications, i.e., contacting parties multiple times to collect missing information, which can delay enrollment by days or weeks. Another expected benefit of use of the e1201 application will be the applicant’s ability to apply for services for multiple noncustodial parents (NCPs) for multiple children without having to fill out the same information multiple times.

IV-D Memorandum 2013-19, released in November 2013, states the e1201 was created in response to the Michigan Child Support Program’s 2013-2017 Strategic Plan goal of “enhancing customer service and improv[ing] business practices through the use of innovative technology.”

Jan Merkle, Re-engineering Specialist for OCS states that currently, “OCS and MiCSES are in the process of gathering data to identify and analyze the successes and challenges of the pilot.” The e1201 program is expected to become fully implemented in March, making it available to all customers seeking to apply for IV-D services.



THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions and Michigan IV-D memoranda.

COURT OF APPEALS DECISIONS – SEE [HTTP://COA.COURTS.MI.GOV/RESOURCES/OPINIONS.HTM](http://coa.courts.mi.gov/resources/opinions.htm)

Atkinson v Knapp, unpublished opinion per curiam, released December 17, 2013 (Docket No. 316510). When a party appropriately objects to a referee’s recommendation, a trial court commits reversible error when it issues an order on the matter objected to without holding a de novo hearing.

Gates v Kadoguchi, unpublished opinion per curiam, released November 14, 2013 (Docket No. 313829). A continued difficulty in co-parenting and communication between parties can lead to a change in circumstances for a change-in-custody motion because the party’s actions can affect the best-interest factors.

Rogers v Krulac, unpublished opinion per curiam, released November 14, 2013 (Docket No. 315461). A finding of equality or near equality on the factors set out in MCL 722.23 will not necessarily prevent a party from satisfying the burden of proof by clear and convincing evidence on a motion to modify custody.

Kessler v Thompson, unpublished opinion per curiam, released November 14, 2013 (Docket No. 316317). In considering whether to approve a change of state of residence, the court must first find whether the move is warranted under MCL 722.31(4) by a preponderance of the evidence, and if it is, then must determine whether the move would disturb the child’s established custodial environment, which would then trigger a best-interest analysis using the clear and convincing standard to approve the move.

Collins v Collins, unpublished opinion per curiam, released November 14, 2013 (Docket No. 316537). The fact that plaintiff was voluntarily unemployed was not determinative of her capacity to provide the child with food, clothing, and medical care, because she was capable of employment.

Boots v Vogel-Boots, unpublished opinion per curiam, released November 19, 2013 (Docket No. 317229). Where the COA remands the issue of custody to the trial court instructing that the more stringent clear and convincing burden of proof be applied, the trial court must apply that standard to up-to-date information or changes that have occurred since the original order rather than to the information available to it when it made its original determination.

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THE LEGAL CORNER

A summary of recent Michigan Court of Appeals decisions.

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McKinney v Villalva, unpublished opinion per curiam, released November 19, 2013 (Docket No. 299736). A party may file a foreign judgment with the clerk of any trial court, and the clerk of the court must treat it like a judgment from Michigan. But the circuit court, nonetheless, may decline to consider claims barred by res judicata, and the COA may impose sanctions for vexatious appeals of such claims.

Sharpe v Sharpe, unpublished opinion per curiam, released November 19, 2013 (Docket No. 310526). A trial court is not required to refer a case for a friend of the court report and recommendation on custody matters, and may set parenting time during the child-support hearing unless a party objects at the time parenting-time issues arise. The MCSF notes that the parent's income used to calculate support is not the same as the parent's take-home pay.

Conner v Conner, unpublished opinion per curiam, released December 5, 2013 (Docket No. 314436). Regularly leaving children in the care of others for extended periods of time and failing to be involved in the children's daily lives such that their well-being is negatively affected can erode an established custodial environment, thereby constituting a proper cause and sufficient change in circumstances to revisit the custody order.

Richer v Richer, unpublished opinion per curiam, released December 10, 2013 (Docket No. 316358). When a parent with joint physical custody returns to late-shift employment, it can create such a disruption in the children's day-to-day care that it can have a significant effect on the children's well-being and may support a finding of proper cause or change in circumstances warranting a change in physical custody.

Lukens v Lukens, unpublished opinion per curiam, released December 12, 2013 (Docket No. 316617). Where a friend of the court referral suggests that a moving party met the burden of establishing proper cause or a change of circumstances, the court is not bound by the referral and may find otherwise; the doctrine of stare decisis does not apply to the referral.

Jackson v Anderson, unpublished opinion per curiam, released December 19, 2013 (Docket No. 315648). The growth of a child from infancy into childhood and the accompanying ability of the child to better relate to a noncustodial parent is a type of normal life change that, while not sufficient to support a change in custody, is sufficient to support a modification of parenting time.

Ranjan v Ranjan, unpublished opinion per curiam, released January 2, 2014 (Docket No. 314211). Where a party brought allegations of abuse at a limited evidentiary hearing, the trial court did not err when it gave the plaintiff a time limit to finish cross-examination of a witness and determined no proper cause or change of circumstances existed that would permit a custody hearing.

Snyder v Snyder, unpublished opinion per curiam, released January 2, 2014 (Docket No. 314832). The trial court did not err in granting plaintiff's motion to change custody and parenting time when it failed to interview the children about their preferences or when it did not find that the domestic violence factor favored either party even though there was an allegation of past domestic violence. The COA affirmed because the trial court made specific findings on each contested best-interest factor and the evidence did not clearly preponderate in the other direction.

Focks v Stanton, unpublished opinion per curiam, released January 2, 2014 (Docket No. 316715). A trial court must use the *Raines* four-step process when determining a request for change in domicile. The trial court did not err by relying heavily on the issue of ability to provide financial support even though the increased earning potential was indirect (deriving from plaintiff's husband) and finding that the change in domicile would improve the children's quality of life.

Steinberg v Steinberg, unpublished opinion per curiam, released January 9, 2014 (Docket No. 315796). A party challenging the trial court's decision concerning the statutory best-interest factors and custody must cite to the record to support his or her argument. The trial court was not obligated to acknowledge every fact in evidence when weighing the factors.

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Michigan IV-D Memorandum (Office of Child Support)

2013-031 (December 30, 2013): Central Paternity Registry and Birth Registry System (CPR/BRS) Combined Search Tool for the IV-D Child Support Program: This IV-D Memorandum provides information regarding the CPR/BRS combined search tool. Procedures for IV-D staff to gain access to the CPR/BRS have changed since April 2013 and new procedures are outlined in this memorandum.

2013-032 (December 9, 2013): Updates to the Notice of Order of Filiation (DCH-0839): The Michigan Department of Community Health (MDCH) modified the DCH-0839 in October 2013 to reflect an increase in the birth record fee. The DCH-0839 is available in the Michigan Child Support Enforcement System (MiCSES) as Form 6130. This form was uploaded to MiCSES on December 10, 2013.

2014-001 (February 6, 2014) Bench Warrant Policy Updates – Demographic Information Overwrite Issue: The updated policy clarifies IV-D staff responsibilities for ensuring bench warrants (BWs) that result from an individual's failure to appear at a show cause hearing include all available identifying information. This IV-D Memorandum also identifies a BW reconciliation issue for which programming changes implemented in the Michigan Child Support Enforcement System (MiCSES) 8.6.2 Release.

2014-002 (February 20, 2014) Updates to the Instructions for Withholding and Remitting Support From Employee/Obligor Lump-Sum Payments Form (DHS-1425): This IV-D Memorandum announces updates to the form Instructions for Withholding and Remitting Support From Employee/Obligor Lump-Sum Payments (DHS-1425). The contact information for the OCS Central Operations Lump-Sum Reporting Unit has been changed. The unit's location has been changed from the Hollister Building to the Grand Tower; and next to the phone number, "Option 7" has been removed and the text "when prompted, state 'Employer Bonus'" has been added.