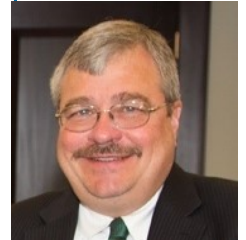




Erin Frisch

Champions Corner

Business Processes Champions of the Michigan Child Support Program Strategic Plan



Steve Capps

The Program Leadership Group (PLG) has selected Steven Capps, Director of the Friend of the Court Bureau, and Erin Frisch, Director of the Office of Child Support, as champions of the business processes portion of the Michigan Child Support Program Strategic Plan. *The Pundit* had the opportunity to interview Capps and Frisch on the importance of including business process goals in the child-support program's strategic plan, and how they see the program accomplishing those goals.

WHY ARE IMPROVEMENTS IN BUSINESS PROCESSES AN IMPORTANT PRIORITY OF THE MICHIGAN CHILD SUPPORT PROGRAM?

Advancing our child-support program's business processes has always been a significant goal identified in the strategic plan. As one of the oldest – if not *the* oldest – child-support programs in the nation, it might be expected that everything that could be done regarding child-support issues has already been done in Michigan. But time and again, our child-support program partners demonstrate that there is always something new on the horizon. Reevaluating and realigning today's business processes to provide effective, efficient, and holistic services to families is important more than ever as we deal with the realities of serving evolving modern families and long-term sustainability of the program. There is general agreement across the board that how we do business today does not meet the needs of our families or each other.

Although Michigan has always recognized the value of addressing the needs of the entire family within the child-support structure, the way we address those needs continues to change. Collaboration is important because sometimes new ideas generate great excitement but then fail to meet federal and state requirements. While there is room for innovation, that innovation must be implemented to work in harmony with current legal requirements, or, if necessary, sometimes innovation provides a method to change the requirements.

WHAT HAS MICHIGAN'S CHILD-SUPPORT PROGRAM DONE TO ADVANCE THE ONGOING GOAL OF IMPROVING ITS BUSINESS PROCESSES?

The business process improvement strategic goal is perhaps the hardest to implement because it requires that improvements be considered in an ever-evolving context of change brought about by federal and state mandates, funding changes, local office changes, and the day-to-day work happening all around us. In some respects, it can be likened to changing the tires while the car is moving.

The program has taken a multifaceted approach to ensure that we make progress toward improving business processes beyond simply coming up with a comprehensive plan to be implemented at some uncertain future time. The program is working with local offices and at a statewide level through the PLG to implement individual pilot programs that would test new business models on an ongoing basis. We are also reviewing previous workgroup products such as the CSPR report, the Underground Economy Taskforce report, and legislative wish lists to determine where there are existing business process recommendations that can be

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MiSDU Running on All Cylinders

The Michigan State Disbursement Unit (MiSDU) has been an intricate part of Michigan’s Child Support Program Strategic Plan. For the past fifteen years, MiSDU has provided services to Michigan families who expect to receive their support payments on time every month. MiSDU takes pride in its work, and strives for nothing less than perfection.

During FY 2013, MiSDU has handled receipts on 8,527,565 accounts. Of the accounts, 3,597,547 have opted to receive their support through the debit card option and 3,245,985 cases chose the direct deposit option. The remaining cases were issued paper checks or were accounts payable to another state disbursement unit. With over eight million receipts processed, the error rate was less than one percent.

In accordance with the Kaizen Project (see *Support Specialists Embrace the Kaizen Project*, page 1), the MiSDU is focused on making improvements in areas of costs, quality of service, and responsiveness toward customer needs. Few program members know what the MiSDU does on a daily basis and how the MiSDU can successfully contribute to the strategic goal of enhancing business processes across the child support program.

The typical workday of an MiSDU employee starts at about 5:00 a.m.

The typical workday of an MiSDU employee starts at about 5:00 a.m. As soon as the first delivery of mail arrives, the process of child support receipt and disbursement begins. Mail is opened, and checks are sorted, categorized, and scanned into the system. Once the checks have been scanned, a second team accesses the user accounts and either updates the payment status of a payor or updates the status of the payee. Payments that require a bit more research before posting to an account are referred to a research team where the goal is to troubleshoot the issue regarding the payment within 10 business days.

The last team at the MiSDU is the customer service team. This team facilitates employers, payers, payees, and friend of the court offices by answering or responding to questions or concerns that recipients of support may have about receiving their support payments. Calls have been assessed to consist of an average talk time of 3 minutes and 4 seconds and an average wait time of just 1 minute and 18 seconds. All departments work together to continue to improve efficiency and to provide the most effective business process for the customer.

The continual input and output regarding receipts and disbursement by staff at MiSDU continues to demonstrate that MiSDU is a multifaceted government entity whose worth cannot be measured or quantified simply by the number of payments disbursed or processed on any given day. Instead, MiSDU’s value can be effectively increased as its work processes become more fluid and customers trust the reliability of the system day in and day out.

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.

Champions Corner

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immediately implemented. Those steps have already been supported in a legislative package that has passed the Senate, and, currently, waits in the House for final approval.

At the same time, we have convened smaller initiatives such as the Kaizen process [see article on page 5] to look at revamping portions of the business process while identifying other parts of our business model that need more attention. Finally, we have continued to look at our business processes through an in-house model designed to catalogue existing processes, assess them for effectiveness, find resolution to ineffective processes, evaluate how to measure success in improvements of the process, create a project plan to implement improved changes, and then measure success of the resulting process.

To ensure that our partners and our customers recognize our program's success in redesigning business processes, we have publicized successes both of our partners, and of the program.

HOW IS THE BUSINESS-PROCESS GOAL CONNECTED WITH SOME OF THE OTHER GOALS (E.G., CUSTOMER SERVICE, STAFF EDUCATION, AND OUTREACH)?

Most innovation is directly related to some other strategic goal. Funding concerns often force our local child-support partners to change their business models just to "keep the doors open." Customer service concerns lead our partners to come up with new strategies because the old ones just don't seem adequate.

Michigan has long been a leader in collections of child support. From its beginnings as a partnership between the judiciary and the prosecutor, Michigan has usually implemented new collection techniques that only years later become recognized as worthy enough to be subject to a federal mandate. The difficulty has been that those innovations began as local initiatives that sometimes led to disparate treatment across the state. In recent years, our statewide child-support program has recognized the value of being a stronger partner to promote local innovation within a more structured setting. This has led to an increase in legislative initiatives to adopt promising programs earlier and to refine them in ways that make them applicable statewide. Thus, beginning in 2001 and continuing throughout the decade, the Legislature passed three major bill packages to improve child support and strengthen families. All three packages received the support of all program partners. In 2005, the child-support program responded to the federal Deficit Reduction Act by creating the Child Support Program Review committee to examine business practices and recommend changes to address an over \$50,000,000 reduction in federal contributions to the Michigan child-support program.

The new strategic plan recognizes the significant value of continuing our recent collaborations to bring partners together to create and implement new business practices statewide, while other program goals provide a framework within which we will accomplish this goal.

WHAT IS THE CHILD-SUPPORT PROGRAM DOING IN THE BUSINESS-PROCESS AREA TO ACHIEVE A POSITIVE PUBLIC PERCEPTION?

Because the overall vision of the child-support program to constructively engage parents to improve their children's lives is the common underlying focus of all our strategic planning, we believe achieving our strategic goals cannot help but positively influence the public's perception of the program. However, gains in changed perception take time. But by working together, we are confident that we will continue to make progress in achieving our goal of processing cases in a way that provides effective, efficient, and holistic child-support services, while bringing recognition to our partners who achieve success through innovative ideas.





Work Improvement Teams and Workgroups

By: The Office of Child Support

Work Improvement Teams (WITs) and workgroups help the child support program reach its strategic goals by improving the program's accessibility, timeliness, processes, and customer service. The WITs and workgroups discuss issues, make decisions by consensus, and then provide recommendations to the Program Leadership Group (PLG).

Membership of both the WITs and the workgroups is comprised of child support partners, including staff from the Office of Child Support and the State Court Administrative Office, friends of the court, and prosecuting attorney offices.

WORK IMPROVEMENT TEAM FUNCTIONS

The WITs make recommendations on how to improve or enhance the child support program by analyzing its policy, user testing, business requirements, improvements, and by providing system documentation review, enhancement, analysis and recommendations.

There are five WITs. Each WIT and its tasks are described below.

Establishment – The Establishment WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the establishment of paternity and child support orders.

Case Management – The Case Management WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the management of IV-D cases. This includes working with the Department of Human Services on the referral process, analyzing member and case data in the child support system, processing referrals to the prosecuting attorney's office, and improving the data relevant to all areas of the IV-D program.

Financial – The Financial WIT reviews and analyzes finance-related system enhancement requests. It also recommends improvements for financial processes.

Enforcement – The Enforcement WIT reviews, analyzes, and recommends processes and system enhancements for topics related to the enforcement of child support orders, including but not limited to income withholding orders, show cause, license suspension, credit reporting, lien/levy, medical support, federal/state tax refund offset, and review and modifications.

Intergovernmental – The Intergovernmental WIT provides information on child support issues that involve two or more states/entities. It addresses intergovernmental training needs for both new and seasoned IV-D workers, analyzes proposed system enhancements, and develops a comprehensive work plan to identify and recommend solutions to intergovernmental issues.

WORKGROUP FUNCTIONS

The workgroups provide input on internal program communication methods, protocol, and business processes. There are three workgroups. Each workgroup and its tasks are described below.

MiCase Workgroup – The MiCase Workgroup develops and directs efforts to improve MiCase, Michigan's website for child support customers, by:

- Reviewing and prioritizing MiCase enhancements.
- Planning releases for future MiCase improvements.
- Performing user acceptance testing for MiCase improvements.
- Reviewing and approving communications related to MiCase.

Performance Management Workgroup – The Performance Management Workgroup develops and implements ways to better manage performance in the child support program, including:

- Identification of specific factors to improve performance.
- Reviewing and monitoring data to ensure that the data is consistent and accurate for operations management and reporting activities.

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Support Specialists Embrace the Kaizen Project

The Michigan Office of Child Support (OCS) recently implemented various strategies to improve internal performance, while also advancing positive change in its work culture. The Kaizen event, hosted by OCS, shifts the burdensome historical focus of processing child-support cases to a more progressive, solution-oriented, redundancy-elimination approach.

What is Kaizen? The Japanese-rooted noun is a philosophy or practice that focuses on improvement and changing for the better. Use of a Kaizen process in business or industry has resulted in improvements that are both economic (for example, in terms of resulting increased efficiencies), and philosophical (in terms of a unified work culture that benefits everyone). While staff works together and uses a common sense approach in work applications, improvements are gained in reduced costs, increased quality, efficient delivery, and better responsiveness to customer needs. Unlike use of other problem-assessment tools, Kaizen is designed to enact “do-now” solutions for identified issues by eliminating redundant practices. The core of the Kaizen concept encourages the assembly of cross-functional teams that aim to improve a process or problem identified in specific areas. Generally, Kaizen projects are operated through a focused five-day dedicated event that produces long-term change.

WHAT IS KAIZEN?

The Japanese-rooted noun is a philosophy or practice that focuses on improvement and changing for the better.

After reviewing several evaluations of OCS’s most prevalent issues, the child support program decided to implement the Kaizen Project to address issues associated with the case-intake process. The project’s participants were 17 core members (from OCS) who participated in the *entire* event and nine other team members who participated in a *select portion* of the event. In addition, there were seven management team members who attended a mid-week and end-of-the-week-report out session.

The Kaizen Project focused on identifying issues that relate to the position of an OCS support specialist. After selecting the team members and their respective roles, a six- week timeframe was provided to work on the following:

- Finalization of statement of work.
- Finalization of project charter.
- Preliminary interview phase.
- Onsite job shadowing.
- Hosting the actual Kaizen event.
- Execution and implementation of the roadmap developed during the event.

The participants of the Kaizen event identified 12 subprocesses within the child-support case intake process. Three main themes (labeled as “major pain” themes) coming out of the event were:

- Connecting “incomplete” data from Bridges affects accuracy later in the process.
- Problematic communication and collaboration between the agencies and partners.
- Inefficiencies created by excessive rework and lack of standardization of processes.

After a thorough evaluation of the three themes, the Kaizen event helped OCS trace the root of the issues, and concluded that there was: (1) deficient standardization and inconsistent data coming from Bridges, (2) poor understanding and transparency between agencies and partners regarding their respective operations, and (3) no standardization of work processes within the child-support case-intake procedure.

While OCS had successfully researched, identified, and conducted a root-cause analysis of case-intake processing issues, it was after the Kaizen event that OCS had the opportunity to implement the changes. The information gleaned from this study inspired OCS to create and share a Kaizen Project update page where issues and possible solutions arising from the Kaizen event were briefly presented.

The final step in a Kaizen process is labeled as “quick hit solutions,” in which the objectives are carried out by specialized groups. In response to the Kaizen event’s findings, OCS created the four groups: The Quick Hits group, The Mid to Long Term Solutions group, a Mid to Long Term MiCSES Solutions group, and the Additional Priorities group.

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Work Improvement Teams and Workgroups

Web Governance Workgroup – The Web Governance Workgroup reviews the Michigan child support program websites and recommends ways to improve site usability and customer satisfaction. It also consults with the mi-support webmaster to assess business needs and make recommendations for future mi-support enhancements.

RESPONSIBILITIES AND TIME COMMITMENTS OF MEMBERS OF THE WITS AND THE WORKGROUPS

Much of the work of these workgroups is conducted by e-mail and phone conferences. The groups have one or two meetings per month, each lasting two to four hours. In addition, members generally spend four to six hours per month reviewing documents and responding to e-mails.

Team members initially agree to three-year commitments. If, after three years, no replacement member is available, members may be asked to extend their commitment until a replacement is found; however, members are under no obligation to extend their commitment.

INTERESTED IN PARTICIPATING?

If you are a member of a child support program partner and are interested in joining a WIT or workgroup, or if you would like more information, click on this link [“PLG, Workgroups, and WITs,”](#) which is also found under the “Partner Activities” menu on mi-support.



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Support Specialists Embrace the Kaizen Project

The Kaizen participants, by using in-depth analysis, ranked and placed solutions around the milestones identified in the plan, which continues today as a work-in-progress. Some of the specific projects that OCS has worked on in the Kaizen process have produced outcomes, such as:

- Restructuring existing work systems and communicating changes through one central person (case management).
- Making DHS-842 forms available at county DHS offices.
- Requiring that mandated practices be posted at central reference points (single business practice).
- Providing standardized in-house training for alert processing created by lead workers.
- Designation of liaisons by both the IV-A and the IV-D Directors to address communication and case work issues expressed by support specialists and eligibility specialists (through DHS).

OCS sees the ongoing outcomes from its participation in the Kaizen event as inspiring success within the case-intake process. By introducing the Kaizen concept to other employees, it was realized quickly that employees were engaged and ultimately this process created a more fluid method to address issues that in the past have potentially damaged the functionality of the case-intake process.

***The Pundit is a publication of the Friend of the Court Bureau,
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New Foreign Language Interpreter Standards Introduced

The process of selecting and appointing interpreters is defined in Michigan Court Rule (MCR) 1.111, which was adopted as a new rule in 2013. Currently, a “certified interpreter” requires that the interpreter has passed a written exam, which includes English, ethics, and court procedure with a score of 80 percent or higher.

There are currently three general levels of interpreter certification: certified interpreters, qualified interpreters, and any bilingual person. Minimum standards for certified and qualified interpreters carry the same minimum requirements:

- The applicant is at least 18 years of age.
- The applicant is not under sentence for a felony in the past two years.
- The applicant must attend an orientation program for new interpreters.

The current rules for a “qualified interpreter” are limited. Current standards for qualified interpreters in other states are being reviewed to determine a standard that could fit Michigan courtrooms. Some of the suggested requirements of such a standard might include passing the written test with a score of 80 percent or higher and be determined by the judge to be qualified through *voir dire*.

A “certified” foreign language interpreter is required to meet the highest standard of certification by successfully completing a standardized written test and by registering with SCAO. Foreign language interpreter applicants must also meet future standards to be determined by SCAO on the basis of recommendations made by the Foreign Language Board of Review (FLBR).

If a “certified” foreign language interpreter is not reasonably available, and the court has considered the gravity of the proceedings and whether the matter should be rescheduled, the court may appoint a “qualified” foreign language interpreter instead. The court must make a record of its reasons for using a qualified foreign language interpreter. Qualified foreign language interpreters must be registered with SCAO (like “certified” foreign language interpreters) *and* must be determined to be qualified by the court’s *voir dire* process (like other “qualified” interpreters).

When neither a certified or qualified foreign language interpreter is reasonably available, the court may use a person who can convey the intent and content of the speaker’s words to allow the court to conduct the proceeding without prejudice to the limited English speaker, but the court must hold a *voir dire* hearing to determine the potential interpreter’s ability to interpret. The court must also consider the gravity of the proceeding and make a decision about whether the matter should be rescheduled to allow a “qualified” interpreter to appear for the limited English proficient person.

WHAT IS THE FOREIGN LANGUAGE BOARD OF REVIEW?

The FLBR was created under MCR 8.127, which was adopted in 2013, the same time as MCR 1.111 (the interpreter court rule). The FLBR is made up of judges representing different court divisions (circuit, probate, and district), court administrators, attorneys, and a practicing interpreter. The purpose of the FLBR is to recommend standards to SCAO that the board expects interpreters to achieve.

The FLBR has recently begun conducting bimonthly meetings to advise SCAO with regard to establishing requirements for courtroom language interpreters and conduct disciplinary proceedings involving interpreters. The overall intent of the FLBR is to assure that courts have access to interpreters who are qualified and to provide oversight of interpreters. In performing this task, the FLBR will propose a draft interpreter code of ethics, make recommendations regarding interpreter certification requirements for individuals and companies, and will also receive complaints against interpreters regarding an interpreter’s conduct during a trial or other court proceeding. SCAO will review all the proposed recommendations of the FLBR and publish the code of ethics, requirements and standards once SCAO has approved. SCAO will also administer the foreign language tests, maintain certification lists, and enforce sanctions for an interpreter’s failure to meet certification requirements or to successfully follow other rules.

SHORT AND LONG-TERM GOALS

The FLBR has the immediate goal of determining when interpreters from other states will be granted reciprocity and a longer term goal of recommending what the requirements should be for interpreters to maintain their certifications.



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Hot Issues Regarding the Revocation of Paternity Act

The Revocation of Paternity Act (RPA), MCL 722.1431 *et seq.*, became effective June 12, 2012. The RPA allows an alleged father (a man who claims to be a biological father of a child) to bring a paternity action to establish paternity of a child despite the fact that the mother of the child is married to a different man. The RPA has given standing to alleged fathers to seek an order establishing paternity, despite the mother’s marriage. Furthermore, the RPA assists in revoking an acknowledgment of parentage (AOP) or in setting aside a default judgment.

Since the RPA’s inception, there have been many court actions initiated under the act, and some hot issues are becoming more intensely apparent. These issues include: (1) the role of genetic testing in establishing paternity, (2) language of the statute regarding “mutual acknowledgment by parties” and “no knowledge that mother was married at the time of conception,” and (3) how courts use best-interest factors in determining whether to deny relief under the RPA?

THE ROLE OF GENETIC TESTING

In the language of the statute, an individual alleging that the AOP is incorrect must file an affidavit outlining one of the five reasons recognized under the RPA to revoke the AOP. The five reasons considered under the RPA are: (1) mistake of fact, (2) newly discovered evidence that by due diligence could not have been found before the acknowledgment was signed, (3) fraud, (4) misrepresentation or misconduct, and (5) duress in signing the acknowledgement. If the court determines that the affidavit is sufficient to support a basis to challenge the AOP, the court must order genetic testing. In practice however, litigants are coming to the court with a completed genetic test, and then using the test results to assert a mistake of fact. Essentially, some courts are using results of a genetic test to justify setting aside the AOP, rather than requiring a sufficient affidavit, and then ordering a genetic test be completed by the parties.

LANGUAGE IN STATUTE—MUTUALLY ACKNOWLEDGED BIOLOGICAL RELATIONSHIP BY ALL PARTIES AND KNOWLEDGE REQUIREMENT

Steven Capps, Director of the Friend of the Court Bureau (FOCB), indicated that “mutual acknowledgment issues are ripe for litigation in the future.” One of the RPA requirements is that the presumed father, alleged father, and mother openly acknowledge the alleged father’s biological relationship. Already, two cases have discussed the meaning of “mutually acknowledged relationship.” In *Parks v Parks*, ___ Mich App ___ (2014), the court found that doubt of the relationship alone was insufficient. Another case decided under the probate code referenced the RPA in deciding that a man and another man who hold themselves out as father and son and act as father and son was sufficient as a mutually acknowledged relationship [*In re Daniels*, 301 Mich App 450 (2013)].

Furthermore, the language of the RPA requiring that the alleged father did not know or have reason to know the mother was married at the time of conception is also an issue that may arise in future litigation. It is unclear what constitutes “knowledge” under this part of the act, and how it should be interpreted by the courts. Where it is somewhat easy for an alleged father to say he did not know the woman was married, it is not clear how much diligence he needs to exercise to satisfy the requirement that he “did not have reason to know” the mother was married. Another question is if it is an excuse for a man who has reason to know the mother was married that she is actively deceiving him into believing that she is not married. Courts will likely be faced with questions regarding what constitutes knowledge and the timeline for that knowledge.

BEST INTERESTS OF THE CHILD

Under the RPA, a court may deny relief to a putative father if the court determines that the order would not be in the best interests of the child. Already there have been many conflicting opinions concerning the application of the best interest factors in actions to revoke an acknowledgment of parentage.

CONCLUSION

In many ways, the RPA has made it much easier to establish paternity or to correct inaccurate paternity, but, at the same time, as often occurs soon after the enactment of a statute, there are remaining issues to iron out.



Nonconfrontational Pilot Programs

The State Court Administrative Office works alongside courts and friend of the court (FOC) offices that have a desire to create nonadversarial programs regarding custody, parenting time, and child support disputes. A nonadversarial pilot program is a unique opportunity for courts and FOC offices to work with parties to eliminate some of the inherent hostility that arises during a child support dispute. *The Pundit* has highlighted two of the state's successful nonadversarial pilot projects below.

GENESEE COUNTY'S "PARENTS AND CHILDREN TOGETHER"

Genesee County, in collaboration with SCAO, secured a federal grant in 2009 for the expansion of a child support problem solving initiative. The project was titled "Parents and Children Together," or PACT. The expansion of the PACT program allowed for the creation of various holistic services to 600 economically at-risk families. The services included job training, substance abuse counseling, and early court involvement. Six hundred families in total were provided services under the PACT program. Three hundred families had existing child support orders in place, but recently experienced a financial setback (such as a parent's job loss). The other 300 families were new paternity establishment and child support cases.

In financial setback cases, early intervention by the FOC meant that payers had child support orders modified sooner to reflect the payer's current financial situation. As a result, program participants accrued less in arrears. Payers who received services through PACT maintained efforts to pay support longer than those who did not receive PACT services. Furthermore, PACT services helped payers who had lost a job to secure new employment.

For families that fell into the "new establishment" category, PACT leadership found that child support payers tended, on average, to contribute more child support when paired with early intervention services. These parents not only paid more support when they participated in the formulation of the support amount, but they also developed a rapport with child support staff in Genesee County. The PACT program also helped establishment families develop parenting time orders. Including parenting time with the parties' financial obligations increased a party's compliance with the support orders. Given these results, the PACT program was considered a success for nonconfrontational programming in the FOC system.

KENT COUNTY COOPERATIVE PARENTING TIME PROJECT

In 2009, Kent County began what is known as the "Kent County Cooperative Parenting Time Project." This initiative had the primary goals of putting children's emotional health first, and getting divorcing parents to work cooperatively on child rearing issues. The Cooperative Parenting Time Project had new court-specific procedural rules that were designed to encourage negotiation and settlement of child custody issues. Rather than have acrimonious litigation, the project focused instead on resolving parenting time issues in a nonadversarial setting so that more cooperative relationships between the parents could be established.

The Cooperative Parenting Project stressed a nonadversarial process. In court orders and pleadings, rather than use adversarial language such as "plaintiff" and "defendant," nonadversarial identifiers such as "mother" and "father" are used. "Custody" was identified as "parenting time" and "child support" was identified as "financial responsibility."

The idea behind using nonadversarial language was deliberate. Past experiences showed FOC staff that nonadversarial language reduces parents' emotional needs to litigate and places an emphasis on parenting responsibilities.

The Cooperative Parenting Project required that each parent write out a proposed parenting plan specifying how that parent plans to raise the children, how much time the children will spend with each parent, and how the parents will resolve any parenting time disputes before using any type of adjudicatory process. If the parents' proposed plans differed, the judge would ask the parties to attempt to negotiate a plan that they both could agree on. If the parties still could not reach an agreement, the parties had the option to try mediation.

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

New Foreign Language Interpreter Standards Introduced

HOW DO THESE CHANGES AFFECT THE FRIEND OF THE COURT?

(continued from page 7)

Because friend of the court (FOC) caseworkers or staff members have occasions where they may interact with someone who has a language barrier, the recent adoption of court rules regarding limited English proficient persons are particularly meaningful. Customer service representatives may take a call or receive a payment from someone who does not speak English. Caseworkers may need to interview a party who does not speak English. A party may come before a referee and not understand or speak English. What is the FOC required to do to assist these parties in accessing the court system?

As part of the orders adopted in September of 2013 regarding limited English proficiency persons, the Court also adopted Administrative Order No. 2013-8, which required each court to submit a local administrative order (LAO) to SCAO by the end of January 2014. The LAO was asked to specify the languages primarily spoken in the county where the court resides, steps that the court can take to identify non-English languages spoken in the county, as well as to provide instructions for making services available in those languages. An FOC should review a court’s LAO and become familiar with the process identified in the LAO to understand what that court does when it is faced with a language access issue.

Courts and FOC offices can use the SCAO Language Access webpage to find lists of interpreters for specific languages, interpreter certification requirements, testing schedules, languages tested, and contact information for the SCAO Language Access Program Coordinators. Courts and FOC offices can also direct litigants who have complaints about interpreters to the website, where instructions for filing a complaint with FLBR can be found. For more information, courts and friend of the courts should visit webpage at <http://courts.mi.gov/administration/scao/officesprograms/fli/pages/default.aspx> or contact the Language Access Coordinators at languageaccess@courts.mi.gov.



Nonconfrontational Pilot Programs

(continued from page 9)

Negotiated parenting plans had the advantage of establishing a road map for cooperative parenting and helping to preserve familial relationships. Also, the experience of the parties negotiating a parenting plan set a precedent for the parents to work together in resolving subsequent disagreements. This project encouraged the parents to remember that the child is the number one priority in the situation, and reminds the parents that the child’s emotional health should come before parents’ personal issues with each other.

Another advantage of negotiated parenting plans is that the divorce action itself becomes less adversarial and fewer hearings are necessary. As a result, judicial resources are conserved.

CONCLUSIONS

Overall, the goals of nonconfrontational pilot programs that have taken place in various FOC’s over the years are to reduce the animosity oftentimes present in child support, custody and parenting time cases. It can be very beneficial for local FOC offices to implement programming that moves away from the traditional adversarial process for dispute resolution. As an alternative, FOC’s can help parents work together early on in finding common areas in which agreements can be made and to help resolve future disputes using mediation, rather than traditional contested court cases. Oftentimes, federal grants are available to help local FOC offices to offset the cost in implementing and evaluating this programming. Helping parents keep the best interest of the child in the forefront, rather than the personal animosity between the parties, is a huge advantage in programs such as the Cooperative Parenting Program and PACT.

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

Helton v Beaman & Beaman, issued February 4, 2014, ____ Mich App ____ (Docket No. 314857). Under the Revocation of Paternity Act, DNA results alone are not sufficient to revoke an acknowledgment of parentage.

Snyder v Snyder, unpublished opinion per curiam, issued February 11, 2014 (Docket No. 313409). Where divorcing parents agreed to waive spousal support that would be owed to one in exchange for waiver of child support that would be owed to the other, the consent agreement would not be enforced; child support is for the benefit of the child only, and a parent cannot waive or bargain away a child's right to support.

Parks v Parks, issued February 11, 2014 (as amended by order dated February 18, 2014), ____ Mich App ____ (Docket No. 317786). Under the Revocation of Paternity Act, a presumed father's questioning of his own paternity does not equate to the presumed father, the mother, and the alleged father at some time mutually and openly acknowledging a biological relationship between the alleged father and the child.

Alanoly v McCrary, unpublished opinion per curiam, issued February 20, 2014 (Docket No. 316037). Defendant's attempts to alienate the plaintiff from the child's life constituted both a change of circumstances and a potential significant effect on the child's well-being, entitling plaintiff to modification of the custody order.

Herrera v Herrera-Pina, unpublished opinion per curiam, issued February 20, 2014 (Docket No. 317365). When a father was only interested in custody of the child after the parties separated, did not regularly care for the child's needs, and maintained a contentious relationship with child's mother, the court found that there was not an established custodial environment with father.

Monczunski v Shelton, unpublished opinion per curiam, issued February 25, 2014 (Docket No. 316619). A father's purely biological relationship of a child does not create a constitutional right to have custody or parenting time with the child when the biological father fails to enact his rights to parent the child and does not have a parental relationship with the child at all.

Brauser v Schubiner, unpublished opinion per curiam, issued March 4, 2014 (Docket No. 310964). A parent's withdrawal from savings and investment accounts to pay current living and business expenses should not be considered income under the Michigan Child Support Formula. If the court chooses to use those payments as income, the court will need to provide an explanation on the record for the deviation from the Michigan Child Support Formula.

DesJardins v DesJardins, unpublished opinion per curiam, issued March 4, 2014 (Docket No. 317145). When establishing custody, the trial court failed to make a finding regarding the established custodial environment, to weigh the best interest factors of MCL 722.23, and to consider the reasonable preference of the child.

Strampel v Sarkar, unpublished opinion per curiam, issued March 11, 2014 (Docket No. 318714). Plaintiff petitioned the court for a change of domicile of her child because plaintiff was offered a one-year teaching position in another state. A change in domicile can be granted despite the length of a proposed job offer if the other factors support the change-in-domicile request.

Young v Riggs, unpublished opinion per curiam, issued March 11, 2014 (Docket No. 318036). Physical custody of a child can remain with a parent who may display some less-than-desirable traits if the trial court believes that the concerns regarding the parent have been adequately addressed.

Patton v Patton, unpublished opinion per curiam, issued March 18, 2014 (Docket No. 317983). A lawyer guardian ad litem (LGAL) can be appointed at any time during a proceeding if the court determines the child's best interests are inadequately represented, and the LGAL can attend an in camera interview of the child.

Kzeski v Kzeski, unpublished opinion per curiam, issued March 25, 2014 (Docket No. 315529). The suspension of parenting time during a hearing does not violate due process when there is no separate notice that parenting time may be suspended because a hearing on modification of a child custody determination inherently contains notice that the existing parenting time may be changed.



(continued from page 11)

MICHIGAN IV-D MEMORANDUM (OFFICE OF CHILD SUPPORT)

2014-03 (March 3, 2014) *Changes to Michigan IV-D Child Support Manual Section 5.20, "Obligation – Entry, Modification and Adjustments."*: The revisions to Section 5.20 include options for end-dating the ordered on arrears (OOA) amount when the non-custodial parent (NCP) pays the arrears associated to an OOA in full. The Michigan Child Support Enforcement System (MiCSES) will have the flexibility to end-date OOA on an obligation or order automatically or allow IV-D staff to end-date the OOA manually. Local FOC office policy will determine how IV-D staff should end-date OOA when the arrears associated to an OOA are paid in full. Options for end-dating OOA in MiCSES will be effective with the MiCSES 8.7 Release which was implemented on March 10, 2014.

2014-04 (February 20, 2014) *Updates to the Instructions for Withholding and Remitting Support From Employee/Obligor Lump-Sum Payments Form (DHS-1425)*: On the DHS-1425, the contact information for the OCS Central Operations Lump-Sum Reporting Unit has been changed: (1) In the address, the location has been changed from the Hollister Building to the Grand Tower; and (2) Next to the phone number, "Option 7" has been removed because this is not a feature in the new Interactive Voice Response (IVR) system, which was implemented in January 2014. Instead, callers are prompted to state the reason for their call. Therefore, the text "when prompted, state "Employer Bonus" has been added after the phone number.

2014-05 (April 16, 2014) *The Affordable Care Act (ACA) and the Impacts on the Michigan IV-D Program*: OCS originally published information about this subject in IV-D Memorandum 2013-026, *Introduction of the Affordable Care Act (ACA) and the Impacts on the Michigan IV-D Program*, on October 17, 2013. Since that time, OCS has analyzed some of the outstanding issues and questions, and determined clarifications are needed.

2014-06 (March 31, 2014) *Statewide Implementation of the Online IV-D Child Support Services Application/Referral (e1201)*: The e1201 allows applicants to electronically apply for IV-D services. The e1201 uses a self-directed, interview-style approach to guide applicants through the application process. It allows for increased accessibility, efficiency and convenience for applicants, IV-D staff and partner agencies. The paper *IV-D Child Support Services Application/Referral* (DHS-1201) will still be available; the e1201 does not replace the DHS-1201 but rather offers an alternative method for applying for IV-D services.

2014-10 (March 20, 2014) *Revisions to the Interstate Notice of Lien (FEN060)*: The federal Office of Child Support Enforcement (OCSE) announced revisions to the federal version of the *Interstate Notice of Lien* on December 20, 2013.² OCSE changed the expiration date from 05/31/2014 to 12/31/2016. OCS has modified the FEN060 with the new expiration date to match the federal version of the form.

2014-11 (April 21, 2014) *Interim Policy for Child Welfare Referrals From the Michigan Statewide Automated Child Welfare Information System (MiSACWIS)*: This IV-D Memorandum provides procedures for IV-D workers in response to the new MiSACWIS, which is currently scheduled for implementation on April 30, 2014. IV-D staff responsible for IV-D child welfare cases and financial management are encouraged to read this memorandum in its entirety before April 30, 2014. OCS suggests that staff monitor their email in the coming weeks for additional instructional material and opportunities to learn more about MiSACWIS. This memorandum explains the manual steps that IV-D staff must take until the joint interface is fully and successfully tested. OCS will revise the *Michigan IV-D Child Support Manual* at a later date to incorporate content in this memorandum as well as additional necessary policy changes.