THE PUNDIT

Michigan's Source for Child Support Information

SCAO Friend of the Court Bureau - Working to Improve Outcomes within Michigan's Child Support System

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Changes Are Coming! What to Expect in the 2017 Michigan Child Support Formula

The Michigan Child Support Formula Manual (MCSF) changes will take effect January 1, 2017.

Change can be hard, but it does not need to be. While economics have been updated (for example, ordinary medical is increasing to $403 for one child), there are other substantive changes as well. To prepare for the new Manual, SCAO has posted the 2017 MCSF on its website. The Manual is at: http://courts.mi.gov/mcsf. The following are some of the major changes:

High income: The 2017 MCSF removes the "magnitude of income deviation factor" and gives the court the authority to use its discretion in extremely high income cases. The definition of an extremely high income case is left open for interpretation, but it is expected to be at least several times above the highest amount in the general care tables. In exercising discretion, the court must first ensure that the child's needs are met and may calculate amounts using other marginal percentages, or by fashioning an outcome that financially benefits the children while protecting each child's interests in the inherent obligation each parent owes.

Administrative Cost Deviation Factor: The 2017 MCSF allows for a deviation if the amount of the order does not exceed $15 and the administrative cost to enforce an order is too burdensome. This is not a new "minimum order." Rather, this is focused on the cost-benefit of establishing and enforcing an order. This must be done on a case-by-case basis as there may be cases with an order below $15, but enforcement is low and it is proper to maintain the order.

Retirement Contributions: There are two changes here. First, employer contributions to a person's retirement plan will not be counted as income, because that money is not available from which to pay support. If the individual were to access the account and draw down on it, then the funds would be considered income. The second change is removing the 5.5% deduction for voluntary contributions. Because the person is choosing how to spend the money, this is money from which support could be paid. The only retirement contribution that can be deducted is if it is mandatory as a condition of employment.

Imputing Income: The 2017 MCSF will help clarify when imputing may be used. Most importantly, the 2017 MCSF includes additional considerations to the factors. Factor (f) will look at the number of hours of available work. Factor (i) will include the requirement to review a criminal record, ability to drive, and ability to access transportation. There is also an increased emphasis on the requirement to look at each of the factors when determining ability to pay and whether to impute. The 2017 MCSF also adds a section to provide examples of when it is improper to impute income.

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Michigan Child Support Formula Changes (*continued from page 1)*

Mandatory Health Care Self-Coverage Deduction: Due to the requirement under federal law that each person must have health care coverage or face a fine, the 2017 MCSF allows for a deduction of the actual cost of providing such coverage. This deduction is calculated by figuring the actual net health care cost to the parent [parent-paid premiums minus any reimbursements, subsidies, or credits] and dividing by the number of individuals covered (including the parent). This deduction applies to premiums for coverage whether the plan was purchased through an employer benefit program, privately, or an exchange.

Parental Time Offset: The 2017 MCSF changes the parental time offset to a factor of 2.5. This was done to address concerns that the former approach may not have adequately balanced the support recipient's overall costs with the support payer's costs for moderate amounts of parenting time. In addition, a new parental time offset section was added to the MCSF Supplement as explanatory material.

Employer Reimbursements: The manual was clarified to plainly express that employer reimbursement for an employee's tuition, educational costs, health savings accounts, and uniforms are not income. If a reported income figure, such as an earnings statement, includes educational or uniform reimbursements, subtract those amounts from the income used to calculate child support. However, travel reimbursement that exceeds actual costs is income.

Medical Expenses: There is a change in terminology to provide clarification. What has been called "extraordinary" is now "additional (extra-ordinary)." There is also a change to the minimum enforcement threshold. The "minimum enforcement threshold" for enforcing additional medical expenses are $100 per child each calendar year, or a lower amount if set by the local court. If unreimbursed additional expenses do not exceed the threshold before a year ends, lesser expenses may be submitted to the FOC for enforcement before the deadline.

Finally, there are two rare scenarios where the court may treat all medical expenses as additional (extra-ordinary). One scenario is when both parents routinely take children for medical care and incur somewhat equal expenses. The other instance is when the support payer/parent is the one who will incur most of the out-of-pocket medical costs for the children and the recipient spends little on the children's care.

These are just some of the major changes and clarifications coming with the 2017 MCSF. The full manual will be posted in October, and there are numerous trainings available in the upcoming months. If you have any questions about the 2017 MCSF, please contact Paul Gehm or Bill Bartels at 517-373-4835.

THE PUNDIT

Editor
Paul Gehm

Editorial Staff
Stacy Selleck
Meredith Cohen
Ernscie Augustin
Brenna Jardine
Maya Jones
Antoine Cato
Trisha Cuellar

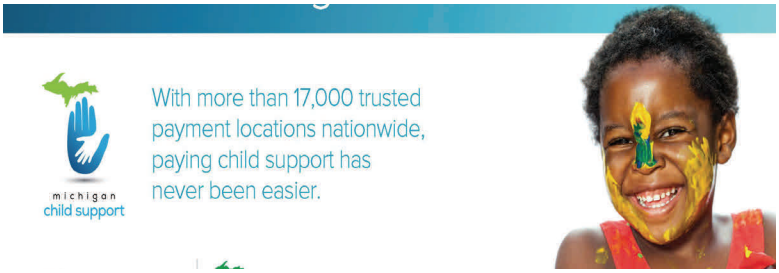
Friend of the Court Bureau Contacts
Steven Capps, Director
CappsS@courts.mi.gov
Bill Bartels, Management Analyst
BartelsB@courts.mi.gov
Timothy Cole, Management Analyst
ColeT@courts.mi.gov
Suzy Crittenden, Management Analyst
CrittendenS@courts.mi.gov
Paul Gehm, Management Analyst
GehmP@courts.mi.gov
Elizabeth Stomski, Management Analyst
StomskiE@courts.mi.gov
Meredith Cohen, Management Analyst
CohenM@courts.mi.gov
Trisha Cuellar, Administrative Assistant
CuellarT@courts.mi.gov

Friend of the Court Bureau
State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
925 North Ottawa
Lansing, MI 48909
Phone: 517-373-5975
Fax: 517-373-8740

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.

Announcing PayNearMe!

Paying Child Support in Michigan Just Got Easier!



PayNearMe is a new valuable payment option for customers to use to pay their Michigan child support. Currently, PayNearMe is available at any participating 7-Eleven or Family Dollar store. There are approximately 17,000 different PayNearMe locations nationwide, with efforts to expand to other retailers.

PayNearMe is a user-friendly service that will make Michigan Child Support payments more convenient for customers. There are only a few simple steps customers need to take. First, the customer must visit the www.misdu.com website. Then, the customer must select the "Make a Cash Payment" option and enter the requested identifying information. Based on the customer's preference, a payment code is either sent to the customer's phone or is available to print. This code is used every time a payment is made.

The customer will then take the code and cash to a participating Family Dollar or 7-Eleven store to make the payment. There is a $1.99 convenience fee for each transaction. Finally, the customer will be given a receipt and the state will be notified of the payment immediately. The payment may take up to three business days to post, similar to any other electronic payment made by a customer.

Although PayNearMe is a new option, early data shows a high number of transactions are being made. These transactions range from regular payers to arrears-only payers. Some PayNearMe transactions are even from customers who have not made child support payments in over a year. Additionally, the PayNearMe locations are receiving various amounts of payments, but most payments are fairly large. The payments range from $25 to $1000, averaging $230. According to initial data, two-thirds of the payments are over $100 while one-third are over $500. At this time, it is not possible to gather specific statistics on the customers who are using PayNearMe.

Customers frequently pay their child support in cash or money orders. Because many customers face challenges with making child support payments, visiting their local FOC office, PayNearMe is a great way to allow customers to pay at their convenience. As offices interact with payers, spreading the message about PayNearMe is an excellent customer service approach. The convenience of PayNearMe will benefit children and families across Michigan, making child support easy to pay with cash at a participating retail location near the customer.

Pay Near Me™

Collecting the Uncollectable:

Repayment Plans for Arrears and Surcharges and One County's Experience with State Arrears Forgiveness

by: Michael Post, Child Support Account Specialist, Oakland County; and
Regina Hennenlotter, FOCB Law Clerk

Every Friend of the Court (FOC) office is bogged down with old cases heavily in arrears. The likelihood of the delinquent payers ever completely paying off their back child support in some of these cases has dwindled to almost nothing. On very old cases, semiannual surcharges only added to this issue by doubling the debt every 9 years. This leaves payers with debts far greater than what they had originally been ordered to pay and perpetuates a nonpayment cycle.

FOC offices and parties may use MCL 552.605e and 552.603d to create repayment plans or even discharge arrears. The first option for either the party or the FOC is to petition the court directly. The court may permit the payer to use a repayment plan for the arrears, or to discharge the arrears.[1] The FOC may provide the payer with the *Motion Regarding Payment Plan/Discharge of Arrears* (FOC 109). Courts must approve the motion for a repayment plan if it finds, by a preponderance of the evidence, that the plan is in the best interest of the children and the parties.

The arrears repayment and discharge plans are designed to help payers who had trouble meeting their support obligations. It does not apply to payers with arrearages that exist because the payer acted to exclusively avoid paying support. There are several qualifications that must be met. The plans only apply to payers who don't have a present ability, and are unlikely to have the ability in the foreseeable future, to pay their arrearages without the plan. Payers are still expected to pay a reasonable portion of their arrearage and are to do so over a reasonable period of time. What is "reasonable" should be determined from the payer's current ability to pay.[2]

In addition, the Office of Child Support (OCS) must be served with a copy of the motion for repayment plan at least 56 days before the hearing, and be given the opportunity to comment on the repayment plan if arrears are owed to the state. While the court must consider OCS's written comments, it still has the final say on whether or not to approve the plan. If the OCS does not comment on the plan, the court may approve the plan only if it finds by clear and convincing evidence that the payer has satisfied the requirements listed above.

Courts have other options before approving or rejecting the repayment plan. A court may: 1) adjourn the hearing to seek written comments from OCS; 2) appoint an examiner to review the payer's assets and the repayment plan and make a recommendation concerning the plan; or 3) appoint a receiver who will review the payer's assets and make a recommendation concerning the plan, including possible payment alternatives. Courts may also deny the repayment plan if the court finds that the payer has not satisfied the requirements listed above.

When the arrears are owed to an individual payee, the payee must consent to the order. Consent in this case cannot be "silent"; the payee must either answer or be present at the hearing, and the court must determine that consent was given without fear, coercion, or duress. It may be beneficial for the FOC to have a meeting with the two parties to figure out whether both parties consent to the repayment plan.

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[1] SCAO Administrative Memo 2010-06 outlines in greater detail the process for FOCs and payers to create a repayment plan to help the payer successfully pay off the arrearage.

[2] Consider MCSF 2.01(G) for factors on the payer's reasonable ability to pay, and *Sword v. Sword*, 399 Mich. 367 (1976) for the court's application of similar factors.

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Collecting the Uncollectable (*continued from page 4)*

If there are arrearages owed to both an individual payee and to the state, the requirements of both repayment plans listed above would have to be met for the court to approve the plan.

Courts have discretion to create additional conditions for the payer to meet for approval of the repayment plan. These include:

1) participation in a parenting program, drug and alcohol counseling, anger management classes, a batterer intervention program, or other counseling;
2) participation in a work program, or
3) continued compliance with a current support order.

The court is not limited to only these options, and it will be the FOC's role to monitor compliance with the additional conditions imposed by the court.

While the payer is under an approved repayment plan, the FOC must continue to use mandatory enforcement procedures on the arrearage, including credit reporting and tax refund offsets. Discretionary enforcement must stop if the payer is in compliance with the repayment plan.

If the payer completes the repayment plan, the payer must provide written notice to all "interested parties" and request that the court conduct a hearing to consider discharge of any remaining arrearage. After notice and hearing, if the court finds that the payer has *fully* complied with the terms of the payment plan, the court shall enter an order that discharges any remaining arrearage. If the court finds that the payer has only substantially complied with the payment plan, the court may enter an order that discharges all or a portion of the remaining arrearage.

Surcharge payment plans work almost the same as the arrearage repayment plans. Surcharges that were assessed after June 30, 2005, may be discharged on a motion by a party or the FOC. A surcharge can only be discharged on motion if it accrued after June 30, 2005. Surcharges that accrued before June 30, 2005, *cannot* be discharged under the discharge plan. The final date any accounts were surcharged mandatory surcharges was July 1, 2009. After January 1, 2011, surcharges became discretionary.

Because the statute requires that the plan not violate state or federal law, OCS policy states that surcharges are considered to be support and therefore surcharges owed to an individual payee cannot be discharged without the payee's consent.

It is unlikely that a payer will file a motion only to discharge their surcharges, instead of a motion for an arrears payment plan. But a surcharge-only plan has the advantage of immediately discharging surcharges subject to reinstatement versus discharge at the end for an arrears repayment plan, the court must enter a surcharge repayment plan if the payer meets the same qualifications as the arrears payment plan. The arrearage cannot exist because of the payer's conduct to avoid the support obligation; the payer has no present ability or foreseeable ability to pay without the discharge of surcharges; the plan is reasonable based on the payer's current ability to pay.

It is important to note that any "interested party" can move to have the arrearage payment plan terminated and have the arrearage reinstated for good cause. "Good cause" can include when the payer begins to receive public assistance, or the payer receives property that is sufficient to pay a substantial portion of the amount discharged. Property could include lottery or similar winnings, settlement under an insurance policy, judgments in a civil action, or inheritance.

Surcharges waived or discharged may be reinstated in whole or in part by the court, upon notice and hearing, if the court finds that the payer failed to substantially comply with the repayment plan.

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Collecting the Uncollectable (*continued from page 5*)

The FOC may also look beyond the repayment plan statutes. The repayment plan statutes for arrears and surcharges were originally the only way to discharge child support arrears. Now, court approval may not be necessary because the OCS has developed its own discharge policies for state-owed arrears. Therefore, if a party files for an arrearage payment plan or discharge, the plan can likely be approved without an order from the court, as long as the moving payer qualifies under the statute. If the arrearage is owed entirely to the state, it may make sense for the FOC to intervene without wasting time, funds, and resources on a hearing. The FOC could intervene by using OCS policy to discharge the arrears.

In Oakland County we have identified our clients with the largest arrearage, as they are most likely to benefit from a payment plan or a discharge of arrears, and are the least likely to file the necessary motion. Although we have the FOC 109 packet available to our clients, Oakland County typically uses the Request to Discharge State-Owed Debt, form DHS 681.

The DHS 681 is a four-page questionnaire to determine the financial situation of the payer and the ability to pay their child support arrears. Once the completed DHS 681 is received by our office, the information on the form is input into the Arrears Discharge Worksheet (a Microsoft Excel application that determines whether or not the payer of support qualifies for a discharge of state-owed support arrears).

If a payer qualifies, a Notice of Discharge of State-Owed Debt, DHS 683, is sent to the payer outlining what was discharged. Our office also includes a letter with the DHS 683 that states what is *still* owed on the case. If the applicant does not qualify for any discharge of state-owed arrears a denial letter is sent to the client.

Reasons for denial include:

- the DHS 681 not being completed in full;
- the payer has income or assets to pay their arrears;
- the payer has not demonstrated significant engagement with his or her child(ren) and/or the child support program, or
- there are no state-owed arrears to discharge.

If a parent or guardian wishes to forgive arrears that are owed to him or her, or if he or she wants to acknowledge and give credit for a direct payment, Oakland County will assist in that process. The party who wants to forgive the arrears should write a letter clearly stating the amount to credit or forgive and have that letter notarized. Upon receipt of the letter, we will draft and file a credit order and make the appropriate account adjustments to MICSES.

Oakland County is not trying to encourage direct payments between the parties, but these often take place, especially at the beginning of a support order, prior to an income withholding notice taking effect. Given the occasionally-strained enforcement resources, it makes sense not to enforce arrears that are either unwanted or should not even exist at all.

These two processes, the discharge of state-owed debt and voluntary discharge of custodial party-owed arrears, have allowed us to reallocate our enforcement resources from cases that may be nearly uncollectable to cases where our enforcement workers and their activities can yield a much greater return.

FOCs are encouraged to use these policies in their own discretion. Discharge plans may help to clear the cases that have been sitting untouched in offices with little hope of action, and ensure that support recipients are still paid their court-ordered support instead of contacting the FOC office about further enforcement mechanisms.

Michael Post is a Child Support Account Specialist with the Oakland County Friend of the Court Office. Regina Hennenlotter was a law clerk for the Friend of the Court Bureau at SCAO through September 2016.

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Designing Behavioral Interventions to Improve Programs

By Jessica Lohmann (formerly of OCSE)

In 2015, OCSE launched the Behavioral Interventions for Child Support Services (BICS) demonstration grant project in seven states and the District of Columbia. While the BICS project has many goals, it has two primary focus areas: First, introduce a way of doing business that takes behavioral factors and regular evaluation into account to improve success; Second, to encourage child support offices to incorporate behaviorally informed approaches into their culture.

With help from a technical assistance and evaluation (TAE) team, all eight BICS grantees will go through a behavioral diagnosis and design process to identify behavioral bottlenecks — key moments in a process where people disengage or fail to follow through to reach the outcome that would be in their best interest. Once the grantees identify the bottlenecks, they will design, pilot, and evaluate an intervention to address these issues. The process consists of four phases: define, diagnose, design, and test. While each one has its own core objectives and activities, the stages may overlap and are not always linear.

During the first year of the project, the grantees worked closely with the TAE team and OCSE to define and diagnose their first behavioral interventions. For information on those phases, read Using Behavioral Interventions to Improve Child Support Programs in the August 2015 Child Support Report.

This year, the grantees are working with the TAE team to design and test interventions using insights from behavioral economics and psychology.

Design

All of the BICS grantees have chosen their target areas and diagnosed where they can use behavioral interventions to alleviate bottlenecks and engage parents. Collectively, they plan to make improvements in one of these target areas: service of process, order establishment, or modification applications. Grantees are now designing interventions to address the bottlenecks identified in the diagnosis phase.

As part of the design phase, many grantees are using behavioral science theories to redesign forms, train staff, and write scripts for caseworkers to use when communicating with a customer. Examples include using identity theory to have staff call customers 'parents' instead of calling them 'obligors' and reducing hassle factors by providing them with simplified checklists and instructions to help them follow through with next steps.

As the grantees are designing their communications strategies, they are paying special attention to the use of procedural justice concepts. This is the key to help parents feel that child support offices are treating them fairly and objectively.

Test

Once the grantees design their interventions, they will work with the TAE team to test their impacts using random assignment or rigorous quasi-experimental evaluation designs. It is essential to test these interventions during the pilot phase to understand whether the behavioral theories have a positive impact.

Based on the target areas, the TAE team tracks different outcomes to analyze intervention impacts such as the number of parents who show up to establishment meetings, how many complete modification applications, or the number who make consistent child support payments.

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Designing Behavioral Interventions to Improve Programs

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The tests will run from three to nine months depending on the intervention, sample size, and outcome measures. Several grantees have launched their interventions. The rest will launch and start testing soon.

Next Steps

After the evaluators and grantees analyze their first test results and determine the level of impact, sites will work with OCSE and the TAE team to refine their approaches and improve upon their interventions. We expect that grantees will use test results to refine processes, tweak their intervention designs, and make repeated tests. If results are positive and no design changes are necessary, sites may institutionalize the intervention and begin defining and diagnosing another bottleneck.

For more information, contact Lissan Anfune at Lissan.Anfune@acf.hhs.gov.

Interstate Q & A

QUESTION:

Our office has a Florida order, where the obligor/father lives in Florida. The order was established per our request for establishment, as the obligee/mother is in Michigan.

Obligor/father (in Florida) father has been sentenced to prison for a long time – possible release date is 2039. Florida states it continues charging during incarceration. However, Florida is asking us to send a "closure request" because it cannot enforce during incarceration.

I am not sure what to do at this point. I can set my docket as "eligible to close" because the father is incarcerated with no chance of parole; the IV-D system has that as a case status. However, this is not going to generate a closure notice because the child is still a minor and there is Medicaid.

There is also a very large arrears balance. So, if I send a "closure request," what am I doing with the arrears? Just a little confused on what Florida is asking for – to me a "closure" is a zero balance and file to close.

ANSWER:

This is similar to the UE (UIFSA Establishment case code for a support and paternity establishment proceeding incoming from another state) issue we have struggled with for so long. The closing of a IV-D case is not the same thing as dismissing, modifying the order or abating the order. The order does not go away when taken off the IV-D system. Florida says it does not address the support order; it just wants to close the IV-D case. We would be closing our IV-D case, which is not the same as dismissing any charges or any balances. The court order will still be valid.

The father will continue to be charged current support (unless he obtains an order stopping the charges) and he will still owe any arrears (unless a court issues an order saying he does not). The only difference is there is no IV-D case, and no IV-D agency is keeping track of what is accruing under the Florida order. The mother could do that if she chose.

Just because the order is not being tracked on a IV-D system does not mean the order is not real — the order still says and means the same thing whether we are tracking it or not (much like a direct pay case).

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MICHIGAN COURT OF APPEALS DECISIONS
Published and Unpublished — http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx

Lake v. Putnam, published opinion in the Court of Appeals, released July 5, 2016. (Docket No. 330955).
Trial court erred in granting plaintiff standing and then parenting time to child of former partner under equitable-parent doctrine, as the doctrine applies only to children born or conceived during the marriage. Plaintiff and defendant were never married, and Court of Appeals declines to extend the doctrine to unmarried couples or to award retroactive marital status to a couple in light of the *Obergefell* decision based on the plea of one of the parties.

Dixon v. Dixon, unpublished opinion, in the Court of Appeals, released June 14, 2016. (Docket No. 329914).
Trial court erred by changing custody without allowing the parties to present evidence of the best interest factors and addressing those factors in its decision.

Fischer v. Roberts, unpublished opinion, in the Court of Appeals, released June 16, 2016. (Docket No. 330162).
Even where a child with specialized physical and cognitive needs has a high need to be close to specialized treatment, the trial court erred in relying only on minor child's need to be closer to proper medical facility without further addressing the remaining best interest factors under MCL 722.23.

Fakhruldin v. Fakhruldin, unpublished opinion, in the Court of Appeals, released June 21, 2016. (Docket No. 330554).
While the best interest of the child analysis is somewhat relaxed when the parties had made a custody agreement, the trial court erred in "blindly accept[ing] the stipulation of the parents" without making an independent determination of the best interest factors.

McGraw v. McGraw, unpublished opinion of the Court of Appeals, released June 21, 2016. (Docket No. 328994).
Where parties live across the country, the court's custody determination may drive the parenting time order, but the court must still consider the best interest factors and may also consider the parenting time factors, and may rely on the FOC recommendation in coming to its own determination.

Walkinhood v. Walkinhood, unpublished opinion of the Court of Appeals, released June 28, 2016. (Docket No. 329467).
In conducting a de novo hearing, the trial court may rely on the referee's factual findings without reviewing the evidence when the only objection is to the referee's conclusion based on those facts.

Egan v. Lehtomaki, unpublished opinion of the Court of Appeals, released June 28, 2016. (Docket No. 330110).
Plaintiff's exercise of court-ordered parenting time accompanied only by the fact that the plaintiff made one call to the child's doctor (to determine if defendant was honest about why parenting time was cancelled) did not show that the child looked to him for guidance, discipline, the necessities of life, and parental comfort sufficient to find an established custodial environment with both parents.

Hernandez v. Reynolds, unpublished opinion of the Court of Appeals, released July 7, 2016. (Docket No. 328886).
While it is preferable for the trial court to go through all individual factors enumerated in MCL 722.23, the trial court need not necessarily engage in elaborate or ornate discussion because brief, definite, and pertinent findings and conclusions regarding the contested matters are sufficient.

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MICHIGAN COURT OF APPEALS DECISIONS *(continued from page 9)*

Published and Unpublished — http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx

Skindell v. Skindell, unpublished opinion of the Court of Appeals, released July 19, 2016. (Docket No. 326574).
In an action for revocation of paternity, the court should not use the Child Custody Act best interest factors but only those in MCL 722.1443(4), and must use the clear and convincing evidence standard.

Carr v. Carr, unpublished opinion of the Court of Appeals, released July 19, 2016. (Docket No. 326782).
Trial court erred by imputing $50,000 income to the plaintiff without considering the availability of opportunities to work and the prevailing wage rates in the geographical area.

Crater v. Crater, unpublished opinion of the Court of Appeals, released July 19, 2016. (Docket No. 327250).
The trial court properly found that mother did not meet her burden of showing that a change in domicile would improve the child's life because it was dependent upon mother's continued romantic relationship with a wealthy partner to support the lifestyle, schooling, and travel costs of the mother and child.

Rhadigan v. Rhadigan, unpublished opinion of the Court of Appeals, released July 26, 2016. (Docket No. 330306).
Trial court did not abuse discretion in imputing income to the plaintiff when the plaintiff voluntarily left her former employer to join an education program, plaintiff was overly selective in her attempts to find employment, and unwilling to adjust her personal schedule to accommodate an employment opportunity.

Rozmiarek v. Rozmiarek, unpublished opinion of the Court of Appeals, released July 26, 2016. (Docket No. 330980).
There is no proper cause or change in circumstance to revisit a custody determination when the only change in circumstances from the time the parties entered into the initial custody agreement was that charges were brought against the plaintiff for conduct known to the defendant at the time of the agreement.

Hajji v. Hajji, unpublished opinion of the Court of Appeals, released July 28, 2016. (Docket No. 328209).
The trial court was not required to mathematically determine the weight of the best interest factors but could determine the plaintiff should have sole legal and physical custody giving greater weight to two of the factors even thought the others were equal.

Windmill v. Windmill, unpublished opinion of the Court of Appeals, released August 9, 2016. (Docket No. 331080).
It is not reversible error for a court not to interview the child when the child's preference would not have overcome the evidence and best interest factors overwhelmingly favored one party and when the court had reason not to interview the child due to the plaintiff's manipulation and verbal and emotional abuse of child.

Stumpe v. Stumpe, unpublished opinion of the Court of Appeals, released August 18, 2016 (Docket No. 328614).
There is no probable cause or change in circumstances to reconsider a previous custody order when evidence of defendant's alleged mental health, anger, and previous substance abuse issues did not have any current bearing on the defendant's ability to parent.

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MICHIGAN COURT OF APPEALS DECISIONS *(continued from page 10)*

Published and Unpublished — http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx

Pauly v. Helton, unpublished opinion of the Court of Appeals, released August 23, 2016 (Docket No. 330805).
The trial court did not err in its decision to award custody of minor child to the defendant, despite the preference in protecting sibling bonds when the trial court considered the impact of separate custody arrangements and found that it was in the individual children's best interests to order separate custody for each.

Madson v. Jaso, published opinion of the Court of Appeals, released August 25, 2016 (Docket No. 331605).
An order granting makeup parenting time is not an order appealable as of right under MCR 7.202(6)(a)(iii) as "affecting the custody of a minor."

Ozimek v. Rodgers, for publication opinion of the Court of Appeals, released August 25, 2016 (Docket No. 331726).
An order denying a motion to change schools or similar orders concerning legal custody are not orders affecting the custody of a minor within the meaning of MCR 7.202(6)(a)(iii) and are not appealable by right.

Zawilanski v. Marshall, approved for publication by the Court of Appeals, August 25, 2016, released July 12, 2016. (Docket No. 330495).
In a grandparenting time decision, the court erred by deciding the amount of grandparenting time without receiving evidence that the fit-parent's determination of the amount of parenting time would create a substantial risk of harm to the child.

MICHIGAN IV-D MEMORANDUM (OFFICE OF CHILD SUPPORT)

2016-029 (Aug. 22, 2016) Updates to Michigan IV-D Child Support Manual Section 3.50, "Case Closure"
This IV-D Memorandum announces updates to Michigan IV-D Child Support Manual Section 3.50, "Case Closure."

2016-028 (Aug. 22, 2016) Introducing the Public Version of the MiChildSupport Calculator and Accompanying Policy Updates
This IV-D Memorandum introduces the public version of the MiChildSupport Calculator, which will be implemented in the MiCSES 9.2 Release (August 26, 2016). It also explains updates to policy as well as supporting materials and features created to assist the public in using the public Calculator. The public Calculator will allow non-custodial parents (NCPs), custodial parties (CPs), attorneys, and anyone with access to the Internet to calculate child support per the 2013 Michigan Child Support Formula (MCSF) and the 2013 Michigan Child Support Formula Supplement.

2016-027 (Aug. 5, 2016) Review of the Retooling Michigan Child Support Enforcement Program Grant (Retooling Grant) Pilot Programs
This IV-D Memorandum provides a high-level review of the Retooling Grant findings. The Retooling Grant began on September 1, 2011, and completed on August 31, 2015.

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2016-026 (Aug. 9, 2016) Update to the IV-D Program Request for Computer Access (DHS-393)
This IV-D Memorandum introduces a minor revision to the IV-D Program Request for Computer Access (DHS-393). This change reflects the migration of the Central Paternity Registry Birth Registry System (CPR/BRS) application from the MDHHS Single Sign-On (SSO) web portal to the new DTMB MILogin web portal.

2016-025 (Aug. 31, 2016) New FOC Interactive Voice Response (IVR) System
On September 7, 2016, the Michigan IV-D program will begin the transition to implement a new statewide FOC IVR system. The new FOC IVR will improve customer service by providing one statewide toll-free telephone number for all customers who have a case with the FOC.

2016-024 (July 26, 2016) Fiscal Year 2015 Self-Assessment (SASS) Audit Findings – Corrective Action Plans (CAPs) for the Case Closure and Establishment of Paternity and Support Order (Establishment) Criteria
This IV-D Memorandum provides information related to the fiscal year (FY) 2015 SASS audit and findings.

2016-023 (Aug. 1, 2016) New Payment Option for Child Support Customers, 'PayNearMe'
OCS is offering a new payment option for non-custodial parents (NCPs) to pay their child support. "PayNearMe" is a service that will allow NCPs to pay their child support with cash at certain retail locations throughout the United States.

2016-022 (Aug. 9, 2016) Updates to the National Medical Support Notice (NMSN), the Parent Health Care Coverage Explanation Sheet, and Section 6.06, "Medical Support," of the Michigan IV-D Child Support Manual
This IV-D Memorandum announces minor revisions to the following forms: National Medical Support Notice (NMSN) (FEN302); Addendum to the National Medical Support Notice (FEN302A); Combination Income Withholding for Support and National Medical Support Notice (FEN58X); and Parent Health Care Coverage Explanation Sheet (FEN303).

2016-021 (June 28, 2016) Changes in OCS Email Addresses to Reflect the Creation of the Michigan Department of Health and Human Services (MDHHS), and a New OCS Address
This IV-D Memorandum announces changes to OCS email addresses with a "DHS-" or an "FIA-" prefix. These prefixes have been eliminated and changed to an "MDHHS-" prefix to be in line with the merger of the Department of Human Services (DHS) and the Michigan Department of Community Health (MDCH). This change affects OCS Central Operations email addresses as well as other OCS email addresses that appear in OCS forms, reports, and policy materials. The affected email addresses will forward messages to the new corresponding MDHHS email addresses for a limited amount of time, after which the new email addresses must be used.

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2016-020 (June 24, 2016) Limit on Holding Potentially Fraudulent Federal Tax Refund Offset (FTRO) Receipts, and Revisions to the FTRO Fraud Process

This IV-D Memorandum announces revised policy on the federal tax refund offset (FTRO) fraud process. The federal Office of Child Support Enforcement (OCSE) recently published Action Transmittal (AT)-16-03, *Timeframe to Distribute Tax Offsets Referred for Fraud*. This AT limits the amount of time a state can hold potentially fraudulent FTRO receipts that are referred to the Internal Revenue Service (IRS). A state can hold these receipts up to six months from the date the state receives the FTRO. Prior to this AT, a state could hold potentially fraudulent FTRO receipts for an indefinite period of time.

2016-019 (July 19, 2016) Access to the Central Paternity Registry/Birth Registry System (CPR/BRS) on the New MILogin Web Portal, and Updates to Michigan IV-D Child Support Manual Section 4.05, "Paternity Establishment"

This IV-D Memorandum announces the migration of the CPR/BRS application from the Michigan Department of Health and Human Services (MDHHS) Single Sign-On (SSO) web portal to the new DTMB MILogin web portal. Beginning July 26, 2016, users will access CPR/BRS through MILogin.

2016-018 (June 29, 2016) Revisions to the Acknowledgment of Parentage Act and the Affidavit of Parentage (DCH-0682)

This IV-D Memorandum announces revisions to the Acknowledgment of Parentage Act and the *Affidavit of Parentage* (DCH-0682). The revised Affidavit of Parentage (AOP) is currently available in hospitals and on the Michigan Department of Health and Human Services (MDHHS) website.

2016-017 (June 17, 2016) Notifying Unlicensed Providers of Impacts to Their Existing IV-D Case(s) Due to the Michigan Child Support Enforcement System MiCSES)/Michigan Statewide Automated Child Welfare Information System (MiSACWIS) Interface

This IV-D Memorandum discusses the following information regarding the implementation of the MiCSES/ MiSACWIS two-way interface on June 17, 2016: Actions that FOC staff will take on unlicensed provider referrals from MiSACWIS immediately after MiCSES processes the MiSACWIS synchronization file; The effects that those actions will have on custodial parties (CPs) who are indicated as unlicensed providers in the synchronization file; and A letter template that FOC staff may use to inform those CPs of the effects on their IV-D case.