

AGENDA
FRIEND OF THE COURT BUREAU
ADVISORY COMMITTEE

Friday, November, 2009, 1:00 pm

Michigan Hall of Justice
925 W. Ottawa St. – 1st Floor
Lansing, Michigan

1. Call to Order

- a. The Chair of the Committee was not in attendance. Mr. Peter Dever filled the Chair's roll.

2. Administrative Matters

- a. Approve minutes from May 8, 2009
 - i. Minutes from the May 8, 2009 meeting were approved with no corrections.

3. Public Comment

a. Larry James Tarlton, of Flint, MI

- i. Mr. Tarlton is concerned with Genesee County's calculation of child support for buyouts of GM retirees. He voiced concern with bias and discrimination towards GM employees with significant drops in income. Genesee County is including lump sum payments toward the retirement account (buyout) with the regular current income and this is resulting in an unfair result. The buyout is a one time payment, and although there is access to the buyout funds, there is a penalty for doing so.

b. Francia Malone, of Flint, MI

- i. Ms. Malone is concerned with the lack of a Citizens Advisory Committee (CAC) of Genesee County. Without a CAC, she believes the people will not have a voice to speak on their behalf. Ms. Malone said that she was given no reason for the dissolution of the Genesee County CAC. Mr. Daniel Bauer noted that the CAC is not funded through statute, and some counties do not want to accrue the debts associated with running a CAC. Alternatively, other counties that created CACs may have cancelled meetings due to lack of a quorum. Mr. Bauer noted that Ms. Malone should try to find out any barriers that exist preventing a CAC in Genesee County, and identify ways around the barriers if she wanted to establish one.
- ii. Ms. Malone also had a concern with the grievance forms not being available at the Genesee County FOC in the lobby. Mr. Bauer noted that the grievance forms should be available in a public area. He further noted that he would send an email to Genesee County FOC to remind them of this.

c. Robert Kerr, of Lansing, MI

- i.** Mr. Kerr noted that MCL 552.605(c)(2), specifically the monetary arrearage issue, was still in effect, and the legislature did not remove this provisions with the revisions to the statute that were currently made.
- ii.** Mr. Kerr was also concerned with fines associated with violating a restraining order. He is concerned that this would ratchet up the tension between the parties, and a party may be injured or killed just to raise revenue.

4. Correspondence – Since May 8, 2008

- a. June 30, 2009: Case-specific regarding multiple issues
- b. July 27, 2009: Access to courts question regarding interstate transfer
- c. August 8, 2009: Case specific regarding lack of collections
- d. September 25, 2009: Case specific regarding 65% withholding threshold
- e. October 19, 2009: Request to speak on enforcement against GM Retirees
 - i. Many of the FOCB Advisory emails deal with case-specific issues, and these are forwarded to the FOCB info email (FOCB-info@courts.mi.gov).

5. Old Business

- a. Update on SCAO work related to recommendation from May 9, 2008, FOCB Advisory Committee regarding “Encourage Attendance at divorce orientation program.”
 - i. Activities on hold due to lack of funding
 - ii. Mr. Bauer discussed the idea of showing such a video at local FOC offices to a group of child support professionals. He learned and reported that Ottawa County has a video online, but it is very general and does not go as in depth as the Advisory Committee envisioned.
 - 1. There was discussion about how to accomplish the goal in the face of funding issues. The Committee members suggested utilizing either MSU or LCC students to create the video to greatly reduce the costs.
 - iii. Ms. Bullard noted that WMU is conducting research to analyze if online parenting education programs are as effective as in-person classes. She noted that she would share the results with the Committee at the next meeting.
 - iv. Mr. Bauer noted that there was a Washington State Study that analyzed the tendency of litigants with representation as more likely to win custody rather than a pro se litigant. Mr. Kerr provided the study. Mr. Bauer noted that this is true in most cases; if you have a lawyer when you go to court, you are likely to have a

more favorable outcome. The Committee did not see the necessity to repeat the study in Michigan.

6. New Business

- a. Continue discussion on domestic relations proposals
 - i. FOCB is seeking input from FOCB Advisory Committee on various proposals the Court has received from various sources
 - ii. Each topic is expected to result in recommendations delivered to the FOCB after the advisory committee has reached consensus. The committee may come to consensus within a single discussion, or the discussion may span several meetings.
 - iii. Today's discussion will seek the committee member's opinions on **“Allow the court to sanction a party who violates a restraining order by awarding attorney fees or assessing a fine.”**¹
 1. The consensus within the FOC Advisory Committee was that the Committee should not necessarily be making a recommendation. There is no statutory authority for the FOC to entertain restraining order violations.

7. Closing

- a. Members Closing Comments
 - i. Ms. Dunnings noted that there was not a lot of direction in the Michigan Child Support Formula to deal with lump sum payments.
 - ii. Mr. Dever noted that there is no general format for these types of cases and that parties can object if the recommendation is unjust or inappropriate.
 - iii. Mr. Bauer said that the FOCB would look into this to see if there was any violation on the part of Genesee County FOC in calculating the support amount.
 - iv. Ms. Dunnings said that the Advisory Committee should inquire with Genesee County exactly how Genesee County is calculating the obligation. Mr. Bauer agreed to obtain more information regarding Genesee County's establishment of this policy
 - v. This issue will be discussed again at the next meeting, once more information is obtained.
- b. Final Public Comment
- c. Adjourn

¹ Some courts would like to sanction or fine parties who violate restraining orders. A court may only impose costs and sanctions that are permitted by statute. Should there be special sanctions for violation of orders permitted under some of the proposals? To whom would they be paid (library, court fund, counseling fund)? How much? Should they be mandatory or discretionary?