

Friend of the Court Bureau  
Advisory Committee  
Friday, May 17, 2013

In Attendance: Daniel Bauer, Doug Howard, Kelly Walters, Amy Yu, Peter Dever, Shauna Dunnings, Lynn Bullard, Anita Bilek, Elizabeth Stomski, Ray Buch

Absent: None

- I. Call to Order- 1:09 pm
- II. Administrative Matters
  - a. Review minutes from February 15, 2013- motion to accept the meeting minutes as presented by Peter Dever, 2<sup>nd</sup> by Amy Yu. Minutes adopted.
  - b. Introduce Ray Buch, New Human Services Professional member
- III. Public Comment
  - a. No requests for public comment have been received by the time the agenda was published.
- IV. Correspondence
  - a. Dan received one item after agenda was posted. An individual emailed the Advisory Committee asking if all FOC employees were required to abide by the Model Code of Conduct for judicial employees. Dan responded that there was no single code of conduct for all employees and that it was up to a local court to establish a formal code of conduct. Dan identified the grievance procedure as appropriate way to file a complaint against a FOC staff member, or to suggest that the office needs to establish a formal code of conduct, if one does not exist.
- V. Old Business
  - a. FOC Arrears Management Policy- Committee members' experiences with the new policy
    - i. "Extreme difficulty" standard appeared to be difficult to meet in local offices, and OCS was notified of the issue. OCS is reviewing the comment and will be reissuing the policy in summer 2013.
    - ii. Van Buren Co. found a lot of arrears have been forgiven under the SCAO calculator/OCS policy. The FOC is reviewing all cases under the request, and finding that most if not all cases are state-only arrears and are eligible for case closure. The range of types of people asking for arrears forgiveness ranges from the elderly and disabled to younger people who are just now receiving disability payments.
    - iii. Ingham Co. is finding the same thing as Van Buren Co. Ingham Co. has not had a problem with the discharge program, using the SCAO tool. Ingham Co. is keeping stats and will share the information at the next meeting. Since starting the arrears forgiveness program in November 2012, Ingham Co. has hit the \$1 million in state owed arrears forgiven. The FOC is closing cases, especially those with SSI issues. Finding that arrears forgiveness a good policy and generating good will in the community. Has not sought publicity in encouraging other cases to request arrears to be forgiven because of manpower issues, but is willing to talk to FOCB clerks for a Pundit article.
    - iv. Oakland Co. is applying arrears forgiveness when appropriate, finding that screening is critical- with more people getting on SSI now than before, finding that the FOC's really need to watch who qualifies for arrears forgiveness.

- v. No comments from the local bar or from private practice.
- b. Establishing paternity in abuse/neglect cases
  - i. Family Law Council feedback: Council agrees that the biological father should be found as soon as possible in abuse/neglect matters, but as soon as paternity has been established, there should be a mechanism to go to family court.
  - ii. Child welfare experience is that the juvenile courts will not order a biological father that is not a party to the case to take a DNA test.
  - iii. Question is if the DNA tests can be reimbursed under IV-D instead of IV-E funds – Protective Services Program Office.
  - iv. Putative grandparents can be investigated as a placement option even if paternity has not been established, however placement to putative aunts and uncles, other putative relatives cannot be done without establishing paternity.
  - v. Many cases go to guardianships now- if children are older and do not want to be adopted, not always a reason to terminate parental rights. Termination of parental rights is on an as-needed basis.
  - vi. Some courts still experiencing a delay in setting a temporary custody position and those courts will have the FOC's continue to charge on child support even if temporary placement is with the payor of support. Ingham Co has proactive judges that will temporarily change custody of a child to an active NCP while the investigation of CP/family is being completed, but the judges also know that the final determination of child placement is a different issue. But there are other considerations as well, such as multiple fathers/siblings split up, etc. FOCB should take action to determine if there is a way to expedite this process between family division courts. Dan will work with Child Welfare Services and Jenifer Pettibone (DHS IV-E Director). If there has been a substantive change, or if someone wants to come to the Committee to discuss the topic, the Committee will place this topic back on the agenda.
- c. Assigning support when a child is placed out of the home- Contact with Jessica Pearson, Center for Policy Research: Dan sent her an email right after the meeting, and Jessica has not responded. Dan will resend the email and advise the Committee at the next meeting if there was correspondence.
  - i. Doug @ Permanency Forum in Grand Rapids- that forum may be interested in engaging into this topic. Next meeting is October 2013. Dan was advised by Child Welfare Services that the group may not be the best as it's a lot of providers. Doug suggested the possibility of a break-out group at the end of the October meeting to approach the subject.

## VI. New Business

- a. Other matters from the Friend of the Court Bureau
  - i. MI Child Support Strategic Plan- last summer, the child support program introduced a 5-year strategic plan involving all IV-D partners. Program is looking “beyond the money” to find out how to best improve the program. Created large goals ranging from technology to business process. More people have been brought into the strategic plan process. Top 3 goals: customer services, business processes, technology. Each goal has a “champion” (or co-champions) that is spearheading action to achieve the goal.
  - ii. Goals and projects will overlap, and the groups recognize the overlap.
  - iii. Hoping to provide holistic services to the family.

- b. Proposed changes to MCR 3.218 (comments due August 2013): Any specific comments can be directed to Dan Bauer.
  - i. Section (A)(3)(b): suggestion to change it to “child welfare” or to include “foster care”- CPS is a different division than foster care, and there may be information that foster care will be sharing with the FOC. That shared information should be marked as “confidential.”
  - ii. Information under the rule will be marked “confidential” both ways- receiving and sharing. Concern arose when FOC employees were designated as mandated reporters and that report would likely be placed into the FOC file. Suggestion to separate receiving and sharing into separate paragraphs.
  - iii. If there is a private agency taking care of the placement, would they be required to share information and keep it confidential? Paragraph (A)(4) indicates that protection extends to contractors as well.
  - iv. The court may choose to implement the court rule with immediate effect or choose to wait until the calendar year- either way, Dan will be drafting policy to explain the rule change. If there is a draft policy ready by the next meeting, Dan will share.
- c. FOCB Customer Service Stats: New tracking system in use with FOCB law clerks
  - i. 404 public contacts with FOCB
  - ii. Complaint percentage = 16.58%, meaning that the majority of calls are not complaints
  - iii. Other top issues: support enforcement, FOC phone number information, support establishment, and MiSDU phone number information.
- d. MiSACWIS will go live August 1, 2013. Will eventually have full interface with MiCSES. When child removed from home and certain conditions are met, a referral is issued to OCS including info needed to contact PA or for funding for placement (automatic). MiCSES information is that the interface is in the “red zone” as the testing is behind, so full automation may be a little behind. If a child is removed from the home, it is referred for a support obligation. If no existing case and known father (or if no existing case and father not known), there may not be an automatic referral. If IV-A or IV-E is active on the case, IV-D gets involved by operation of law. If there is any other involvement by another agency (state foster care, etc), then IV-D needs to have the 1201 application complete for IV-D billing purposes.

VII. Closing

- a. Members closing comments- none
- b. Final public comment on matters not before the committee- none
- c. Adjourn- 2:44 pm