



State Court Administrative Office

Sample Friend of the Court Policy and Procedure Manual

July 1, 2022

INDEPENDENCE · ACCESSIBILITY · ENGAGEMENT · EFFICIENCY



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1.0 INTRODUCTION

The _____ Friend of the Court (FOC) has created this policy and procedural manual to assist employees and management with achieving proficiency in monitoring, investigating, and enforcing custody, parenting time, and support orders, and providing alternative dispute resolution services.

The FOC is required to provide assistance to the family division of the circuit court in accordance with the court's jurisdiction [MCL 600.1043](#). The FOC must also comply with Michigan statutes, Michigan court rules, and Friend of the Court Bureau (FOCB) policies. [MCL 552.503\(7\)](#).

The FOC office's duties are performed under the direction of the chief judge. The FOC director is an employee of the circuit court and is responsible for the day-to-day operations of the office. In this capacity, the FOC director is responsible for ensuring the office meets all its mandated responsibilities.

Organization of the Manual: The manual is divided into chapters. Each chapter contains a set of policies and procedures. A policy is a course of action to achieve a desired outcome. Policies within this manual are determined by the Friend of the Court Act [MCL 552.501](#) and the Support or Parenting Time Enforcement Act. [MCL 552. 601](#). Michigan Court Rules, and State Court Administrative Office (SCAO) directives. Procedures are steps taken to complete the policy objectives.

All employees are expected to be able to locate this manual for guidance on what action to take in a given circumstance.

The manual will be updated when statutes, court rules, case law, and FOCB policies are established or amended. FOC staff will be notified when an update has occurred.

The chief judge will review and approve the policies and procedures to ensure the FOC office implements policies and procedures as the court directs.

2.0 FRIEND OF THE COURT ADMINISTRATION

2.1 Friend of the Court Office (FOC) Management and Staff Requirements

Policy: The FOC director will continually examine current procedures to determine whether services can be provided more efficiently while maintaining appropriate levels of customer service. When developing processes and local workflow, the office's primary focus will be to uphold the law and efficiently perform its required duties in a timely manner. Staff assignments will reflect office priorities.

As a court agency, the FOC's role must be neutral, and provide facts that allow the court to determine an appropriate outcome. To recommend or advocate for specific outcomes based on opinion invites the perception that the FOC is representing a party's interest or advocating for or against one party.

The office will focus its activities towards first performing mandatory services and, where possible, using automated processing. Establishing written processes provides a basis for treating similar situations uniformly and consistently.

In addition to assisting with planning, defining workflow lends itself to self-evaluation and policy development and will be used to train staff. Generally, process improvement involves a willingness to change past practices to accommodate mandated or efficiency-based changes. In designing processes, care will be taken to ensure that all statutory, regulatory, and procedural requirements are identified and followed.

2.1.1 Public Trust and Ethics

Procedures: FOC employees hold highly visible positions of public trust. FOC staff must conduct the judiciary's business in an environment and manner that favorably reflects the fundamental values of Michigan's judicial system. At all times, staff actions should uphold and increase the public trust and confidence in the judicial branch and always reflect the highest degree of integrity.

Processes: SCAO suggested process: All staff will review and sign the [Model Code of Conduct for Michigan Court Employees](#).

2.1.2 Bar from Giving Legal Advice and Unauthorized Practice of Law

Procedures: FOC staff must not give legal advice. [MCL 600.916](#) makes the unauthorized practice of law a misdemeanor. According to *Dressel v Ameribank*, 467 Mich. 557 (2003), a person engages in the unauthorized practice of law when that person counsels or assists another in matters that require the use of legal discretion or profound legal knowledge.

Processes: SCAO suggested process: All staff will review and abide by Michigan Judicial Institute (MJ) [Training on Legal Terminology and Legal Advice](#).

2.1.3 FOC Staff Involvement and Practices in Court Proceedings

Procedures: FOC employees will neither advocate for any particular result in a hearing nor recommend sanctions specifically for contempt. The office will neutrally provide facts to the court to allow the judge to determine which sanctions are

appropriate. To recommend specific sanctions such as jail invites the perception that the FOC, acting as a court employee, is an advocate for or against one party. Staff not licensed to practice law in Michigan will only play a limited role in any hearing. When in court, FOC staff members who are not attorneys will not advocate for any outcome, ask questions of the parties, or “represent” the office.

Processes: [Explain how the court will direct FOC staff to be involved in cases, limits, etc.]

2.1.4 SCAO/FOCB Policies

Procedures: The FOC will take all necessary steps to adopt office procedures to implement the recommendations of the FOCB. [MCL 552.503\(7\)](#). The SCAO issues policies in a number of forms:

- a. [Administrative Memoranda](#) and Associated FAQs.
- b. [SCAO Standards and Guidelines](#) (e.g., case file management standards).
- c. [Court Administration Reference Guide](#) (CARG).
- d. [FOC Model Handbook](#).

Processes: [Explain how the court will implement recommendations for policies.]

2.1.5 Legal and Policy Updates

Procedures: Staff will receive information regarding important changes that affect the office regularly. Disseminated information will include an analysis or initial interpretation of the changes, along with an opportunity for questions or comments about the applicability of the changes.

In addition to assisting with planning, defining workflow lends itself to self-evaluation and policy development and will be used to train staff. In designing processes, care will be taken to ensure that all statutory, regulatory, and procedural requirements are identified and followed.

Processes: [Explain how the court will disseminate information.]

2.1.6 Forms and Processes

Procedures: The office will review all local and state forms used and ensure the forms comport with the intent and practice of the court.

Processes: [Explain how the court will review forms.]

2.2 Human Resources

Policy: Trial courts are the employer of record of court employees. The circuit court employs all FOC staff. Thus, the court has the sole authority to make personnel decisions regarding its employees, such as hiring, disciplining, resolving court employee grievances, etc. The FOC director will work cooperatively with local county administration and allow other county departments to assist with details like posting employment notices, collecting applications, administering benefits, etc.

Procedures: The court shall make every effort to take an active role in contract negotiations. Allowing the county administration to engage in negotiations on behalf of the court may

imply that the county has authority over court employees. As such, any agreements or use of county services or materials should clearly delineate the court's sole authority to make personnel decisions regarding its employees. Human resource management is referred to generally in Section 5 of the [Michigan Trial Court Administration Reference Guide](#). The [Michigan Supreme Court Administrative Order 1998-05](#), addresses the responsibilities of the chief judge in local intergovernmental relations.

Processes: [Explain how the court will take an active role in human resource management.]

2.2.1 Training and Development

Policy: Staff will have meaningful opportunities to continue to build skills through training. Staff will also have the opportunity to receive meaningful feedback from management to clearly understand management's expectations and have an opportunity to set goals to meet those expectations. Position descriptions will be clear and accurate to help the office set expectations and maintain appropriate compensation levels.

Procedures: Professional training, provided by organizations such as the SCAO, Michigan Judicial Institute (MJI), Michigan Friend of the Court Association (FOCA), Michigan Family Support Council (MFSC), Referee Association of Michigan (RAM), local community colleges or trade schools, Eastern Regional Interstate Child Support Association (ERICSA), and the National Child Support Enforcement Association (NCSEA), will allow staff to learn specific information regarding their jobs. Just as important, training provides an opportunity for staff to network with staff from other offices.

Because of financial constraints or limited statewide training opportunities for certain subject areas, the FOC will consider collaborating with surrounding FOC or other county offices to arrange regional or local training opportunities. Management will make every effort to identify and arrange training for FOC employees as opportunities develop and funding is available.

Processes: SCAO suggested process: Information regarding the training an employee attends will be placed into the employee's personnel file. Once staff has received adequate training and been given notice of management's expectations regarding appropriate professional behavior, an infraction or inappropriate behavior will be handled according to court policy. Training needs will be identified and developed in an individualized training plan to facilitate or provide such training, which will be included as a part of the employee evaluation process. Part of that training plan will ensure that all staff is given the opportunity to attend trainings.

2.2.2 Training Expectations for Staff

Policy: FOC staff will learn more from training when they are informed of the training expectations. This pre-training expectation will allow the attendees to know specifically why they are attending this training as well as the supervisor's expectation. This knowledge will enable the attendee to focus on the practical application of the training.

Procedures: Before sending staff to training, management will establish expectations for what the attendee is expected to learn, and how management expects the attendee to use the information when at work.

Process: [Explain how the court will establish and maintain training expectations.]

2.2.3 Staffing and Management

Policy: The FOC office will meet its expectations when the office maintains proper staffing levels.

Procedures: FOC management, the chief judge, and the SCAO will determine adequate staffing levels and provide for necessary staff supervision.

Process: [Explain how the court will maintain adequate staffing.]

2.2.4 FOC Employees as Mandated Reporters of Child Abuse and Neglect

Policy: [MCL 722.623](#) requires a person employed in a “professional capacity” by any FOC Department of Health and Human Services (DHHS) must allow FOC offices to access certain confidential DHHS records. The Friend of the Court Act requires FOC offices to notify DHHS’s Child Protective Services division of any procedural developments in certain FOC cases. [MCL 552.520](#).

Procedures: An FOC employee will follow [MCL 722. 623](#) and [SCAO’s 2012 Administrative Memorandum on Reporting Child Abuse and Neglect](#) when the employee suspects child abuse or neglect. Additional information on reporting child abuse and neglect can be found at: https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119_50648---,00.html

Processes: [Explain how the court will ensure that FOC staff who are employed in a professional capacity are designated as mandated reporters.]

2.3 Budgeting

Policy: The Friend of the Court Act provides that, “the compensation and expenses of the FOC for each judicial circuit and of the employees of the office and all operating expenses incurred by the office shall be fixed by the chief judge. . . .” [MCL 552.527](#). The court funds FOC operations through a combination of two funds. The first fund (commonly known as the 215 fund) may only be used to fund FOC operations. The 215 fund is funded through fees, fines, costs, and sanctions generated from FOC activities and federal incentives. The second fund is through the county general fund. A mix of federal, state, and local monies fund child support establishment and enforcement services conducted on qualifying IV-D cases (cases where a person has applied for child support services). The local resources completely fund any services unrelated to child support establishment or enforcement that an office provides, as well as any work done on cases not qualifying as IV-D. While this process provides a funding stream for the office, it complicates accounting for revenues and expenditures.

Non-IV-D cases are those without a IV-D application and those that are not eligible for IV-D services, such as spousal-support-only cases. Formerly, the FOC was required to reduce the amount it billed to the federal government by the non-IV-D portion of its caseload. Now the FOC office can receive 100 percent IV-D funding for child support activities but must not bill nonsupport activities (such as custody and parenting time) to the federal IV-D reimbursement program. The office is required to account for the time it spends on those activities and subtract that value from the amount it bills to the federal government.

The federal Title IV-D child support program pays for 66 percent of eligible program costs. This essentially means that for every one dollar spent on eligible expenses, the federal government will reimburse the state (and the county) sixty-six cents. In addition to this revenue, the federal government provides “incentive funding” for states that achieve high performance. The incentive formula requires states to compete for a share of the funding pool based on their program results. The state passes a portion of the incentives on to the counties through the same formula that the state earns the incentives from the federal government. The FOC is in competition with other FOC offices for a share of those incentives. Currently, federal regulation ties incentive funding to five specific performance factors:

1. The percentage of cases with paternity established.
2. The number of cases with support ordered.
3. The percentage of current support collected.
4. The percentage of cases with an arrears payment collected.
5. The program’s cost-effectiveness (support collected per dollar spent).

Both the prosecuting attorney and FOC operations directly influence federal incentive funding.

The FOC maximizes its incentives earned after attaining 80 percent of a particular factor or by having a cost-effectiveness rating of at least \$5 for the cost-effectiveness factor.

The county must deposit certain funds (e.g., federal incentives, bench warrant costs, fines, and judgment entry fees) into the county’s 215 Fund. [MCL 600.2530](#). In turn, these funds can only be used to fund FOC activities.

Procedures: The chief judge will review and approve the FOC budget before its submission to the funding unit. This procedure serves as the statutory control over FOC finances. Michigan Court Rules state, “As the presiding officer of the court a chief judge shall . . . represent the court in its relations with . . . other agencies of government [and] supervise court finances including financial planning [and] presentation of budgets.” [MCR 8.110\(C\)\(2\)\(c\)](#) and [MCR 8.110\(C\)\(3\)\(f\)](#).

Processes: [Explain how the FOC budget will be prepared and approved the chief judge.]

2.3.1 Support Fines and Costs

Policy: With a finding of contempt of court under [MCL 552.644](#), the court may order a parent to pay a fine of not more than \$100; however, the court must first find the payer in contempt before assessing the fine. The statute requires depositing fines for violations in the 215 Fund.

Procedures: If the payer fails to appear at a hearing, a bench warrant may be issued and a performance bond amount set. The bond amount may not exceed the amount of the support arrearage plus costs related to the bench warrant but must be at least \$500 or 25 percent of the support arrearage, whichever is higher. The payer must be allowed to post an appearance bond if a hearing will not be held within 48 hours of arrest. [MCL 552.632\(1\)](#). When the court issues a bench warrant under the Support and Parenting Time Enforcement Act, unless good cause is shown on the record, the court must order

the party to pay the costs related to the hearing, issuance of the warrant, and the arrest (including transportation). [MCL 552.631](#) and [MCL 552.644\(5\)](#). When the party pays the costs related to a warrant, that payment must be divided equally between the 215 Fund and the law enforcement agency executing the warrant.

Processes: [Explain how the court assesses fines and how the FOC will collect and process those fines.]

2.3.2 Non-IV-D Funds

Policy: The court will establish a separate account within the FOC budget for non-IV-D activities. Statutes provide that certain fines, fees, and costs can be used for custody and parenting time activities. Having a subaccount for custody and parenting time will provide an audit trail for funds that must be dedicated for custody and parenting time activity and will show that they are not program income.

Procedures: The FOC will create separate accounts for custody and parenting time. When those funds are allocated generally to the 215 fund, there is no way to determine whether they are being used for support or custody and parenting time activities. There is, therefore, no audit trail to prove that the funds are not program income. Once established, any income or general fund appropriations for custody and parenting time activities will be deposited into the subaccount. Any expenditure should be made from the subaccount.

Processes: [Explain how the court will access and collect non-IV-D funds.]

2.3.3 Current Support Collected Incentive

Policy: Federal incentives reward states that collect a higher percentage of the current child support in the month that it is due. The percentage is calculated by dividing the amount of current child support timely paid (the numerator) by the amount of current child support due (the denominator). An office can mathematically increase the percentage by either increasing the numerator (the amount paid in the month due) or decreasing the denominator (the current support due in a month). Actions that decrease the current support due will help payers who cannot afford to pay current support and improve the current support collected percentage incentive. Basing support on a parent's actual ability, rather than an inflated estimate, will reduce the current support due, thereby improving incentives. The court can legitimately reduce the current support owed through assuring that orders use accurate income estimates, actual income based on quarterly wage when determining income rather than imputing income, and by having the office ensure consistent income withholding payments.

Procedures: The office will take the necessary steps to ensure that support is paid and accounted for in the month it becomes due. The FOC office will increase current support's timely payment by quickly implementing income withholding, requesting immediate payment from payers at enforcement hearings (even partial), and encouraging work release for jailed contemnors. Other means of improving timely payment include petitioning to secure the future payment of support under [MCL 552.625](#), applying held payments before subsequent amounts go past due, and assuring that income sources make payment within statutory time frames.

Other actions the FOC office will be taking to reduce the current support owed include promptly initiating support reviews when the office discovers changed financial circumstances or a payer becomes incarcerated. The office can also recommend a deviation for a \$0 obligation when the obligated parent is unable to work, and receives means-tested benefits. Tasks as simple as consolidating and reviewing obligations where parties have several children-in-common in more than one case, or transferring cases where parents have several children-in-common in multiple jurisdictions can reduce current obligations due. The FOC will take steps to reduce the current support obligations, which will improve incentives. However, that alone is not the ultimate goal. Rather, the goal is to right-size orders so that payers can obey them.

Processes: [Explain any specific measures the court will take to secure the maximum amount of incentives.]

2.3.4 Cases with Arrearage Collection Incentives

Policy: Federal incentives reward states with a higher percentage of cases with arrears that have any arrearage collection within a year. This factor compares all cases with any arrearage owed to any case that has any payment (even \$1.00) applied to arrears (except tax offset payments that are not paid to the family when any money is due to the family). Reducing the number of cases with arrears owed will help this percentage and incentive.

Procedures: To maximize incentives, the office will identify cases with an arrearage owed, and take action to either increase the number with an arrearage collection or decrease the number without a collection.

Any actions that ensure the application of at least one payment toward a case's arrearage will help this percentage and incentive. The office will increase the number of cases with monies applied towards arrears through several means, such as assuring that \$1.00 over the current month's obligation is applied at least one month each year, in as many cases as possible. Other means will include taking action to reduce unrealistic support obligations, actively working on bench warrants, expanding efforts to locate payers or a payer's assets, initiating appropriate enforcement remedies, special instruction payments, and administratively increasing withholding amounts to ensure monies are applied towards arrears.

Case closure and educating payers on arrearage payment plans under [MCL 552.605e](#) are just two actions the office will take to reduce the arrearages. FOC staff will use the Office of Child Support (OCS) arrears management policy, which delegates administrative authority to discharge state arrears to the FOC office, especially on those cases that will become eligible for closure. See [OCS discharge arrears spreadsheet](#).

FOC staff will consolidate cases with the same parents to reduce the total number of cases and increase the percentage of cases with arrears that receive a payment.

Processes: [Explain any specific tasks the court will do to collect on child support arrears.]

2.4 Risk Assessment

Policy: Potential claims and liability for judges and court employees is an important consideration of the chief judge and court administrator. In anticipation of potential claims, there are two important considerations: attorney representation and liability coverage by way of insurance or indemnification.

Procedures: FOC staff will immediately notify the chief judge and court administrator if it is served with a lawsuit.

FOC employees have governmental immunity against possible legal actions while acting within a job responsibility or legitimate activity.

When a party fails to follow the grievance procedure to resolve a dispute regarding office operations or employees, the trial court may not have jurisdiction in a civil case against the office. See [*Radcliff/Gordon v Weichmann and Gordon, COA #164732*](#) (1996) (Unpublished).

FOC duties are quasi-adjudicative, and absolute immunity may apply to FOC employees fulfilling their duties. See [*Donkers v Calandro, Wayne County FOC, et al, COA #268403 \(2006\) \(Unpublished\)*](#) citing *Tidik v Ritsema*, 938 F Supp. 416, 422-423 (ED Mich. 1996).

A bond will cover every person with access to, or control over, funds collected. [Michigan Trial Court Administration Reference Guide, Section 4-04 and 13-02](#)] and [45 CFR 302.19](#).

Processes: [Explain how the court will address law suits and liability issues.]

2.4.1 Oath of Office

Policy: All public employees are required to take the constitutional oath of office. Some groups have challenged the legitimacy of a public employee's actions who have not taken the oath. [MCL 15.151](#). Require all court employees to take an oath of office.

[MCL 15.151](#) requires, as a condition of employment, all employees in the service of the state or any governmental agency to take and subscribe to the oath or affirmation required of members of the legislature and other public officers by Article 11, section 1, of the 1963 Constitution of the State of Michigan. A judge, clerk of the court, or notary public must administer oaths and affirmations. [MCL 600.1440](#), [MCL 600.8317](#).

Procedures: The office will maintain a file containing oath forms for all staff members who signed the required oath. Copies should be available for public inspection upon request, which can eliminate potential challenges to a staff member's authority to act or make decisions.

Processes: SCAO suggested process: The FOC director will annually verify that each employee's personal file contains an accurate oath of office. Updates will occur as employees receive promotions or as positions change. New employees will sign an oath immediately upon starting work.

2.4.2 Lawsuits and Embezzlement

Policy: The FOC office, as a recipient of federal funds, is subject to federal audit requirements. One requirement is that the county auditors include an audit of the child support program as part of the county's yearly audit. The office is also subject to audit

by the state OCS and the Auditor General to determine compliance with IV-D requirements. The FOC office may be subject to limited audits to determine compliance with IRS safeguarding rules, Supreme Court financial audits, and other agency requirements.

Procedures: The FOC will submit a variety of reports that help monitor its performance and reduce the possibility of intentional or unintentional misconduct.

Processes: [Explain how the court will take measures to prevent embezzlement and employee misconduct.]

2.5 Reports

Policy: The Friend of the Court Act requires the FOC to submit annual reports to the SCAO. For FOC to receive IV-D funding the office must also submit reports to the OCS.

Friend of the Court/Chief Judge Grievance Log/Record (SCAO 28)

Policy: The office will submit an annual grievance report to the SCAO by January 15 of each year. The FOC director is responsible for investigating grievances and making a determination. See [SCAO Administrative Memorandum 2003-03](#).

Procedures: FOC staff will follow the procedures outlined in [MCR 3.218](#) for providing information to the Friend of the Court Citizen Advisory Committee.

Processes: [Explain the steps the court will take to complete and submit the grievance report.]

Friend of the Court Statistical Report (SCAO 41)

Policy: The office will submit shall submit an annual SCAO 41 data report. The FOC director is responsible for making sure the report is submitted on time.

Procedures: Statute requires FOC offices to report data to the SCAO. [MCL 552.528](#). See [SCAO 41 reporting form](#).

Processes: [Explain the steps the court will take to complete the SCAO report.]

OCS Reporting

Policy: The Office shall submit all required OCS reports. The FOC director is responsible for ensuring the reports are submitted on time.

Procedures: The office will submit the following reports to MDHHS-OCS:

MDHHS-286 – Title IV-D Cooperative Reimbursement Expenditure: This is a monthly report, including the Personnel Expense Report and the FPRO Caseload Report run within 30 days after the month of service. This report is due by the thirtieth (30th) day after the month of service to the Michigan Department of Health and Human Services (MDHHS), submitted through EGRAMS or its successor unless otherwise instructed by OCS.

MDHHS-820 – Support Collection Refund/Reimbursement (Request for incorrect foster care or Medicaid disbursements): As needed in accordance with Michigan Friend of the Court Manual Section 4000, Chapter 650. This report should be mailed to the Michigan Department of Health and Human Services, Reconciliation and Recoupment Section, P.O. Box 30025, Lansing, MI 48909.

MDHHS-316 - collection report requesting correction of distributed support

collections: This report has no regular cycle, is processed as received, and returned to the MDHHS OCS.

OCS Tax Data Confidentiality Questionnaire: This report is due annually by January 31, and is to be submitted to the MDHHS via E-Grams or its successor unless otherwise instructed by OCS.

Criminal Background Check and Central Registry Plan Update/Notification of

Completion: Effective October 1, 2008, all Cooperative Reimbursement Program contracts (CRP) between the MDHHS, the county, and the circuit court relating to FOC services, require courts to conduct a criminal history background check (CHBC) on new FOC employees funded in whole or in part by the CRP. Conducting CHBCs on new and existing FOC employees will help the FOC offices provide a safe environment for FOC employees and users.

The FOC will submit a plan to OCS by September 30th that outlines how the court will conduct CHBCs on existing employees (including subcontractors, subcontractor employees, and volunteers) funded in whole or in part by the CRP. Public Act 374 of 2008 was signed into law with immediate effect on December 30, 2008.

This public act allows employers, with authorization and identification from the individual, to request central registry clearance directly from the MDHHS. A report is due annually by July 30, until the contractor provides notification in its criminal background check report that the plan has been fully implemented. See [SCAO Administrative Memorandum 2009-01](#).

MiCSES Role Conflict Waiver: This report is due annually by October 1, to the OCS contract manager.

Processes: [Explain the steps the court will take to complete the OCS reports.]

3.0 CASE MANAGEMENT

3.1 Opening and Maintaining an FOC Case

Policy: Unless the parties to a domestic relations case have properly opted out of FOC services, the FOC must open and maintain an FOC case for a domestic relations matter. [MCL 552.505a](#). If there is an open FOC case for a domestic relations matter, the FOC shall administer and enforce the obligations of the parties to the FOC case as provided in the Friend of the Court Act and Support and Parenting Time Enforcement Act. If there is not an open FOC case for a domestic relations matter, the FOC shall not administer or enforce an obligation of a party to the domestic relations matter. Unless otherwise required by federal law, the office is only required to provide services under the Friend of the Court Act and the Support and Parenting Enforcement Act when a party has requested IV-D services. [MCL 522.503\(6\)](#). If a child of the parties or a child born during the marriage is under the age of 18, if a party is pregnant, or if child support or spousal support is requested, the parties must provide the FOC with a copy of all pleadings and other papers filed in the action. The copy must be marked “friend of the court” and submitted to the court clerk at the time of filing. The court clerk must send the copy to the FOC. [MCR 3.203\(G\)](#).

Procedures: Once the FOC opens a case, the following documents will be placed or scanned in the case file.

Complaint: To initiate a domestic relations case, the petitioner must file a complaint with the court clerk. [MCR 3.206\(A\)](#) governs what information must be in the complaint, including that a party can request a personal protection order or a protective order. [MCR 3.206\(A\)\(6\)](#). The rule also states that in a case where the custody of a minor is to be determined, the complaint or an affidavit attached to the complaint also must state the information required by [MCL 722.1209](#) and [MCR 3.206\(B\)](#).

Summons: The plaintiff must arrange for the defendant to be served with the complaint, verified statement, and a summons. The summons instructs the defendant to answer the complaint within 21 days. If the defendant answers the complaint, the court usually holds a hearing to obtain the information needed to decide the case.

Verified Statement FOC 23. In actions involving a minor, child support, or spousal support, the party seeking relief must provide a verified statement that contains income and identifying information to the FOC and serve it on the other party. [MCR 3.206\(B\)](#). If the party omits any required information, the party must explain the omission in an affidavit filed with the court.

Judgment Information form FOC 100. The party submitting an order awarding custody, parenting time, or support must submit a copy of the FOC 100 to the FOC and the other party. [MCR 3.211\(F\)](#). Changes to prior support, custody, or parenting time orders must be reported on the FOC 100.

Uniform Child Support Order UCSO OR FOC 10. The court must enter orders concerning child support and spousal support on the USO. [MCR 3.211\(D\)](#), [FAQ 2011-01](#), and [SCAO AM 2010-06](#) address how staff should handle orders other than a UCSO that contain a support provision.

FOC staff will verify if the parties have filed a motion to opt out with the initial pleadings and signed form [FOC 101](#).

Processes: [Explain how the court will ensure that court documents will be properly filed in the FOC case file.]

3.1.1 IV-D Case Initiation

Policy: IV-D case initiation must be started within specific timeframes set by federal regulations. [45 CFR 303.4](#). To comply with federal regulations, the FOC office will enter IV-D cases into MiCSES in a timely manner.

Procedures: Staff must put a case on MiCSES within 20 calendar days of receiving an application for IV-D services. [45 CFR 303.2\(b\)](#).

Processes: [Explain the steps the court will take to meet the IV-D regulations for case initiation.]

3.1.2 Order Entry Tracking

Policy: For the FOC office to properly administer FOC cases and provide mandated services, it is essential that new domestic relations orders be efficiently recorded and monitored.

Procedures: FOC staff will make every effort to process orders in a timely manner.

Processes: SCAO suggested process: The FOC assigned staff will track orders to ensure timely delivery and entry. As part of a process to track orders and monitor entry into MiCSES, the office will centrally monitor all orders received. When an order arrives, the office will date-stamp it and enter the basic information into the central log. The log will track orders by court case number, order entry date, date received, and date entered in MiCSES.

3.1.3 Contacting the Defendant

Policy: Sending notices before service has been completed could: endanger plaintiffs who are victims of domestic violence (e.g., a personal protection order could be included with service of process); cause confusion when the defendant is not aware of the lawsuit or the underlying issues in the complaint; and result in the defendant trying to avoid service.

Procedure: The FOC will refrain from contacting the defendant in a case before service has been completed. FOC staff will follow SCAO's Memorandum dated May 12, 2011, titled [Scheduling and Service of Process](#) when contacting defendants in prejudgment cases.

Processes: [Explain any specific steps the court will take to avoid contacting a defendant before the person has been served.]

3.1.4 Using Approved SCAO Forms

Policy: Using SCAO-approved forms provides consistency for staff, attorneys, and litigants.

SCAO's website assures the most correct version is used and saves time because they are completed electronically online and printed locally. MiCSES also uses SCAO

forms. The use of standard forms reduces the risk of typographical errors or inadvertently deleting important information. As statutes and court rules change, and as updated SCAO forms are released, the director will establish a process to assure that updated forms are incorporated into local processes (including public availability). Locally developed forms will be screened by the court to assure legal requirements are met and neutrality is maintained. The director will establish a process to have local forms and instructions evaluated to assure statutory and rule changes are incorporated.

Procedures: When appropriate, the office will use SCAO-approved forms. SCAO forms can be found at [SCAO forms](#).

Processes: [Explain any specific measures the court will take to ensure that SCAO forms are used.]

3.1.5 Obtaining Signatures Electronically

Policy: There may be occasions when parties may be asked to electronically sign a document and securely transmit the document to the court or FOC. Under [MCR 1.109\(E\)](#), an “electronic signature” means an electronic sound, symbol, or process attached to or logically assigned with a record and executed or adopted by a person with the intent to sign the record. Because electronic signatures are acceptable, FOC staff may request parties to sign and submit documents electronically.

Procedures: When asking a party to electronically sign a document FOC staff will follow SCAO’s [Electronic Signature Options for Friend of the Court Offices Memo](#).

Processes: [Explain any specific measures the court will take to properly use electronic signatures.]

3.1.6 Changing and Verifying Addresses

Policy: [MCL 552.603](#) requires parties with an FOC case to provide the office with a single mailing address to which all notices and papers in the case will be served.

Procedures: FOC staff will make every effort to maintain current addresses for parties with FOC cases. FOC staff must administratively change a party’s address when there is verification that a party’s address is no longer valid and there is information that the party has a new mailing address. [MCR 3.203\(F\)](#) provides that when there is a court order making a party’s address confidential, the party shall provide an alternate address for service of notice and court papers. FOC staff will make address changes pursuant to SCAO’s [Administrative Memorandum 2019-01](#) and [MCR 3.203\(D\)](#). For additional information on address changes see [SCAO 2020-02 FAQ](#).

The FOC office will verify if a party’s address is confidential and will seek an alternative address from the court or the party seeking to keep his or her address confidential. For additional information on the Family Violence Indicator see the [Michigan Supreme Court’s 2002-03 Administrative Order](#).

Processes: [Explain any specific measures the court will take to secure parties’ addresses.]

3.1.7 Verification of Opt-Out Cases

Policy: Parties to a domestic relations matter are not required to have an FOC case

opened or maintained for their domestic relations matter. With their initial pleadings, the parties to a domestic relations matter may file a motion for the court to order the FOC office not to open an FOC case for the domestic relations matter. [MCL 552.505a\(2\)](#).

Procedures: FOC staff need to confirm if the parties have filed an [FOC 101](#), “Advice of Rights” form to opt out of FOC services. The FOC is not required to provide services when the parties to a domestic relations case have properly opted out. See [SCAO Administrative Memorandum 2004-16](#) on opting out of FOC services.

Processes: [Explain any specific measures the court will take verify parties have properly opted- out of FOC services.]

3.1.8 Verification of IV-D Application Completed

Policy: Unless otherwise required by federal law, the FOC office is only required to provide services under the Friend of the Court Act and the Support and Parenting Enforcement Act when a party has requested IV-D services. [MCL 522.503\(6\)](#).

Procedures: FOC staff will verify if an IV-D application has been completed by one of the parties. If no IV-D application is on file, FOC staff will contact one or both parties and request an IV-D application be completed. For additional information on IV-D applications please see [SCAO’s 2004 Memorandum on Public Act Concerning Friend of the Court Duties to Enforce Cases Without IV-D Applications](#).

Processes: [Explain any specific measures the court will take to verify IV-D applications have been completed.]

3.1.9 Screening Cases for Domestic Violence

Policy: Identifying and knowing when domestic violence exists in a case will assist the FOC office in maintaining a safe environment. Knowing that domestic violence exists in a case is also necessary when investigating and enforcing domestic relations cases, and providing the necessary information to court staff, domestic relations referees, and family division judges.

Procedures: FOC staff are required to screen FOC cases for domestic violence before providing Alternate Dispute Resolution (ADR) services. [MCR 3.224](#). FOC staff are required to use form [FOC 124](#) before conducting ADR sessions. FOC staff will follow the requirements in [MCR 3.224](#) if domestic violence is discovered before or during an FOC ADR session. For additional information about domestic violence screening and other domestic violence issues see SCAO’s [Friend of the Court Domestic Violence Resource Guide](#) and [SCAO FAQ 2020-04](#).

If there is a personal protection order, a protective order, a signed sworn statement from the victim, or a court order that provides for the confidentiality of the victim’s address FOC staff will set the family violence indicator (FVI) once the FOC case is set up in MiCSES.

Processes: [Explain any specific measures the court will take properly screen FOC cases for domestic violence.]

3.1.10 Good Cause Verification

Policy: Federal regulations require persons receiving assistance benefits to cooperate with the child support agency to establish paternity and to establish, modify, and enforce child support orders when one or both parents live outside the household. The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain a child support order on behalf of children for whom they receive assistance unless a claim of good cause for not cooperating has been granted or is pending.

Procedures: When the FOC receives a paternity or family support complaint, FOC staff will check the statewide child support system to verify if a state assistance worker has determined “good cause with continued services.”¹ If this occurs, FOC staff will not expect the custodial parent to participate in any FOC or court actions. For the safety of the family, when a good cause has been determined, the Family Violence Indicator will be set. FOC staff will verify that this has been done. If “good cause end services” has been determined, the FOC office will close the FOC case. See the SCAO’s [January 2020 Memorandum on Case Closure](#).

Processes: [Explain any specific measures the court will take verify good cause has been established.]

3.1.11 Case Transfer

Policy: Conditions may exist that require FOC staff to transfer an FOC case to another court. [MCR 3.212](#) governs post-judgment transfers of domestic relations cases. The court rule specifies who may move for a transfer, the conditions for granting a transfer, the contents of a transfer order, the filing fees, and the physical transfer of court files. The rule governs only transfers between Michigan counties. It does not address interstate case transfers which are governed by the Uniform Interstate Family Support Act.

Procedures: When transferring an FOC case, FOC staff will follow procedures outlined in [MCR 3.212](#) and [SCAO Administrative Memorandum 2007-04 Case Transfer Policy](#).

Processes: [Explain any specific measures the court will take to properly transfer and receive domestic relations cases.]

3.1.12 Case Inactivation and Closure

Policy: FOC staff should be aware that case closure has the potential to save significant office resources that would be otherwise expended on case enforcement that has a very low probability of successfully obtaining positive results. Additionally,

¹ The child support case remains open, but the FOC worker is not allowed to contact the victim. If the family has a child support order, the order remains and can be enforced as long as the victim’s participation is not required.

case closure will increase the proportionate measure of support collected compared to support owed and improve the office's performance metrics for the Cooperative Reimbursement Program.

A properly completed case closure will close both: the IV-D case on the MiCSES system and the FOC case. Case closure is for the support case only. Friend of the Court Act, [MCL 552.503\(6\)](#), provides that the FOC is only required to perform federally fundable child support activities under the Friend of the Court Act or the Support and Parenting Time Enforcement Act when a party, in that case, has requested title IV-D services.

[MCR 3.208](#) provides that FOCs are not required to provide services for FOC cases because a party failed or refused to take action to allow the FOC to receive federal funding or the federal child support case is closed. FOC staff will decide to inactivate its FOC case, continue to provide child support services, or completely close the FOC case when there is no reason to continue child support services

Procedures: Staff should make every effort to close or inactivate FOC cases that qualify for inactivation or closure because the continuation of enforcement activities would be inefficient. Reasons for which a case can be closed or inactivated include the inability to locate the payer, impossibility to collect (incarceration for life, mental illness, total disability, etc.), inability to locate the payee, or an arrearage of \$500 or less when collection is unlikely, among others.

FOC staff will follow the case closure procedures in [SCAO Administrative Memorandum dated January 21, 2020](#), for closing or inactivating FOC cases. FOC staff will become familiar with the MiCSES case closure process, as outlined in the [IV-D Child Support Manual](#), Chapter 3.3 Case Management – Case Closure. For additional information about FOC Case Closure see [SCAO's FAQ 2020-03](#).

Processes: [Explain any specific measures the court will take properly inactivate and close FOC cases.]

3.2 Records Management

Policy: Records created by the court and FOC staff are court records subject to the SCAO's case file management standards; however, FOC records of IV-D activities are also IV-D records. IV-D regulations also contain recordkeeping requirements. Each case record must include all information and documents pertaining to the case, as well as recordings of all relevant facts, dates, actions taken, contacts made, and results. [45 CFR 303.2\(c\)](#).

Federal law requires that IV-D agencies and workers use the single statewide computer system (MiCSES). The offices must use the system to control and monitor all processes and activity on cases. [42 USC 654a](#). IV-D also requires that an office put a case on its child support enforcement system immediately upon receiving an application for IV-D services. Records management is a critical function of FOC operations. Records must be prepared, stored, and destroyed to maintain record integrity.

Procedures: The FOC office will comply with the SCAO's [Michigan Trial Courts Records Management Standards](#) and [Records Management Services](#) within the Michigan Department of Technology, Management & Budget (DTMB), and, if imaging records, comply with the

[Michigan Trial Court Guidelines and Standards for Digital Imaging](#). The office's case flow practices will comply with SCAO's [Caseflow Management Guide](#).

FOC records of IV-D activities are also IV-D records, which are subject to IV-D recordkeeping requirements. Each IV-D case record must include all information and documents pertaining to the case, as well as recordings of all relevant facts, dates, actions taken, contacts made, and results. [45 CFR 303.2\(c\)](#). Based on Office of Child Support policy, FOC staff will shred all IV-D and federal tax information.

Processes: [Explain any specific measures the court will take to properly retain and destroy FOC records.]

3.2.1 Access to FOC Records

Policy: [MCR 3.218](#) specifies the ways individuals or agencies can access FOC records. Unless specifically allowed by MCR 3.218, staff must refuse to provide access to FOC records; this includes requests under the Freedom of Information Act, a subpoena authorized by another section of the Michigan Court Rules, or any other request for information not authorized in MCR 3.218.

Procedures: FOC staff will follow the procedures in MCR 3.218 and [SCAO's Confidentiality and Access to Records Policy](#).

Processes: [Explain any specific measures the court will take allow proper access to FOC records.]

4.0 FINANCIALS

4.1 General Accounting

Policy: It is essential that the FOC office maintain reliable accounting and internal control processes to safeguard against any misuse of receipts and disbursements.

Procedures: FOC staff will follow the general financial record procedures outlined in Section 6-05 of the [Michigan Trial Court Administration Reference Guide](#) and [SCAO Administrative Memorandum 2003-04](#).

Processes: [Explain any specific measures the court will take to follow proper FOC accounting procedures.]

4.1.1 Financial Controls

Policy: The office staff will follow all written policies, procedures, and compliance checks for all financial processes that assure compliance with generally-recognized accounting standards and meet the requirements of the [Michigan Trial Court Administrative Reference Guide Section 6-05](#). The Supreme Court finance division can assist the local office in complying with these standards.

Procedures: The staff member opening the mail must record all payments on a mail log or prepare an adding machine tape. If a mail log is prepared, it should indicate the date received, the payer's name, the type of payment (check, money order, or cash), check/money order number and amount, and the preparer should initial it. As they are logged, checks and money orders will be endorsed for deposit. The log will then be forwarded to the employee who balances receipts to the accounting records while the checks, money orders, and cash will be given to the employee who performs the receipting function.

The office will maintain separate secured drawers only accessible to one individual and receipt books for each employee who accepts payments. These employees will sign or initial a report reflecting the checks, money orders, and cash counted.

Whenever the court is closed, all un-deposited checks, money orders, and cash should be stored in a locked safe or other locked secure device with access limited to a few employees. The device's combination or lock will be periodically changed and always changed whenever someone terminates employment.

Deposits will be transported to the bank in a locked bag. Deposits should be made no less frequently than every two days. In situations where the deposit will be less than \$1,000, the deposit can be delayed but must be made at least weekly.

Immediately upon receiving checks in the mail, either record checks in a logbook or make and save copies of the checks.

A full reconciliation of each bank account will be completed monthly within 10 working days from receipt of the bank statement and maintained on a current basis.

When the office forwards payments to the MiSDU, the office will track on MiCSES when those payments have been received and posted.

The office will create a log of payments mailed to the MiSDU (forwarded, not receipted and pushed). The MiSDU may lose or misplace a payment forwarded from the local office. By creating a log of payments forwarded, and tracking those payments for receipt and proper allocation, the FOC office ensures that the payments sent to the local office are posted to the case as intended.

Processes: [Explain any specific measures the court will take to have financial controls in place.]

4.1.2 Financial Safeguards

Policy: FOC employees will change the safe combination regularly.

Procedures: The office must change the combination to the safe regularly, and after anyone who knows the combination leaves the FOC office's employment. See [Michigan Trial Court Administrative Reference Guide section 6-05 F.7.m.](#)

Processes: [Explain any specific measures the court will take to properly control access to safes.]

4.2 Allocation, Distribution, Accounts, and Audits

Policy: The MiSDU collects and distributes all support payments. The FOC may accept support paid by cash, cashier's checks, or money orders only.

Procedures: FOC staff will follow Office of Child Support Policy at: [HOME - DocumentList \(state.mi.us\)](#) to allocate and distribute payments. Amounts collected are first applied to regular support due in the month collected, and then to support due in previous months [45 CFR 302.51\(A\)\(1\)](#) and [MCR 3.208\(C\)](#). Payments received by the FOC allocate across all a payer's cases unless the payer requests a *special instruction payment*, which requires special receipting and specific case intervention. Staff will comply with written instructions provided in [MCR 3.208\(C\)](#).

FOC staff will assist the MiSDU resolve support and receipt disbursement problems related to inadequate identifying information. [MCL 552.509\(2\)](#). Deposits must be made at least every two days. In situations where the deposit will be less than \$1,000, the deposit can be delayed but must be made at least weekly. See [SCAO 2003 Administrative Memorandum 2003-04 SCAO FAQ 2003-02](#), and [Michigan Trial Court Administrative Reference Guide](#) for more information.

Regardless of the amount of the receipt, the IV-D program must disburse support payments within two business days of receipt. [45 CFR 302.32\(b\)\(3\)](#) and [MCL 400.236\(2\)](#). Because the FOC office is part of the IV-D program through the CRP, staff will deposit and *push* payment to the MiSDU on the same day the office receipts the payment.

The FOC will distribute payments to the appropriate accounts on the day of receipt and pay the support to the recipient within two days of receipt. [MCL 552.509\(1\)](#). All support recipients must receive payments electronically, either through direct deposit to the recipient's financial institution account or via a MiSDU debit card, unless they opt out. [MCL 400.236\(4\)](#). Requests to opt out of electronic disbursements go through the MiSDU.

If the FOC accepts a support payment, the FOC will inform the payer that payments must be made through the MiSDU and transmit the payment to the MiSDU for disbursement. [MCL](#)

[552.509\(1\)](#). For information on lump-sum arrearage payments see [SCAO Administrative Memorandum 2004-04](#) and [SCAO FAQ 2004-02](#).

Processes: [Explain any specific measures the court will take to follow proper allocation and distribution procedures.]

4.3 Credits, Abatements, Redirections, and End of Obligation Adjustments

Policy: To maintain accurate records FOC staff will make the necessary adjustments for all child support accounts.

Procedures: Adjustments to accounts will be made when proper documentation has been submitted and verified by the FOC staff. FOC staff will refer to [SCAO Administrative Memorandum 2010-03](#) for administering credit balances, preventing and resolving credit balances, and collecting overpayments. FOC staff will make every effort to avoid giving credit for direct payments outside of the court-ordered payment method (e.g., through MiSDU or FOC) and will only allow a credit up to the amount of arrears owed to the recipient at the time the credit is applied. If the court allows a credit for more than the arrears that will create a credit balance in the FOC accounting records, the order creating the credit balance should address how to handle it. For additional information on credit balances, see [SCAO's 2013-01 FAQ](#).

Generally, retroactive credits for events not permitted by an order are retroactive modifications contrary to [MCL 552.603\(2\)](#), and administratively waiving support charges for periods when a parent is incarcerated is also a retroactive modification [*McLaughlin v McLaughlin*, 255 Mich. App 475 (2003)]. FOC staff should refer to [SCAO Administrative Memorandum 2019-03](#) for more information on adjusting support when a party is incarcerated. For information about post majority child support and when a support obligation ends see [SCAO FAQ 2018-01](#).

When a child changes residences and no longer lives with the recipient of support, the FOC may administratively abate current charges or redirect support to a new recipient. [MCL 552.605d](#). If orders do not contain an abatement provision that permits abatement, there is no authority to abate the charges when a parent exercises parenting time for a series of consecutive overnights. FOC staff should refer to [SCAO Administrative Memorandum 2017-02](#) that explains the requirements for administrative abatement and redirection.

FOC staff will maintain the order by determining when the order ends due to events such as emancipation, death of a party or child, or by terms of the order. FOC staff will refer to [SCAO Administrative Memorandum 2012-07](#) for information when support obligations end.

Processes: [Explain any specific measures the court will take for proper financial adjustments.]

5.0 CUSTODY AND PARENTING TIME

5.1 Custody and Parenting Time Investigations

Policy: [MCL 552.505\(1\)\(g\)](#) requires the FOC to investigate all relevant facts and to make a written report and recommendation to the parties and the court regarding child custody, parenting time, or both if ordered to do so by the court.

Procedures: When conducting custody, parenting time, grandparenting time, changing legal residence, supervised parenting time, or third party investigations, FOC staff will follow the procedures provided for in the SCAO's [Custody and Parenting Time Investigation Manual](#).

Cases will be screened for domestic violence. Joint interviews will not be scheduled if the FOC investigator becomes aware of any domestic violence issues. The defendant must be served before appointment letters and requests for information are mailed.

Processes: [Explain any specific measures the court will take to properly complete a custody and or parenting time investigation.]

5.2 Custody and Parenting Time Enforcement

Policy: The FOC office will enforce custody and parenting time violations as required by the Friend of the Court Act and the Support and Parenting Time Enforcement Act.

Procedures: FOC staff shall initiate enforcement under the Support and Parenting Time Enforcement Act if the office receives a written complaint that states specific facts constituting a custody or parenting time order violation. Upon request of a parent who has the right to interact with his or her child under a custody or parenting time order, the office shall assist the parent in preparing a complaint under this subsection. [MCL 552.511b](#).

FOC staff will follow [SCAO Administrative Memorandum 2002-11 Guidelines for Enforcement of Custody and Parenting Time Violations](#) when enforcing custody and parenting time violations. For information on custody and parenting time when good cause has been determined, see [SCAO FAQ 2012-01](#).

Processes: [Explain any specific measures the court will take to properly enforce custody and parenting time violations.]

6.0 SUPPORT DETERMINATIONS

6.1 Support Determinations

Policy: The FOC will initiate a child support review when a statutory condition listed in [MCL 552.517](#) triggers a review or the court orders a child support investigation. [MCL 552.505\(1\)\(h\)](#).

Procedures: The FOC will make a written report and recommendation regarding child support in accordance with the [Michigan Child Support Formula](#) (MCSF) [MCL 552.505\(1\)\(h\)](#) and [MCL 552.517\(4\)](#). The office will also establish support in foster care cases as appropriate. [42 USC 654\(4\)](#). See [SCAO Administrative Memorandum 2008-01](#) for more information.

If Michigan does not have jurisdiction to modify the support obligation but the case meets a condition listed in [MCL 552.517](#), the FOC office will request that the another state review the support obligation. [MCL 552.517c](#). Within 20 days of determining that the payer is in another state, the FOC must refer a modification request to that state. [45 CFR 303.7\(c\)](#).

If a court awards custody to a previous payer, the court must modify the support order to exclude support for that child. [MCL 552.619](#). The FOC must recommend modification when the projected modification exceeds a difference of at least 10 percent and \$50 unless the reasons for prior deviation remain unchanged. [MCL 552.517](#). If the projected change does not exceed the threshold, the office may recommend modification or no change.

The FOC will use joint meetings in cases where the parties will likely reach an equitable agreement or accept the moderator's recommendation. [MCL 552.642a](#). Joint meetings are not always appropriate, and the time and resources spent on joint meetings should not exceed the resources needed for other remedies.

Child and spousal support orders must be prepared on the most current version of the Uniform Support Orders (USO), [FOC 10](#) and [FOC 10b](#). [MCR 3.211\(D\)](#). FOC employees will follow [SCAO Administrative Memorandum 2010-04 Uniform Support Order Revisions](#) when preparing USOs. A copy of each recommendation and any supporting documents, or a summary of supporting documents, must be made available to each of the parties and their attorneys before the court takes any action on the recommendation. [MCL 552.507a\(1\)](#). Orders recommending alternative amounts to the MCSF must include the elements listed in [MCL 552.505\(1\)\(h\)](#) and [MCL 552.605\(2\)](#). The court may impute a parent's income but must consider the expenses associated with that income. [2021 MCSF 2.01\(G\)\(3\)](#).

For more information on the review and modification timeframes and process, see [SCAO Administrative Memorandum 2006-03](#), [FAQ 2020-01](#), and [SCAO's 2017 Improving Child Support Calculations Policy](#). For information about calculating confinement expenses, see [SCAO's 2008 Confinement Obligation Calculations Policy](#). For information on adjusting support due to incapacitation, see [SCAO Administrative Memorandum 2019-03 Adjusting Current Support Due to Incapacitation](#). For information on establishing medical coverage and uninsured medical expenses, see [SCAO Administrative Memorandum 2011-01 Medical Policy for Friends of the Court](#).

Processes: [Explain any specific measures the court will take ensure accurate child support calculations are completed.]

7.0 SUPPORT ENFORCEMENT

7.1 Child Support Enforcement

Policy: The FOC will enforce all support cases, including spousal-support only cases, unless the parties opt out or refuse to cooperate in obtaining available funding. [MCL 552.502a](#) and [MCL 552.602](#). The FOC will initiate enforcement when any of the conditions listed in [MCL 552.511\(1\)](#) apply. [MCR 3.208\(B\)](#). The FOC will conduct proper screening before initiating any enforcement procedure.

Procedures: To determine whether a payer had the ability to pay or exercised due diligence to obey the court order, the FOC will look at the following factors [*Sword v. Sword*, 399 Mich. 367 (1976)]:

- Employment history, including reasons for any termination of employment.
- Education and skills.
- Work opportunities available.
- Diligence employed in trying to find work.
- Personal history, including present marital status and present means of support.
- Assets, real and personal, and any transfer of assets to another.
- Efforts made to modify the decree if it is considered excessive under the circumstances.
- Health and physical ability to obtain gainful employment.
- Availability for work (exact periods of any hospitalization, jail time, imprisonment).
- Living arrangement(s) since decree and reason(s) for move(s), if there has been any change of address.

MiCSES records are prima facie evidence of the amount due and may be admitted into any support hearing without first calling the custodian of the records. [MCL 552.603\(13\)](#).

Processes: [Explain any specific measures the court will take to enforce court ordered child support obligations.]

7.1.1 Income Withholding

Policy: When necessary FOC staff will implement income withholding for child support obligations.

Procedures: Absent a specific and rare judicial finding to the contrary, all support orders must contain an immediately effective income withholding order. [MCL 552.604](#). The FOC staff shall immediately serve notice of the order on any source of income using the federal income withholding notice form. The maximum amount of net disposable earnings withheld cannot exceed 50 percent of disposable income. [MCL 552.608](#). The court may order incarcerated parties to remit payment through their prison account using the Order to Remit Prisoner Funds for Fines, Costs, and Assessments ([MC 288](#)). See also [SCAO 2010 Policy on Income Withholding Notices](#)

[to Labor Organizations](#). See [SCAO Administrative Memorandum 2006-05](#) and [SCAO FAQ 2007-02](#) for information on withholding child support from prisoner account funds.

FOC staff will be familiar with [MCL 552.619](#), which discusses when the court must suspend or terminate an income withholding order. FOC will follow procedures in MCL 552.619 and promptly refund improperly withheld monies. FOC staff will follow [SCAO's 2010 Policy](#) when forwarding an income withholding notice to a labor union.

Processes: [Explain any specific measures the court will take to process child support income withholdings.]

7.1.2 Civil Contempt and Bench Warrants

Policy: FOC staff will petition the court for contempt proceedings when income withholding has failed to produce consistent child support payments.

Procedures: The FOC may commence a civil contempt proceeding when a person ordered to pay support fails or refuses to obey the order, and an income withholding order is inapplicable or unsuccessful. FOC staff will follow [MCL 552.632](#), [MCR 3.208](#), and [SCAO 2018 policy on Initiating Show Cause by Friend of the Court Notice](#) when commencing a civil contempt hearing by notice. A judge may find a payer in contempt if the conditions in [MCL 552.633\(1\)](#) are met. If a payer fails to appear at a hearing, the court may issue a bench warrant and set a performance bond. [MCL 552.631-632](#). [MCL 552.633\(2\)](#) lists the remedies the court may use. When conducting bench warrant hearings FOC staff will follow [SCAO Administrative Memorandum 2004-01](#). See also [SCAO document on Contempt Actions for Child Support Nonpayment](#).

Processes: [Explain any specific measures the court will take to schedule contempt proceedings and issue bench warrants for failure to appear for contempt hearings.]

7.1.3 License Suspension

Policy: FOC staff will only seek a license suspension when all other enforcement remedies have failed to produce consistent payments from a child support payer.

Procedures: The FOC may petition to suspend a payer's occupational, recreational, or sporting license, or the FOC may initiate administrative suspension of a drivers' license if the payer has an arrearage greater than the amount of periodic support due for two months and an income withholding order is inapplicable or has been unsuccessful in assuring regular payments. [MCL 552.628\(1\)](#). Before seeking the suspension of a payer's driver's license, both of the following must be true: The court has conducted an ability to pay assessment and determined that the payer has an ability to pay the support but is willfully not making his or her support payments; and the FOC determines that no other sanction would be effective in assuring regular payments on the support obligation and regular payments on the arrearage. Before seeking license suspension, the FOC will send the payer a notice that complies with [MCL 552.628\(2\)](#). If the payer requests a hearing, entry of the suspension order must be delayed pending the outcome of the hearing. [MCL 552.629\(1\)](#). If a suspension takes place, a \$45 driver license clearance fee is paid to the court. Unless waived, the court must remit \$15 of

the \$45 to the State of Michigan. Please see [SCAO 2021-03 Memorandum on License Suspension](#).

Processes: [Explain any specific measures the court will take to suspend licenses.]

7.1.4 Consumer Reporting

Policy: FOC staff will take the necessary steps to identify and report to credit agencies child support payers whose arrearages exceed the statutory threshold for credit reporting.

Procedures: The FOC will report the arrearage amount for each payer with a support arrearage of two or more months to a consumer-reporting agency. [MCL 552.512\(1\)](#). MiCSES automatically screens and reports qualifying cases. FOC staff will follow [SCAO Administrative Memorandum 2009-04](#) when reporting child support payers to consumer reporting agencies.

Process: [Explain any specific measures the court will take to take to report delinquent child support payers to credit reporting agencies.]

7.1.5 Bonds

Policy: When appropriate FOC staff will petition the court to require a payer to provide a sufficient bond, security, or other guarantee for payment of past-due support, support due in the future, or both.

Procedures: [MCL 552.625](#) permits the FOC to petition for a bond to secure payment of support that is past due or due in the future; however, [45 CFR 303.104\(a\)](#) suggests that a lien or bond must be petitioned for. When processing bonds for past due or future support payments FOC staff will adhere to [SCAO's 2020 Memo Securing and Processing Bonds for Child Support Payments](#).

Process: [Explain any specific measures the court will take to issue bonds for child support payments.]

7.1.6 Liens

Policy: FOC will perfect and enforce liens on real and personal property for payers who have failed to make consistent child support payments.

Procedures: FOC staff may pursue liens for past-due support against real and personal property. [MCL 552.625a](#) and [MCL 552.27](#). When pursuing liens for the collection of child support, FOC staff will follow [SCAO Administrative Memorandum 2017-03](#).

Processes: [Explain any specific measures the court will take to properly place liens against real or personal property to secure child support payments.]

7.1.7 Intergovernmental Procedures

Policy: FOC staff will initiate intergovernmental enforcement when is necessary.

Procedures: When enforcement action on an interstate case is required, FOC staff must complete enforcement procedures within 10 days. [45 CFR 303.7](#). The [Full Faith and Credit of Child Support Orders Act](#) restricts when states may enter or modify a support order. All 50 states have enacted the [Uniform Interstate Family Support Act](#)

[\(UIFSA\)](#),² which: (1) provides for registration of orders for enforcement, (2) allows registration for modification in the state of the party not seeking the modification, (3) specifies criteria for determining which order is the controlling order and which state has continuing exclusive jurisdiction, (4) allows income withholding notices to be sent directly to an employer in another state, and (5) provides for registration of the income withholding order in the other state. FOC staff will follow the SCAO's [Certified Orders in Electronic Document Exchange Policy](#) when forwarding certified court orders to states who participate in Electronic Document Exchange (EDE) process.

Processes: [Explain any specific measures the court will take to process intergovernmental cases.]

7.2 Court Initiated Enforcement

Policy: The circuit court may take other enforcement actions, including, but not limited to, those stated in [MCL 552.627](#).

Procedures: FOC staff will assist the circuit court when the court initiates child support enforcement actions.

Processes: [Explain any specific measures the court will take to initiate enforcement on FOC cases.]

7.2.1 Surcharge

Policy: FOC staff will enforce and collect court-ordered surcharges.

Procedures: If a court finds that a payer willfully failed to pay, the court may add a variable surcharge to the support arrearage. [MCL 552.603a](#). The court may not assess a surcharge if the payer has paid at least 90 percent of the most recent semiannual obligation. See [SCAO Administrative Memorandum 2010-09](#) and [SCAO Administrative Memorandum 2010-06](#) for additional information on surcharges.

Processes: [Explain any specific measures the court will take to apply surcharges.]

7.2.2 Booting Vehicles

Policy: FOC staff will render a child support payer's vehicle inoperable.

Procedures: When the court issues a bench warrant for failing to appear at a contempt proceeding, the court may order that a law enforcement agency render any vehicle owned by the payer temporarily inoperable, subject to release on deposit of an appropriate bond. [MCL 552.631\(5\)](#).

Processes: [Explain any specific measures the court will take to render a payer's vehicle inoperable.]

² No case has addressed the relationship between UIFSA and the [Revised Uniform Reciprocal Enforcement of Support Act \(RURESA\)](#); however, it appears RURESA cases are treated as UIFSA actions when procedures to modify or enforce support are instituted.

7.2.3 Incarceration and Work Release

Policy: FOC staff will ensure work release for child support payers who are incarcerated.

Procedures: If the court determines that, with the exercise of diligence, the payer could pay all or part of amount due, the court may commit the payer to jail with work release. The payer must be released if the payer has completed two consecutive weeks of employment, and an income withholding is effective. *Sword v. Sword*, 399 Mich. 367 (1976) identifies several different questions to help the court determine why the court's order was not obeyed. If the judge concludes from the testimony of the defendant and others that the defendant has "sufficient ability to comply with" the order or "by the exercise of due diligence could be of sufficient ability, and has neglected or refused" to comply, the defendant may be found in contempt of court.

Processes: [Explain any specific measures the court will take to allow work release during incarceration of child support payers.]

7.2.4 Commitment to Jail

Policy: FOC staff will assist the court when the court has ordered incarceration for a child support payer who has failed to make consistent payments.

Procedures: The court may commit a payer to jail only if other remedies are unlikely to cure the failure or refusal to pay support. [MCL 552.637](#). The order must state the amount of arrearage and the amount needed for release. Commitment may not exceed 45 days for the first findings of contempt and 90 days for subsequent finding of contempt. [MCL 552.637\(4\)](#). The court may also authorize daily release for employment.

Processes: [Explain any specific measures the court will take to commit child support payers for incarceration.]

7.2.5 License Suspension

Policy: FOC staff will assist the court when the court orders the conditional suspension of a payer's occupational, driver's, recreational, or sporting license.

Procedures: The court may order the conditional suspension of a payer's occupational, driver's, recreational, or sporting license, suspended upon noncompliance with an order for payment of the arrearage as another remedy under [MCL 552.633\(2\)\(d\)](#).

Processes: [Explain any specific measures the court will take to properly suspend a payer's license.]

7.2.6 Supervision by FOC Office

Policy: FOC staff will supervise child support payers for a term fixed by the court.

Procedures: The court will place the payer under the supervision of the FOC office for a term fixed by the court with reasonable conditions. The court may order the payer to do one or more of the following:

- Participate in a parenting program.

- Participate in drug or alcohol counseling.
- Participate in a work program.
- Seek employment.
- Participate in other counseling.
- Continue compliance with a current support or parenting time order.
- Enter into and in compliance with an arrearage payment plan. For more information about payment plans, see [SCAO Administrative Memorandum 2010-06](#).

Processes: [Explain any specific measures the court will take to place a payer under FOC supervision.]

7.2.7 Community Corrections

Policy: FOC will assist child support payers in participating in community corrections programs.

Procedures: The court can order the payer to participate in a community corrections program.

Processes: [Explain any specific measures the court will take to order a child support to participate in a community corrections.]

7.2.8 Fines and Costs

Policy: FOC staff will enforce and collect court ordered fines and costs.

Procedures: Except as provided by federal law and regulations, the court may order the payer to pay a fine of not more than \$100 to be deposited in the friend of the court fund. [MCL 600.2530](#). Unless good cause is shown on the record, the court must order the party appearing under the bench warrant to pay the costs related to the hearing, issuance of the warrant, arrest (including transportation), and further hearings. Costs ordered for failure to appear must be deposited in the friend of the court fund. [MCL 600.2530](#); [MCL 552.631\(3\)](#).

Processes: [Explain any specific measures the court will take to access fines and costs.]

7.3 Other Enforcement

7.3.1 Criminal Non-Support

Policy: FOC staff will have limited involvement with criminal prosecutions for non-payment of child support.

Procedures: It is a felony to violate a support order or fail to support family while having the resources to do so. [MCL 750.165](#) and [MCL 750.161](#). Pursuant to federal law, it is a crime if all of the following are true. [18 USC 228](#):

- A payer has the ability to pay,
- The payer willfully fails to pay child support,

- A known arrearage exists,
- The arrearage has remained unpaid for longer than one year or is greater than \$5,000, and
- The child resides in a different state from the payer.

As a court agency, the FOC must avoid the appearance of impropriety and maintain proper separation of powers; therefore, the office will not refer individual cases for prosecution. [SCAO Administrative Memorandum 2008-03](#) outlines permissible FOC involvement relative to criminal prosecutions.

Processes: [Explain any specific measures the court will ensure permissible FOC involvement in criminal non-support referrals.]

7.3.2 Actions to Set Aside Fraudulent Conveyances

Policy: FOC staff will assist the court in setting aside fraudulent conveyances.

Procedures: If a support arrearage has accrued and there is reason to believe the payer transferred title or ownership of real or personal property without fair consideration, the IV-D agency can initiate proceedings to have the transfer set aside or to obtain a settlement for repayment that is in the best interest of the recipient of support. [MCL 552.624a](#). However, ethical and separation-of-powers considerations may prohibit the FOC from filing these actions.

Processes: [Explain any specific measures the court will take to set aside fraudulent conveyances.]

7.3.3 Financial Institution Data Match

Policy: FOC staff will work with OCS staff to levy delinquent child support payers' financial institution accounts.

Procedures: The OCS works with financial institutions and insurers to collect specific identifying information for each parent who maintains an account at that institution and owes more than two months of past-due support. [MCL 400.234a](#). The OCS can administratively levy the accounts.

Processes: [Explain any specific measures the court will take to have the FOC work with OCS on financial institution data matches.]

7.3.4 Tax Refund Offset

Policy: FOC staff will work with OCS staff to intercept tax refunds for delinquent child support payers'.

Procedures: The Michigan Child Support Enforcement System (MiCSES) automatically screens and refers qualifying cases for state tax offsets. If MiCSES has not designated a case for offset proceedings, and the arrearage on the case meets state or federal requirements, the FOC may request that the OCS initiate offset proceedings against a payer's qualifying federal and state tax refunds. [MCL 552.624](#) and [MCL 400.233a](#). To offset federal tax refunds, the arrearage must be \$150 for TANF cases or \$500 for non-TANF cases. [45 CFR 303.72](#). Passport denial is completed under federal law as part of the tax offset program.

Process: [Explain any specific measures the court will take to have the FOC work with OCS on tax refund offsets.]

7.4 Health Care Enforcement

Policy: FOC staff will take the necessary steps to enforce health care coverage and collect uninsured health care expenses.

Procedures: Child support enforcement includes the enforcement of health care coverage and uninsured health care expenses. State and federal laws, policies, and regulations govern the establishment and enforcement of medical care obligations for children. Child support includes the payment of medical and healthcare-related expenses, and one or both parents are required to maintain health care coverage. [MCL 552.602\(ii\)](#) and [MCL 552.605a](#).

When enforcing health care insurance and uninsured health care expenses, FOC staff will follow [SCAO Administrative Memorandum 2011-01](#).

Process: [Explain any specific measures the court will take to properly enforce health care coverage and collect uninsured health care expenses.]

7.5 Discharge of Arrears

Policy: A payer with a support order arrearage may request that the court establish a payment plan or discharge arrears owed to the state or the recipient of support. The MDHHS has the authority to administratively forgive arrears owed to the state and has delegated this authority to FOC staff. [MCL 205.13\(4\)](#). A recipient of support may consent to discharge arrears owed to him or her. See [SCAO Administrative Memorandum 2010-06](#) for more information.

Procedures: The FOC will only administratively discharge arrears when the payer does not have an ability to pay support and has demonstrated engagement with the children or the IV-D program. The FOC must use arrearage repayment guidelines contained in the [Michigan Child Support Formula Manual](#) to administratively adjust arrearage payment schedules. When making the administrative adjustment, the FOC must follow procedures to afford the payer due process.

The OCS requires each office to designate an Arrears Management Coordinator as a point-of-contact when another office is looking to forgive arrears on a payer in more than one office. The Arrears Management Coordinator can also serve as an expert on applying the administrative discharge policy. See [Section 6.51, "Arrears Management," of the Michigan IV-D Child Support Manual](#) for more information. The Office of Child Support has developed an [Arrears Discharge Calculation Spreadsheet](#).

Processes: [Explain any specific measures the court will take to properly discharge arrears.]

7.6 Exemptions from Enforcement

Policy: Staff is expected to be familiar with factors that may exempt payers from child support enforcement. These factors should be considered before FOC staff initiates any child support enforcement.

Processes: [Explain any specific measures the court will take to exempt cases from enforcement.]

7.6.1 Documented Payments Withheld

Policy: When a payer produces proper documentation FOC staff will make the necessary adjustments on a payer's support account.

Procedures: A payer does not have an arrearage if the payer produces documentary evidence (e.g., pay stubs, wage statements) that money has been withheld from the payer's income in an amount equal to or greater than the amount required under the support order. [MCL 552.607a](#).

Processes: [Explain any specific measures the court will take to address documentation of payments withheld.]

7.6.2 Retroactive Arrears Created

Policy: FOC staff will make every effort to avoid creating retroactive arrearages.

Procedures: Unless the payer fails to become current within two months, the FOC shall not consider a payer to have an arrearage when the arrearage is created because an order retroactively sets support relating to a filing date. [MCL 552.511\(2\)](#).

Processes: [Explain any specific measures the court will take to avoid enforcement of retroactive arrears because of a court order.]

7.6.3 National Guard Exemption

Policy: FOC staff will not enforce a court ordered for child support while a payer is serving in the armed forces before or during service, during the time of active service, and for a period of six months after service ceases.

Procedures: Army National Guard, Air National Guard officers, and enlisted personnel on active service are privileged from arrest and imprisonment and their property is exempt from levy of execution, seizure, or attachment of debts contracted prior to or during service during the time of active service and for a period of six months after service ceases. [MCL 32.517](#). See [SCAO Administrative Memorandum 2007-02](#) for additional information on military child support adjustments.

Processes: [Explain any specific measures the court will take not to enforce a child support obligation during a time a payer is serving in the armed services.]

7.6.4 Bankruptcy

Policy: Bankruptcy generally does not discharge support arrears. [11 USC 523\(a\)](#). However, changes in bankruptcy law have affected support enforcement. Chapter 7 actions seek to discharge all dischargeable debts while chapter 13 actions seek to adjust the debts of an individual with regular income. See [Federal Courts Bankruptcy Basics](#) for more information.

Procedures: The FOC will not file a proof of claim or a pleading in a bankruptcy action. Such actions subject the court to the bankruptcy court's jurisdiction and waive the court's immunity from contempt and other actions. If support arrears are paid within a Chapter 13 plan, no additional action will be taken to enforce those arrears because they could be considered a violation of a federal order. Current support accruing after the action is filed may be enforced.

Processes: [Explain any specific measures the court will take to properly enforce child support when a payer has filed for bankruptcy.]

7.7 FOC Employer Enforcement

Policy: When properly notified by the FOC, employers have legal responsibilities to forward child support payments, and provide the FOC with requested information. The FOC office will take the necessary steps to ensure that employers are in compliance with these mandates. FOC employees must know of those mandates in order to take the necessary enforcement.

Upon the FOC's request, the source of income must provide information the employer has regarding the payer, if the employer maintains the information, and the payer worked for the employer in the last three years. [MCL 552.518](#). The information obtained is confidential except for child support matters. However, information may be released to either parent upon request (unless a family violence indicator protects the party's information). Employers or former employers must supply (pursuant to an administrative subpoena) any current employment information that is in the possession of the employer that pertains to the parent and is needed to establish, modify, or enforce a support order.

Procedures: The source of income must implement the income withholding order within seven days of service of the notice of the order by ordinary mail. [MCL 552.611](#).

The source of income must pay withheld money to MiSDU within three days after the withholding. [MCL 552.609](#). If there is more than one support income withholding order against a payer, the source of income must comply with each order to the extent allowed by law, currently 50 percent of the payer's disposable income. [MCL 552.611a](#).

The source of income must identify each withholding by payer name, social security number, case number, amount withheld, and the date on which support was withheld. [MCL 552.611a\(3\)](#). Payments from multiple payers may be combined into one payment as long as the identifying information is provided. [MCL 552.611a\(4\)](#).

The source of income must notify the FOC office if income is terminated. [MCL 552.614](#). If the source of income is an employer, the source of income must notify the FOC office when employment is interrupted for a period of 14 or more consecutive days; if a new source of income is known, the source of income must provide that information. [MCL 552.614](#).

Income withholding remains in effect until further order of the court and has priority over all other legal processes under state law against the same income. [MCL 552.611](#).

The FOC office must send notice of any modification to the income withholding order, and the source of income must modify the amount withheld within seven days of receipt of the notice. [MCL 552.617](#).

The source of income is liable for any amount that it intentionally fails to withhold from the payer's income after service of the order. [MCL 552.611a\(2\)](#). In addition, the court may find the source of income in contempt if it fails to comply with the order. [MCL 552.613](#).

The source of income is guilty of a misdemeanor if it refuses to employ, discharge, or penalize a payer because of an income withholding order. The misdemeanor is punishable by fine of up to \$500 and full restitution, including reinstatement and back pay. [MCL 552.623](#).

A source of income may charge and collect from a payer a fee of up to four dollars per month in response to a notice of income withholding. The fee shall be collected separately and apart from the income withheld for child support. [MCL 552.623](#).

Processes: [Explain any specific measures the court will take for employer enforcement.]

8.0 REFEREES

8.1 General Referee Functions

Policy: [MCL 552.507](#) authorizes the use of referees in domestic relations matters and defines their responsibilities, while [MCR 3.215](#) governs referee qualifications,³ procedural requirements, conduct, powers, and referrals from the court.

Procedures: Referees may hear all domestic relations cases except for the modification of spousal support. The chief judge may assign motions of a particular kind by local administrative order, or a trial judge may assign individual cases to be heard by a referee. [MCR 3.215\(B\)](#).

Processes: [Explain any specific measures the court will take to ensure referee functions are in compliance with all statutes and court rules.]

8.1.1 Ethics

Policy: Referees will be careful not to blur ethical lines. This could occur, for example, when attorneys who serve as part-time referees also represent clients before the same judge.

Procedures: To avoid the appearance of impropriety, the court will establish ethical guidelines that preclude a referee from appearing as a private attorney in that circuit. Referees and courts also will avoid actions that might blur the distinction between a referee and a judge. For example, referees will not refer to their recommended orders as orders and will avoid other acts uniquely associated with judges [*In re AMB*, 248 Mich. App 144 (2001)].

Processes: [Explain any specific measures the court will take to ensure referees establish and maintain ethical practices.]

8.1.2 Settlement and Scheduling Conferences

Policy: Referees may conduct settlement conferences to narrow the issues the referee or judge needs to hear and hold scheduling conferences, subject to judicial review, to discuss case timelines and other procedural expectations (e.g. the right to present evidence, discovery limitations). [MCR 3.215\(B\)\(3\)](#) and [MCR 2.410\(A\)\(2\)](#).

Procedures: Courts may routinely have the referee prepare a scheduling order, but the court must allow parties to obtain an automatic de novo scheduling conference with the judge by objecting to the scheduling order. If no party objects, the court can simply review and approve the order without spending any time on scheduling issues.

Processes: [Explain any specific measures the court will take to schedule and conduct referee settlement conferences.]

³ A court will periodically verify that a referee remains in good standing with the state bar.

8.1.3 Records of Referee Hearings

Policy: There must be an electronic or stenographic record of each referee hearing so the court can decide whether to limit testimony or narrow the scope of issues to consider in a de novo hearing. [MCR 3.215\(D\)\(4\)](#).

Procedures: Referee hearings will be recorded as provided for in the court rule.

Processes: [Explain any specific measures the court will take to ensure referee hearings are properly recorded.]

8.1.4 Referee Recommendations

Policy: [MCR 3.215\(E\)](#) specifies the content of referee recommendations and the procedural requirements for issuing and implementing them.

Procedures: Referees will create an accurate record of what occurred in the referee hearing and document the factual and legal basis for the referee's recommendation. Each recommendation will:

- provide parties with a better understanding of their rights and responsibilities,
- give parties a better opportunity to state-specific objections to the recommendation,
- allow judges to understand both the recommendation and the referee's reasoning, and
- allow courts to restrict any later judicial hearings to the truly contested issues.
- The referee will prepare a recommendation within 21 days of the hearing and submit a proposed order to the parties.
- The proposed order will give notice of the right to file an objection to the referee's recommended order within 21 days of service.

Subject to restrictions, the court may give interim effect to all referee-recommended orders or on a case-by-case basis. [MCR 3.215\(G\)](#). If the court approves a recommendation and a party does not file a written objection within 21 days, it will become a final order.

Processes: [Explain any specific measures the court will take to make sure referees' recommendations comply with court rules and statutes.]

9.0 ALTERNATIVE DISPUTE RESOLUTION

9.1 Friend of the Court Alternative Dispute Resolution

Policy: The FOC will provide ADR in compliance with its FOC ADR Plan. [MCL 552. 513](#) and [MCR 3.224](#).

Procedures: All FOC employees will follow the FOC ADR plan and its requirements when providing FOC ADR services.

Processes: [Explain any specific measures the court will take to ensure that FOC employees comply with the court's FOC ADR plan.]