



THE PUNDIT

Michigan's Source for
Child Support Information

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

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20th Circuit Court, Ottawa County Committed to Helping Parents Stay Employed to Pay Child Support

Paying child support can often be a frustrating and difficult undertaking, particularly when the parent who is required to pay encounters financial difficulty. Some of those parents might even feel like they are being negatively judged and told, "Get a job, you lazy bum!"

Although the Child Support Program strives to treat all parties with respect at every step of the child support process, this is the impression that some payers take away from an order to show cause for failure to pay child support. Parties may petition for a modification of the support order, but generally, an inability to obtain employment does not excuse the payer from the obligation to pay. If the payer is eligible for unemployment or disability benefits, a portion of those benefits may be available to meet the support order. However, if the payer is ineligible for either program, the payer must find employment or will continue to incur arrears and receive show cause notices.

But getting a job is not always an easy proposition. A party's criminal history, education level, employment background, and physical and mental abilities may present serious hurdles to employment. For some parties, show-cause days become part of their yearly routine – an exercise in trying to explain their employment struggle while being ordered to find a way to pay the support amount. Still, many of these parties are not as "unemployable" as they believe and resources are available to place those willing to work in a position that fits their individual abilities and needs.

Last summer, the Ottawa County Friend of the Court (FOC) began a serious effort to improve support collections by tapping into the employment resources available in western Michigan. In Ottawa County, all show-cause hearings are scheduled on Fridays. Parties are required to arrive by 8:15 a.m. and the judge begins hearing cases at 11:00 a.m. Similar timeframes are used by many FOCs in Michigan with the interim time being used to provide the parties with an opportunity to settle the issues. Ottawa County takes this idea one step further, by partnering with Workbox and Solutions – two companies that specialize in connecting Michigan workers to Michigan businesses – to provide on-site job placement services at every show-cause day.

Generally, the only people ineligible for job placement are current drug abusers. Solutions and Workbox will conduct same-day drug screenings to determine eligibility and, in many cases, those who pass the drug screening on a Friday show-cause day will begin their job placement by Monday morning.

Jennell Challa, director of the Ottawa County FOC, believes that the program is more beneficial than license suspensions and other traditional enforcement mechanisms.

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FOC investigator, Jeff Roffey, added that not only does this program allow clients to obtain suitable employment, “It really helps [investigators] when we have to take someone in front of the judge.” In a recent contempt hearing, a payer that Roffey worked with claimed an inability to obtain employment. After Roffey informed the court that the payer had recently refused a position offered through one of the on-site job-placement programs, the court found the payer in contempt.

In fact, the approach has been embraced county-wide. The job placement services are available to anyone who wishes to use them and other divisions of the court have rotated their calendars to allow litigants an opportunity to use the on-site services. When an FOC case comes before the bench, many judges will ask the defendants if they used the job placement services provided.

The idea is to be proactive with enforcement, providing payers with resources upfront to prevent the need for later enforcement measures. “We want to eliminate as many excuses and barriers as possible. We genuinely want people to be successful in providing support for their children. Employment and self-sufficiency generally improve their lives overall and there is a direct correlation between providing regular support and having increased involvement relationally with their children,” says Challa. The Ottawa FOC even provides on-site public attorneys to represent payers at the show cause hearing. The FOC rotates through a list of attorneys willing to represent payers so that at least one attorney will be present at every show-cause day. If an attorney is requested, the attorney will meet with the payer to discuss his or her options and will represent the payer.

This proactivity does not end with show-cause day. Ottawa FOC is vigilant in ensuring that resources are available to assist those willing to work. Business cards for Workbox and Solutions are distributed by court staff and the Ottawa County Sheriffs’ Department. Job placement pamphlets are available in the FOC office and additional job placement information appears on the homepage of the Ottawa FOC website at miottawa.org/courts/foc. In addition, the Ottawa FOC has utilized the resources available through the Michigan Works program – the nation’s first unified workforce development system – to develop a “felon-friendly” list of job openings. This list is continually updated as new opportunities become available. In addition to the opportunities provided through Solutions and Workbox, as of the time of this article, nine west-Michigan employers were seeking immediate employees in a variety of industries.

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THE PUNDIT

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The Pundit provides information on current issues to Michigan child support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.

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Matt Schmid, Assistant Friend of the Court in charge of Field Services at Ottawa FOC, reports that since October 2015, they have referred 56 clients to Solutions. Of those 56 clients, 55 have registered with Solutions and 26 have obtained employment – and that does not include referrals through Workbox, Michigan Works, or the felon-friendly employer list. Nearly all these clients are employed in west Michigan. “It was important to us to keep jobs in west Michigan,” says Jennell Challa. “We want to use our programs to boost the economy here.”

Show-cause days, like those held in Ottawa County, are an opportunity to rebrand the FOC. While the ultimate goal is still to enforce the provisions of the support order, utilizing show cause orders to work towards an employment solution not only helps ensure that support provisions will be fulfilled but that clients will work with the FOCV on future issues. More information about job placement programs in Ottawa County is available at <http://www.miottawa.org/courts/foc>.

Van Buren County Enables Customer Use of MiChildSupport

Michigan’s child support program rolled out MiChildSupport, a MiCSES interface, for the general public in 2014. MiChildSupport allows users to apply for child support services, update personal data, and view case-specific information such as payment history and court hearing dates. All updates made by child support staff will automatically update the [MiChildSupport website](#) in real time. With all of this updated information at a person’s fingertips, a customer no longer has to call and speak to someone at a child support partner’s office – most of a party’s case specific questions can be answered by logging into the customer’s case. The trick is getting the word out to the public about the availability of the website and training users how to best use the website to the customer’s advantage.

Van Buren County FOC took this matter to heart and began offering training to customers a year ago. The FOC office sends a training flyer to all new clients to let them know about MiChildSupport and what services the website can provide to parties involved in a child support case. The FOC offers a short one-on-one training session on how to best navigate MiChildSupport to all users. While optional, many of the child support program’s customers in Van Buren County have taken advantage of the free training. Amanda Hoefle, with the Van Buren FOC, encourages the training to clients every chance she gets. “We let the customer know that MiChildSupport is an amazing tool that has a number of features that makes monitoring their case very easy.”

The training process is simple. Customers wishing to learn how to use MiChildSupport can come to the FOC office without an appointment. Before the web demonstration, the client completes a form which mirrors MiChildSupport registration questions. This form stays with the customer even after training, so the customer has a written record of the account information in the event the client later becomes locked out of the program.

When the form is complete, the customer sits with an FOC staff person at a computer and registers the client for MiChildSupport access on the spot. Staff then highlights some of the MiChildSupport features. Hoefle says that during the five to fifteen minute training, staff highlights how to obtain hearing information, use the two-way interface to communicate with the FOC, and how to view and print up to 18 months of payment information.

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Since offering the MiChildSupport training to clients (about one year ago), Hoefle states that approximately 50 clients have taken advantage of the training. She believes that the call volume at the office has decreased. “Once people are aware of the tools that MiChildSupport has to offer, they rarely go back to making phone calls.” Hoefle says that her office is happy to work with customers who have issues with MiChildSupport during the customer’s case. While most of the customers who went through training were new to the MiChildSupport website, a few customers requested refresher training and help in troubleshooting the website.

By taking less than 15 minutes per client up front, FOC staff has seen a drastic decrease in call and walk-in volume. “When you empower people, they feel less helpless and at the mercy of ‘the system.’ When we meet with customers and explain all of the ways that the customer can use MiChildSupport, the customer can see what action to take on his or her own without depending solely on someone else to provide that information. The customer responses have been overwhelmingly positive,” points out Hoefle.

Offices that are interested in the MiChildSupport outreach program at the Van Buren FOC can contact Amanda Hoefle by phone at 269-657-7734.

What I took Away from the 2016 ERICSA Conference

By: Sandra Vanderhyde, Muskegon Deputy Circuit Court Administrator

I had the great privilege of attending and presenting at the 53rd Annual Eastern Regional Interstate Child Support Association (ERICSA) Annual Training Conference and Exposition, which took place May 1st through May 5th in Myrtle Beach, South Carolina. There were approximately 500 people in attendance from 41 states and 23 different tribes. Due to the rough location – ocean side views and perfect weather (can you sense my sarcasm?) – the energy was high and the attendance at some of the breakout sessions was low.

The topics presented included “Genetic Testing,” “Using Social Security Data,” “Increase Collections,” “Improve Performance,” “Remodeling the Child Support Program,” “Criminal Justice Reform,” and “Bedside Manner for Attorneys.” The Intergovernmental staff appreciated various topics such as “UIFSA 2008 – Becoming Uniform Once Again,” “Intergovernmental Technology – Bridging the Communication Gap,” and “Advanced UIFSA Scenarios.” The best part, however, was the networking and connections made with the other states. Staff was finally able to put faces with names.

I attended several great breakout sessions, and the most intriguing was “Using Data for Better Case Outcomes: How the Numbers Work for Me.” The first presenter in this session was Ed Lehmann, the Director of Philadelphia County Domestic Relations. He talked about the predictive analytics proactive case management strategy implemented in Pennsylvania in 2008.

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The predictive analytics forecast the likelihood of the defendant to pay child support, identify actions that can be taken to prevent a case from falling into delinquency, identify defendants who would most benefit from early interventions to reduce the likelihood a case will fall into delinquency, and improve the effectiveness of early intervention case management efforts. The Pennsylvania predictive analytics solution includes a Performance Improvement Module (PIM) case management application, a payment score calculator application to calculate a predictive analytics score, setting realistic orders, and proactive early intervention and case management.

Next in the “Data for Better Outcomes” presentation, the Florida IV-D Director, Ann Coffin, discussed using data science and behavioral science to better understand and engage parents who owe support. Ms. Coffin described how they analyze demographic information of the parents who owe support. Florida uses predictive analytics in daily compliance activity initiation, contempt actions, and for alternative tools. The 11 remedies available to them based on the outcome of the predictive model are very similar to the remedies we have available in Michigan. The remedies are: 1) past due notices, 2) appointment letters, 3) disability notices, 4) driver license suspensions, 5) business or professional license suspensions and recreational suspensions, 6) contempt, 7) credit reporting, 8) personal property liens, 9) interstate initiating, 10) criminal referrals, and 11) case reviews. The Florida Child Support Program is constantly analyzing its return on investment for each of these activities by dividing the total collections received due to the activity by the total cost incurred. Its next project is to use the predictive model to analyze cases on the likelihood of upward or downward modification if a review for modification actions is initiated.

The final presenter of the “Using Data for Better Case Outcomes” session was from Vermont attorney Boolie Sluka from Vermont. Ms. Sluka discussed the use of behavioral economics to improve outcomes. This philosophy involves making small changes in wording and in the approach used to increase participation, such as adding the child’s name to bills to redirect emotional response. Vermont is currently conducting a pilot program to analyze the success rates of their court case management conferences and how they can be improved. To do this, they use new letters for parents to prevent information overload. The pilot program uses behavioral economics – informed settlement conferences – as the initial meeting. However, the pilot is too new to provide meaningful data on its impact.

The most well-attended breakout session I witnessed was one that I was honored to present, “From Choppy Seas to a Day at the Beach: Problem Solving Alternatives to Civil Contempt.” I presented with Magistrate Nicholas Palos, from New York; Tanguler Gray, the Georgia IV-D director; and the Honorable Chan Caudell, also from Georgia. The New York, Georgia, and Michigan programs go against the traditional approach of using adversarial proceedings to coerce compliance. Instead, the child support problem-solving court looks at why the parent is not paying, and how barriers to payments can be lessened or removed. We presented on the following six characteristics of problem-solving courts: 1) enhanced information, 2) community engagement, 3) collaboration, 4) individualized justice, 5) accountability, and 6) focus on outcomes.

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A Georgia problem-solving court is aimed at creating self-sufficiency and is called the Parental Accountability Court (PAC). The PAC model seeks to remove underlying issues that cause noncustodial parents to become chronic nonpayers of child support. Through judicial oversight, PAC assists transitioning NCPs with barriers to self-sufficiency through parent accountability, employment and education. They offer participants substance abuse treatment, mental health treatment, coaching and mentoring, volunteer work opportunities, literacy training, job assistance, and clinical assessment services and referrals. Since 2012, the program participants have paid an estimated \$2.8 million dollars in support which, in return, has saved the state more than \$10 million in incarceration costs.

In Kings County Family Court in Brooklyn, New York, Support Magistrate Palos runs the Child Support Intensive Supervision Program (CSISP). In this program, after an initial screening determination and admittance into the program, there are frequent court appearances and a service plan. The frequency of future court appearances depends on subsequent cooperation and progress. The court may impose sanctions for failure to comply with referrals, such as essays and community service. Graduation from the program requires six months of current support. There is no maximum time as long as the individual is cooperating in the program.

The lessons learned through the operation of the CSISP program is that multiple providers in each service category are needed. The courts must make expectations clear to each participant, more frequent court appearances, and contribute to higher payment rates. High default orders result in little to no payments, and there is a lack of financial literacy in the population the program is serving. The court must navigate the unreasonable expectations of both parents, such as unemployed individuals with no skills expecting to find jobs which pay more than entry level salaries.

Finally, there was the Michigan program, the Muskegon County Specialty Establishment and Enforcement Docket (SEED). Similar to others, the SEED program addresses the barriers that prevent parents from being actively involved in their children's lives and from financially supporting them.

After an initial screening, parties are ordered into the program at the establishment phase with a reduced child support obligation. Then an assessment is done with the noncustodial parent that results in an individualized case service plan being created that identifies the participant's barriers and the plan to overcome them. A Family Court Officer is assigned to each case to act as case manager. There are monthly review hearings held to monitor child support payments, parenting time, compliance with the case service plan, and to issue incentives or sanctions, when necessary.

Participants can graduate from the program when they have successfully completed their case service plan, which can take anywhere from 12 to 24 months. The key aspects of the SEED program are the individualized case services plans, the Swift and Sure Sanctions, the use of incentives, supports, and technology, and

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most recently, the use of groups with participants with common needs such as a life skills group and a male empowerment group. While the program has faced problems discovering new barriers post-assessment, it has also seen many successes, including increases in parenting time, child support, employment, education, the building of a support system for participants, and improved relationships with the custodial parent.

As a first time ERICSA conference attendee, I found it inspiring to be with people who lived miles away that shared similar beliefs and attitudes about child support. Yet I was convinced that I was presenting a program that would be light-years ahead of anything like it. Instead, I found that the concept of the SEED program has several programs in existence with similar philosophies, despite being a newer trend. Now I have connections in several states with which I can communicate and collaborate to improve the program. It was satisfying to see how eager the attendees were to learn how we can create programs and address this previously-neglected population. For anyone considering attending a conference at the national level, I highly recommend the ERICSA Conference to expand your knowledge base and networking.



What Mandated Reporters Need to Know about Reporting Child Abuse and Neglect

Michigan friend of the court (FOC) employees often encounter families in where there may be allegations of child abuse and neglect. But statistically speaking, how often does child abuse and neglect actually occur? The Michigan Department of Health and Human Services (MDHHS) has provided the following data:

- In 2014, there were 80,117 child abuse and neglect investigations with MDHHS.
- In 2014, 26 percent of investigations resulted in evidence of abuse or neglect.
- Of the 80,117 investigations in 2014, a total of 21,049 complaints were confirmed, representing 30,953 identified victims (38 percent of victims were under the age of four).
- In approximately 83.5 percent of all cases, the perpetrator is the parent (biological, adoptive, putative or stepparent).

MCL 722.623 requires any person employed in a “professional capacity” in any FOC office who has reasonable cause to suspect child abuse or neglect to report the abuse and neglect to Child Protective Services (CPS).

The following is important information for FOC staff to know about reporting child abuse and neglect:

- First, FOC employees should check with their director to learn whether or not they are considered a mandated reporter. Even if a court has not designated an FOC employee as a mandated reporter, that employee might still be required to report suspected abuse or neglect. An individual who is required to report is subject to the failure-to-report sanctions contained in MCL 722.633.

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The following is important information for FOC staff to know about reporting child abuse and neglect:

- First, FOC employees should check with their director to learn whether or not they are considered a mandated reporter. Even if a court has not designated an FOC employee as a mandated reporter, that employee might still be required to report suspected abuse or neglect. An individual who is required to report is subject to the failure-to-report sanctions contained in MCL 722.633.
- There is no statutory definition of what it means to find “reasonable cause to suspect child abuse or neglect.” Mandated reporters (other than those employed by CPS) are not required to determine whether child abuse or neglect has actually occurred. The State Court Administrative Office (SCAO) recommends that those individuals designated as mandated reporters inform of child abuse or neglect when their rational observations, professional training, experience, or any other factor causes them to *suspect* child abuse or neglect has occurred. Mandated reporters may also consult with MDHHS employees about child abuse and neglect issues before making a report. A mandated reporter does not satisfy the legal obligation to file a report with CPS simply by having a conversation with a MDDHS employee. A report *must* be filed to meet the statutory requirement (MCL 722.623).
- Mandated reporters must *immediately* make an oral report by calling 855-444-3911. CPS intake personnel will want the following information, if available:
 - ◆ Name(s) and address of primary caretaker (parent and/or guardian).
 - ◆ Names and identifying information for all household members, including the alleged perpetrator and victim.
 - ◆ Birth date and race of all members of the household.
 - ◆ Whether the alleged perpetrator lives with the child.
 - ◆ Address where the alleged incident happened if different than the home address.
 - ◆ Summary of the child’s disclosure and its context if the child disclosed the incident.
 - ◆ History of the child’s behavior (any background information the mandated reporter knows related to the report that is being filed).
 - ◆ Reasons why child abuse or neglect is suspected.

Within 72 hours after making the oral report, the mandated reporter must file a written report with CPS. Mandated reporters are encouraged to use the DHS-3200 Form found at http://www.michigan.gov/documents/dhs/DHS-3200_224934_7.pdf. The written report must include the following information:

- ◆ Name, birth date, social security number, sex, and race of the child, mother, and father.
- ◆ Child’s address.
- ◆ Name of the alleged perpetrator of abuse or neglect and relationship to the child.
- ◆ Person(s) the child was living with when the abuse or neglect occurred.

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- ◆ Address, city, and zip code where the abuse or neglect occurred.
 - ◆ Injury or conditions and reason for suspicion of abuse or neglect.
 - ◆ Source of the complaint.
 - ◆ Reporting person's name, organization, and address.
- The written report should be faxed to 616-977-8900, 616-977-1154 or 616-977-1158, mailed to Centralized Intake for Abuse and Neglect, 5321 28th St. Court, SE Grand Rapids, MI 49546, or emailed to MDHHS-CPS-CIGroup@michigan.gov within 72 hours of submitting the oral report.
 - Mandated reporters can use the Mandated Reporter's Hotline (1-877-277-2585) if they think MDHHS has not been adequately responsive to their concerns. These concerns will be investigated and a response will be provided.
 - Individuals employed in a professional capacity by a FOC office are not required by MCL 722.623(1) to provide a copy of the mandated report to the FOC director. However, SCAO recommends that a copy of the report be maintained. MCL 552.520 requires that if the FOC office receives notice from CPS regarding a child abuse investigation, the office must notify CPS of procedural developments in the FOC case until a final order regarding the pending custody or parenting time dispute order is entered. MCL 552.520 does not define "procedural developments." If the FOC office has received a notice from CPS, SCAO recommends that the FOC office forward to CPS any custody or parenting time notices that were sent, motions that are filed to establish or modify custody or parenting time, or any orders that are issued in the case.
 - If the FOC receives notice (as required by MCL 722.628) from CPS regarding a child involved in an open FOC case, the FOC office should inform the court (the domestic relations referee and/or family division judge assigned to the court case) and the attorneys of record about the CPS notification.
 - If the child's placement is changed as a result of juvenile court disposition or CPS investigation, and there is a current child support order in place, the FOC may consider redirecting the child support to the new caregiver. (See SCAO Administrative Memorandum 2005-04.) A review by the FOC under MCL 552.517 could result in the court ordering both parents to pay child support and provide health care coverage. (See SCAO Administrative Memorandum 2006-03.)
 - SCAO recommends that FOC offices maintain a group file of all written mandated reports related to FOC cases and CPS investigation results. The file containing mandated reports and CPS investigation results is confidential, and only the FOC director or the director's designee should have access to the file. Group files are generally defined as records the court is required to keep but which are not part of a case file.
 - The mandated reports and CPS investigation notification are noncase records, which means they are not records filed in the FOC case file and, therefore, are not subject to inspection by anyone outside of the FOC office. Mandated reporters may request a copy of their mandated report or CPS investigation notification from the FOC director or designee. For more information about group files, please see [SCAO's Case File Management Standards and SCAO's Record Retention Schedule, Item Number 16.010](#).

For information on definitions of child abuse and neglect, please see: http://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf. For indicators of child abuse and neglect, see: http://www.michigan.gov/dhs/0,1607,7-124-5452_7119_7193-15254--,00.html. In addition, MDHHS maintains a website for mandated reporters at www.michigan.gov/mandatedreporter.

National Child Support Strategic Plan Offers Tools That Bolster Child Support

In April, the National Child Support Program (NCSP) published the [National Child Support Strategic Plan for 2015-2019](#) (“Plan”). The Plan emphasizes five principles the NCSP believes are required to create a successful and efficient child support program. Along with the five principles, the Plan also discusses 25 goals and over 100 strategies that are currently being used by child support agencies around the nation.

The five overarching principles assert that effective, high-performing child support programs:

- Have a **Families First** mentality by partnering with parents to encourage regular support payments.
- Use **Case-Specific Tools** to meet the specific needs of each case.
- Incorporate the use of **Modern Technology**.
- Utilize **Resourceful Leadership** to garner the necessary resources to achieve the program’s mission.
- Are **Evidence-Based**.

The NCSP is made up of state, tribal, and county child support programs, along with the federal Office of Child Support Enforcement. The goal of the Plan is to “promote economic, health, and social well-being for individuals, families, and communities, promote the healthy development and safety of children, and support underserved and underrepresented populations.”

Below is a table that lists the principles along with some of their goals and strategies. To see a full list, please visit [National Child Support Program Goals FY 205-2019](#).

Principles	Goals	Strategies
Families First	Address the changing needs of modern families.	Increase coordination between child support and parenting time procedures.
		Increase no-cost access to genetic testing and identify other best practices related to genetic testing policies and procedures.
	Set income-based orders that reflect the parent’s ability to pay.	Base support orders on income and other evidence of ability to pay, and limit the routine use of imputed income and presumed orders.
		Develop caseworker protocols for forming a factual basis for child support order amounts.

National Child Support Strategic Plan *(Continued from page 10)*

Principles	Goals	Strategies
Case-Specific Tools	Intervene early to build compliance and payment consistency.	Engage parents early in the establishment process to allow the caseworker to explain the process, build relationships, obtain information about the parents' circumstances, make needed service referrals, and avoid default orders. Monitor compliance, identify changes in payment patterns, and take prompt steps to avoid missed payments and debt build-up, such as contacting the parent to ask about missed payments and to identify payment barriers.
	Improve intergovernmental case processing.	Establish lines of communication and cross-train between state and tribal staff. Assess the benefits of establishing specialized staff to manage intergovernmental cases.
	Modern Technology	Replace obsolete state technology.
Enhance online customer service.		Make effective and appropriate use of social media to increase family awareness and engagement. Create and maintain communication modes that support appropriate language access.
Resourceful Leadership	Educate the public about the child support programs.	Provide child support program information to schools, youth engagement programs, and parenting prevention programs. Identify needed investments, including technology and staffing, to increase program effectiveness and efficiency, and demonstrate return on investment.
	Increase community and advocacy support for the program.	Attend community events to engage with families and organizations. Assign dedicated staff to community outreach.

National Child Support Strategic Plan *(Continued from page 11)*

Evidence-Based	Dedicate needed resources for research.	Support creation of a national child support research fund.
		Encourage other federal agencies to increase child support-related research.
	Examine existing policies and practices to determine whether they result in consistent payments for families.	Analyze labor market trends affecting low-wage workers.
		Study the effect of default procedures and standard use of income imputation in establishing obligations.

Along with the NCSP strategic plan, the Michigan Child Support Program has also been focusing on the direction and program goals for the state. Michigan’s current plan, which has already been in place for three years, discusses seven principles that encompass and expand on the NCSP’s five principles, including an additional principle regarding parenting time. Instead of having multiple goals for each principle, Michigan’s principles each have a specific goal with multiple strategies of how to achieve that goal.

Below is a table that lists the principles, the goal associated with each principle, and suggested strategies.

Principles	Goals	Strategies
Business Process	Process cases in a way that provides effective, efficient, and holistic child support services.	Examine current business processes to streamline services and eliminate redundancy.
		Provide processes that empower child support professionals to be flexible and proactive.
Support Payment	Improve collections, especially on cases with inconsistent payment histories.	Use data to analyze and understand our caseloads and to influence strategies to improve case management.
		Implement early education and intervention programs for payers.
Customer Service	Deliver services to the public in an engaging, effective, and accessible manner.	Gather information to better understand the population, and use this in developing effective customer service.
		Develop outreach/education strategies for parents and custodians to understand and navigate the child support program.

National Child Support Strategic Plan *(Continued from page 12)*

Parenting Time	Promote healthy family relationships through parental engagement.	Identify and enact methods for engaging fathers in their children’s lives.
		Identify and collaborate with schools and community resources to educate the public on the responsibilities of parenting.
Staff Education and Outreach	Foster a culture of excellence in which Michigan child support professionals work as a team.	Encourage and promote local collaboration.
		Identify and provide leadership development opportunities.
Funding and Resources	Secure stable and sufficient funds to provide excellent services to Michigan’s families.	Review mandates and services to improve cost-effectiveness.
		Identify optimal funding and staffing needs for Michigan’s child support program.
Technology	Use innovative technology to enhance customer service and improve business practices.	Enhance existing and implement new self-service tools.
		Engage and collaborate with technology partners to evaluate emerging trends.

Michigan is already ahead of the curve on many of the national goals. For example, the NCSP wants to address the changing needs of modern families. Michigan’s plan is one step ahead, with the goal of requiring more specific parenting time at establishment. Additionally, the Michigan legislature has already passed a bill allowing for speedier paternity through genetic testing. Steve Capps, Director of the Friend of the Court Bureau adds, “A handful of states, including Michigan, tried using problem-solving techniques to collect child support, but Michigan is unique in creating a fusion of techniques used in enforcing child support, applying problem solving approaches, and applying child welfare approaches to strengthening the family. By fusing these techniques, Michigan courts can offer families the type of support they need to obey court orders, while removing barriers that might find them entering other parts of the justice system.”

Another goal set by the NCSP is to intervene early to build compliance and payment consistency. Many counties in Michigan already have early intervention programs in place and are currently testing the effectiveness of these programs. While the NCSP’s goal is to set income-based orders that reflect the parent’s ability to pay, the Michigan Child Support Formula and OCS policy already address proper use of imputation when determining potential income and looking at ability to pay. Furthermore, when office resources are available, Michigan conducts child support reviews when credible evidence of a change in circumstances exist, even if the change is not substantial.

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National Child Support Strategic Plan *(Continued from Page 13)*

NCSP also suggests that child support programs enhance online customer service. Michigan's MiChildSupport website allows parents to apply for or finish child support applications online and view their child support case information (see [Van Buren County Embraces Customer Use of MiChildSupport](#) for more information). Where the NCSP wants to increase community and advocacy support for the program, Michigan pilot programs like [ADAPT](#), Ottawa and other current outreach programs are already being done by many counties.

Both the NCSP and Michigan's plan have the same overarching goal: to increase the performance and functionality of the child support program. Based on their plans, it appears both programs are on the same path, and are headed toward success. For more information on the strategic plans, contact Paul Gehm at the Friend of the Court Bureau at 517-373-5975.

INTERSTATE CORNER

This edition of *Pundit* marks the start of the new Interstate Corner, an article within each edition of *Pundit*, which will draw from questions and answers posted to the Interstate Google Group forum. *Pundit*'s first edition focuses on the often confusing issues of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). This edition's Q&A draws heavily from Linda Bess (Enforcement Officer, Calhoun County) and Tony McDowell (Staff Attorney, Genesee County).

Q: Judgment of Divorce (JOD) from Texas (TX). Dad is the custodial parent (CP) and moves to Michigan (MI) with the child. Mom is the noncustodial parent (NCP), and she remains in TX. TX JOD sets support at \$0 for each party. Mom registers custody/parenting time in Michigan under the UCCJEA and files a motion seeking custody under a DC case. Both parties hire attorneys and a full custody hearing is held.

At the MI hearing, mom is granted custody and dad is granted parenting time. Dad is also ordered to pay child support. Child support is put on MiCSES for Dad to pay Mom under the new custody order. In the meantime, Dad files an appeal in MI and the child remains in his custody pending the judge's ruling. Months later, the appeal is heard and Dad wins his appeal, keeping custody of the minor child. All child support charges and arrears are removed from MiCSES at that time.

Dad now comes to the FOC and files a motion seeking child support from mom under the DC case.

Can dad request a support review under the DC case or does the FOC have to send a referral to the TX Child Support Agency, asking the agency to review the support under a UF docket?

A: It is important to note that although this is filed as a DC case, case suffixes are not the end all, be all as to case type. Although the DC case was filed in MI under UCCJEA, the UCCJEA cannot address child support. The UCCJEA registers the "child-custody determination" that is statutorily defined by MCL 722.1102 (c). That definition states that "Child-custody determination does not include an order relating to child

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Interstate Corner (Continued from Page 14)

support or other monetary obligation of an individual.” Child support is governed by UIFSA. The support provision is not registered until the Uniform Interstate Family Support Act (UIFSA) registration requirements are met (notice and statutory required documents sent by the court (under MCR 3.214(C) assigned to FOC). Under UIFSA, Michigan had no basis for entering a child support order as one already existed.

While we may issue child custody or parenting time provisions, unless all the parties live here or a non-moving party lives here and the order is registered, we cannot modify the support order or set the amount of support. Because Michigan did not have jurisdiction to enter the support order under UIFSA in the DC case, that support order was not valid and did not give Michigan CEJ. Therefore, so long as someone is still living in Texas, then Texas would retain CEJ for modification of support.

Based on the facts of this case, I do not think consent of the parties comes into play, because the parties did not really consent to a state taking jurisdiction over support and they didn’t consent to an order, instead it sounds like it was hotly contested. A nonresident NCP who is subject to our jurisdiction for UCCJEA purposes, is not probably subject to our jurisdiction for support or other legal purposes. MCL 722.1109. Submitting to personal jurisdiction in Michigan is not the same as agreeing to Michigan taking over CEJ to modify support.

If he wants his support order modified, I would think that the valid support order is the one to have modified, which would mean asking TX to modify their order. It seems to me that if you modify the MI order you are modifying an order that was improperly entered to begin with.

If the facts were slightly different, the decision could be a little different as well. Say for *instance, the case had a MI order, with the CP in AL, and the NCP in MI. If the NCP went to AL to get a custody and parenting time order, and the parties consented, AL could decide to address child support at the same time and the parties could consent to that provision as well. Since the parties consented to the AL order, if that consent was also recorded in MI, then the parties could agree to AL taking over jurisdiction per MCL 552.1205(2)(a). Of course, that didn’t happen, but it shows how one slight step in a another direction could make a big difference.*

A suggestion for offices facing a pending UCCJEA action is to let the attorney or the court know that the FOC office would be happy to address the support issues when they come up. This can be helpful for attorneys if they have one less thing to worry about in court. The FOC office has also assisted the court when these types of cases come up. We have had some luck with private attorneys by making it easier for them to have the FOC address support than it is for them to try and litigate it and possibly have an invalid order. Once they see the process is less complicated, they tend to stop touching support in UCCJEA matters. While these issues still exist, progress with attorneys within our local bar can make a difference.



LEGISLATIVE UPDATE – JUNE 2016

2015 PA 255 – Uniform Interstate Family Support Act (effective January 1, 2016)

Michigan adopted the 2008 version of the Uniform Interstate Family Support Act (UIFSA). The new additions make UIFSA applicable to child support orders in and from other countries. Additionally, in order to allow the FOC offices more time for processing, the timeframe for support enforcement agencies to notify petitioners of communication from other tribunals has been extended from two days to five days.

2015 PA 257 – Revised Judicature Act (effective March 22, 2016)

Claims against the state or a department will be paid from the unencumbered appropriation of the department if the head of the department or his designee determines it is sufficient. Plaintiff must provide the head of the department with any required information. The Department of Treasury must determine if there is a liability (i.e. child support) that needs to be paid. If there is, the liability will be paid first and any excess will be paid to satisfy the plaintiff's claim.

2016 PA 91 – Revised Judicature Act (effective July 25, 2016)

If a court order has been entered in an action appealed to the Supreme Court or Court of Appeals that prohibits the disclosure of the address of a party to the action, or prohibits one party from contacting the other, a party must serve the appeal papers by delivering sufficient copies to the clerk of the court with a request that the clerk, sheriff, deputy sheriff, police officer, or appointed court officer serve the protected party. The officer will serve the protected party at either the confidential address provided by the protected party or the last known address of the protected party.

2016 PA 93 – Revised Judicature Act (effective August 1, 2016)

In a domestic relations case, and without a hearing to determine whether mediation is appropriate, the court shall not submit a contested issue to mediation if there is a PPO when one or both parties are involved in a child abuse/neglect proceeding. However, the court may order mediation in either instance if a parent protected by the order requests mediation.

Domestic relations mediators must make a reasonable inquiry (including domestic violence screening) as to whether either party has a history of a coercive or violent relationship with the other party, whether mediation would be physically or emotionally unsafe for any participant or would impede the achievement of a voluntary and safe resolution of issue.

2016 PA 95 – Child Custody Act (effective August 1, 2016)

When determining factor (j) of best interest factors, a court cannot negatively consider an action taken by a parent to protect a child or that parent from sexual assault or violence by the child's other parent.

2016 PA 96 – Child Custody Act (effective August 1, 2016)

If a child custody dispute involves a child conceived through an act of criminal sexual conduct or nonconsensual sexual penetration, the court cannot award custody to the offending parent without the consent of the other parent or guardian. This subsection does not apply if the parties cohabit and establish a mutual custodial environment after the conviction. If a parenting time proceeding involves a child conceived through an act of criminal sexual conduct or nonconsensual sexual penetration, the court cannot grant parenting time to the offending parent. This subsection does not apply if the parties cohabit and establish a mutual custodial environment after the conviction. A parent may assert the criminal sexual conduct charge as an affirmative defense in a proceeding brought by the offending party regarding the child.



MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Moir v. Moir, unpublished per curiam, released February 11, 2016. (Docket No. 323725). In a case in which both plaintiff and defendant regularly mixed personal and business finances, the trial court did not err in imputing income to plaintiff who was self-employed and appeared to underreport income significantly below that of his employees.

Shimel v. McKinley, unpublished per curiam, released February 23, 2016. (Docket No. 329144). Where the trial court's order changing the child's school district alters the joint-custodian's parenting time from every other week to alternating weekends, the trial court's decision results in a change in the child's custodial environment requiring the moving party to prove by clear and convincing evidence that the change was in the child's best interests.

Jones v. Peake, unpublished opinion of the court of appeals, released March 10, 2016. (Docket No. 328566). A paternity proceeding in which custody or parenting time is not an issue is not a child custody proceeding for purposes of applying the UCCJEA.

Richardson v. Kennedy, unpublished per curiam, released March 10, 2016. (Docket No. 327771). In a child custody dispute, the trial court did not err in considering and expressing concern regarding the defendant's reckless behavior with her gun collection.

Kayko v. Govitz, unpublished per curiam, released March 15, 2016. (Docket No. 328939). In a divorce action, trial court does not err in awarding joint legal custody with primary physical custody to the father where there is evidence that the mother abuses alcohol while the child is in her care and is currently on probation for a domestic violence charge in which the father and the child are named as the victims, even though father had a previous domestic violence charge.

Ellis v. Domalik, unpublished opinion of the court of appeals, released March 24, 2016. (Docket Nos. 324298, 324299). When entering a stipulated zero order for child support, the trial court must still satisfy the requirements explaining the reasons for deviation as required by statute.

Kivari v. Kivari, unpublished opinion of the court of appeals, released April 12, 2016. (Docket No. 328951). On its face, the equitable parent doctrine adopted in *Atkinson v. Atkinson*, 160 Mich App 601, 608-09 (1987) applies only to the husband of a marriage at divorce, and does not apply to the wife of a marriage where a child is the product of an affair between the husband and a third party and all parties acknowledge that the wife functioned as the child's "stepmother" rather than the child's "mother."

Gorindarajulu v. Sundararajan, unpublished opinion of the court of appeals, released April 12, 2016. (Docket No. 325822). Trial court has jurisdiction to issue default divorce despite defendant being absent from the state during the majority of the residency period preceding defendant's counterclaim for divorce when defendant's absence was due to plaintiff's actions of taking the parties' son, locking defendant out of the marital home, emptying their joint bank accounts, and threatening and harassing her via e-mail.



MICHIGAN COURT OF APPEALS DECISIONS

PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Eibschitz-Tsimhoni v. Tsimhoni, unpublished opinion of the court of appeals, released April 14, 2016 (Docket No. 329406). The trial court's ex parte order affecting custody is improper when that order does not specifically address, and plaintiff has pleaded no facts indicating, a change of circumstances since the entry of the last order.

Manley v. Manley, unpublished opinion of the court of appeals, released April 19, 2016. (Docket Nos. 329754, 329760). The trial court errs by requiring parties to bring an issue of change of custody before the parenting time coordinator where the parenting coordinator order only provides that the coordinator may issue recommendations regarding Wednesday parenting time, the selection of the children's mental health professional, and matters the parties agree to submit to the coordinator.

Jenks v. Abraham, unpublished opinion of the court of appeals, released April 21, 2016. (Docket No. 329894). In approving a referee recommendation, the court is not required to make independent findings concerning the child's best interests so long as the record indicates that the referee considered the child's best interests.

Brown v. Brown, unpublished opinion of the court of appeals, released April 26, 2016. (Docket No. 326058). Plaintiff's contempt motion claiming defendant failed to report a new source of income is made in bad faith when plaintiff knows the defendant had reported her new source of income and mischaracterizes an increase in income as a new source of income.

Deboer v. Strickland, unpublished opinion of the court of appeals, released April 28, 2016. (Docket No. 329765). The trial court errs by denying defendant parenting time without utilizing the factors in MCL 722.27(a)(6) to articulate why denying parenting time is in the child's best interests, where the trial court relies on the erroneous conclusion that defendant has been unsuccessfully discharged from a supervised parenting time program.

Fogg v. Bauer, unpublished opinion of the court of appeals, released May 12, 2016. (Docket No. 325403). Gifts from defendant's parents to defendant covering her expenses, as well as the parties' dividends from stock, may be considered in determining her income for purposes of determining child support.

Jonet v. Autio, unpublished opinion of the court of appeals, released May 17, 2016. (Docket No. 326332). Trial court did not err in dismissing plaintiff's action against married defendants, requesting paternity determination of defendants' child Where Plaintiff had no standing under RPA because the trial court factually determined that he was aware that the defendant mother was married to the defendant husband (and presumed father) at the time of minor child's conception.

Pace v. Bednerek, unpublished opinion of the court of appeals, released May 17, 2016. (Docket No. 330341). Even if parents came to mutual agreement on custody, the moving party must still show proper cause or change in circumstances to warrant change in custody.



MICHIGAN COURT OF APPEALS DECISIONS (Continued from Page 18)

PUBLISHED AND UNPUBLISHED see: <http://courts.mi.gov/courts/coa/opinions/pages/zipfiles.aspx>

Pauly v. Helton, unpublished opinion of the court of appeals, released May 17, 2016. (Docket No. 330805). In a custody determination, failure to consider each statutory factor, analyze and connect the evidence relevant to the factors, and state the party that the factor favors does not create a record available for review and is improper.

Delong v. Delong, unpublished opinion of the court of appeals, released May 24, 2016. (Docket No. 329261). Father's elevated involvement in minor child's life shortly before the parent's separation did not rise to the level sufficient to create an established custodial environment.

Enos v. Haag, unpublished opinion of the court of appeals, released May 24, 2016. (Docket No. 330788). Drastic changes in a child's behavior at school and daycare and development of oppositional defiant disorder following the initiation of a custody order can meet the standard for a "change in circumstances" and warrant a modification of a custody order.

Hess v. Hess, unpublished opinion of the court of appeals, released May 26, 2016. (Docket No. 328924). Testimony by a psychologist that one of the parents is the primary caregiver for the child does not preclude the existence of an established custodial environment with the other parent. Failure by trial court to explicitly address the parenting time factors did not amount to clear error when parenting modification was calculated in the child's best interests.

Burnett v. Ahola, unpublished opinion of the court of appeals, released May 26, 2016. (Docket No. 330311). Mother's statements to alleged father that she was in the process of getting a divorce, and later was divorced, satisfied the requirement that the alleged father reasonably believed the mother to be unwed at the time of conception. Acknowledgment of paternity of an alleged father by the mother and presumed father may be established by correspondence concerning the paternity of the child.

Horgan v. Brown, unpublished opinion of the court of appeals, released May 26, 2016. (Docket No. 331047). Proper cause exists to reexamine parenting time when a parent moves closer to the children, and does not have to meet the higher burden for proper cause or change in circumstances under a change in the custodial environment standard.

Michigan IV-D Memorandum (Office of Child Support)**2016-016 (June 10, 2016) Michigan Child Support Enforcement System (MiCSES)/Bridges Data-Match Issues**

This IV-D Memorandum discusses data-match issues that IV-D staff and Bridges users have identified with the MiCSES/Bridges interface. These issues have caused incorrect assignment records on the MiCSES *Member Assistance History* (MAHI) screen for IV-D case members.

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**2016-015 (May 27, 2016) Member Address Verification, Department of Natural Resources (DNR) Information Matching, and Agency Placement/Unlicensed Provider Addresses**

This IV-D Memorandum explains updates to Section 3.15, “Addresses,” of the Michigan IV-D Child Support Manual and discusses: Enhancements to the transmission of custodial party (CP) and noncustodial parent (NCP) addresses from the Michigan Child Support Enforcement System (MiCSES) to the Federal Case Registry (FCR) for verifications through the National Change of Address (NCOA) repository; Changes to policy and procedures regarding the submission of manual postal verifications to the United States Postal Service (USPS); and Changes to policy and procedures for the matching of MiCSES case members to address and license information received from the DNR. These changes will be implemented with the MiCSES 9.1 Release on June 3, 2016.

2016-011 (May 27, 2016) Updates to Section 4.20, “Support Recommendations and Order Entry,” of the Michigan IV-D Child Support Manual, and Changes to the MiChildSupport Calculator and the Calculation Results (CALCRSLT) Template

This IV-D Memorandum introduces updates to policy in Section 4.20, “Support Recommendations and Order Entry,” of the *Michigan IV-D Child Support Manual*. It also announces changes to the MiChildSupport Calculator and the *Calculation Results* (CALCRSLT) template, which were introduced to Michigan Child Support Enforcement System (MiCSES) users in November 2015. These changes will be effective with the MiCSES 9.1 Release (June 3, 2016).

2016-010 (May 16, 2016) Updates to the Michigan IV-D Child Support Manual related to Child Welfare Referrals From the Michigan Statewide Automated Child Welfare Information System (MiSACWIS)

This IV-D Memorandum announces changes in child support policy related to child welfare agency placements (“foster care”) and the Michigan Child Support Enforcement System (MiCSES)/MiSACWIS two-way interface that will be implemented on June 17, 2016.

2016-009 (April 8, 2016) Updates to Reporting the 15 Percent Medical Support Incentive as Program Income

This IV-D Memorandum explains how OCS will report the 15 percent Medical Support Incentive as program income. It also discusses the counties’ use of the funds as a federal match and whether the funds should be reported on the county Schedule of Expenditures of Federal Awards (SEFA).

