

**FRIEND OF THE COURT BUREAU
ADVISORY COMMITTEE**

Meeting Minutes for Friday, May 20, 2016

Attendance: Lynn Bullard, Meredith Cohen, Pete Dever, John Frasier, Sara Hodits, Rahman Shareef, Elizabeth Stomski, Ernschie Augustin, and Amy Yu

I. Call to Order

II. Administrative Matters

A. Review Minutes

1. November 2016 minutes reviewed (February meeting was cancelled due to lack of quorum).
2. Approved by Committee without edits.

III. Public Comments

A. None

IV. Correspondence

A. None

V. Old Business

A. Legislative Update

1. Bill Number SB 0458 Adoption Code – Termination of Parental Rights and Child Support
 - a) *Proposed Change:* Proposed change of note language from legislative document.
 - b) *Discussion:* What is the difference between the Bill stating “no support order” versus a “zero support order?”
This seems to be ambiguous. What will result if there is noncompliance?
 - c) As of May 18, 2016, Bill Number SB 0458 is officially recognized as a Bill.
2. Bill Number HB 4477 – Service of Papers
 - a) If a court order has been entered in the Supreme Court or Court of Appeals that prohibits the disclosure of the address of a party or prohibits one from contacting the other, a party must serve the other party by delivering extra copies to the clerk of the court with a request that someone serve the protected party.

3. Bill Number HB 4480 – Custody -- Best Interest Factors
 - a) When considering Factor (j) of the Child Best Interest factors which states “[t]he willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents,” the court cannot negatively consider an act by a parent to protect a child or that parent from sexual assault or violence by the child’s other parent.

B. UIFSA 2008 Update

1. UIFSA was passed in Michigan as of December 2015. All other states and territories passed UIFSA as of March 2016.
2. UIFSA 2008 includes several changes.
 - a) Not using the Hague Convention until President Obama signs the Hague Convention.
 - b) Requires tribunal to allow telephonic or appearance.
 - c) Copies of Orders: two copies are necessary. One copy must be certified and the original copy.
 - 1) Foreign Country: A country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:
 - Has been declared under U.S. law to be a foreign reciprocating country;
 - Has established a state reciprocal arrangement for child support;
 - Has law or procedures for the issuance and enforcement of support orders which are substantially similar to UIFSA procedures; or
 - In which the Convention is in force with respect to the United States.
 - 2) Currency Conversion: UIFSA says initiating state must complete currency conversion prior to sending a UIFSA registration but does not specify how to prepare currency conversion.
 - Recommended practice from the Center for the Support of Families regarding the wording of NOTICE OF REGISTRATION OF FOREIGN SUPPORT ORDER:
The amount of the alleged arrearage is AMOUNT DENOMINATION as of [MM/DD/YYYY] having a United States of America Dollar equivalence of \$AMOUNT as of [MM/DD/YYYY].

- d) The section 319 Issue: Upon valid request from another state's IVD agency, the original order-issuing state must redirect to the state where CP is receiving services. Original state must ALSO issue a "conforming income withholding order or administrative notice of change of the payee" to NPC's employer-meaning that the original state would have to change its order on its own motion and send the new order to the NCP's new state and new employer.
- 3. Forms
 - a. New Forms:
 - ❖ Personal Identifiable Information and the 319 Form
 - b. Other forms updated
 - c. Timeline
- 4. Reciprocity Under the Hague Convention
 - a. Since the Hague Convention has not been signed by the President, we cannot use the Foreign Reciprocating Countries (FRC) list.
 - b. Once the Hague Convention is signed or ratified, we can use the Hague Convention list of signatures and the FRC list.
 - c. Significance: FRC's have different document requirements than the Hague Convention Countries.

VI. New Business

C. FOCB Update

- 1. Child Support Formula and Guidelines Update:
 - a) Public calculator will be available in the fall 2016.
 - b) *Discussion:* Public calculator should include a "save feature." The FOCB Advisory Committee believes that this feature would be beneficial and should be included as part of the calculator tools, as long as it does not delay the roll-out of the calculations itself.
 - 1) Attorneys run multiple scenarios for multiple clients. A no-save feature would duplicate and triple the amount of work required as the case progresses.
 - 2) Empowers public to run its own guidelines and allows public to adjust numbers as needed without having to redo the form.
 - 3) Will be used by judges and referees who will have to print and save the findings. This will prevent duplication of efforts.

2. Intergovernmental Workgroup – Calls with Other States
 - a) Intergov WIT Conference calls with other states to improve collaboration and use of UIFSA 2008.
 - ❖ States Michigan met with: AK, AZ, CO, ID, OK, TN, TX, WI
 - ❖ States Michigan is scheduled to meet with: CA, LA, ME, MT, NY, WY.
 - ❖ All notes from state calls are on Google Group.
 - ❖ Goal: Speak with each state by the end of 2018.
3. ADR Workgroup
 - a) It was discovered during the development of the plans that issues needed to be addressed by a court rule. Some of those issues were confidentially, ordering parties to ADR, and immediate effect of orders after FOC ADR- other than mediation.
 - b) Currently a draft court rule is being developed that will be reviewed by the workgroup. Once the draft court rule is completed a staff report will be written. Once the Supreme Court decides on the court rule, SCAO will prepare model FOC ADR plan, administrative memorandums, and local administrative orders.
4. Same Sex Marriage and Child Support
 - a) Discussion within establishment WIT concerning steps support specialists should take upon receiving application for services on a same-sex divorce with child.
 - b) *Questions Presented:*
 - ❖ Can the “marital presumption” apply to same-sex parents?
 - ❖ How will the court establish paternity?
 - ❖ Proving parentage by estoppel?
 - ❖ What happens if same-sex couple signs the birth certificate?
 - c) Meredith will keep the FOCB Advisory Committee updated on this issue. There is a Michigan Court of Appeals ruling which can be found in the case of Stankevich v. Milliron, No. 310710, 2013 Mich. App. LEXIS 1684 (Ct. App. Oct. 17, 2013).
5. 2016 Update to the FOC Handbook
 - a) Removed intergov references.
 - b) Reorganization of topics from enforcement to support.
 - c) Removed TANF references.
 - d) Lowered reading level to be more customer friendly.
6. New Applicant – Human Services Position
 - a) Applicant to be informed that the application process is still ongoing.
 - b) Any FOCB Advisory Committee member with potential applicants should contact Elizabeth Stomski with contact information.

VII. Closing

- A. Members Closing Comments
- B. Adjourn

Next meeting scheduled: August 19, 2016 at 1:00 p.m., Hall of Justice, Lansing, Michigan.

Upcoming FOCB Advisory Meetings:

- ❖ November 17, 2016
- ❖ February 17, 2017
- ❖ May 19, 2017
- ❖ August 18, 2017
- ❖ November 17, 2017