

AGENDA
FRIEND OF THE COURT BUREAU
ADVISORY COMMITTEE
Friday, February 17, 2017
Michigan Hall of Justice
925 W. Ottawa St., Lansing, Michigan

1. Call to Order

2. Administrative Matters

- a. Review minutes from November 2016

3. Public Comment -

- a. **K. Wilkes** - end of the meeting, relating to Domestic Violence Best Practice Guide.
- b. **R. Kerr** - no request submitted to speak during the meeting.

4. Correspondence as of last meeting (November 2016) - none

5. Old Business

- a. Intergovernmental Update:
 - i. UIFSA 2008: Hague OCSE Training (8 sessions) Next week – Session 5 of 8.
 - ii. State Calls Project Update only 10 states to go, had 4 who could not participate but still sent notes for our records; 3 states declined to participate and OCSE is working on getting their office's compliance.
 - iii. UIFSA Forms
 - a. Federal forms released January 12, 2017. Updated to “reflect policy developments in such areas as protecting personally identifiable information and gender neutrality, advancements in communication methods and technology.
 - b. OCS is in the process of getting forms into MiCSES, as they have to be used by every state by the end of 2017.
 - c. 13 forms, including 4 new forms.
- b. PayNearMe Update – nothing new since November update; project should be releasing 6 month statistics sometime in March. (November – average payment continues to be in the approximate \$225 - \$250 range; we see payments as high as \$1,000 through PNM. We are not receiving any reported issues on ease of use by customers.)
 - i. Questions presented by FOCB Advisory – Participants at the FOC are asking FOC staff why they can't use PayNearMe (and proof of receipt) at the FOC offices. Can PayNearMe services be added to each county office?
 - ii. There are some issues of same-day payment receipts not showing a child support indicator on payee's receipt. When person makes a payment earlier in the same day of a hearing (show cause), the FOC staff nor the Referee can tell if the payment made is for support or not, as there is no indicator. Is there some way that the same-day payment receipts can reflect that the payment made was for child support?
- c. Child Support Formula and Guidelines Update – Combined with FOCB Update
- d. FOC New Employee Training (January 2017) – the non-mandatory training was held over 2.5 days, see attached MJI announcement regarding the conference.
- e. *Lake v. Putnam* – case regarding third party does not have standing even if the third-party resides with the child and has a personal state in the outcome of the litigation, COA case. No leave to SC filed.

- f. Domestic Violence Best Practices Guide – continuing to update (original document was the DV bench book for FOC cases, we are simply taking over updating the publication). Members of the MI Domestic and Sexual Violence Prevention and Treatment Board members to review as sections are complete.

6. New Business

a. FOCB Update

i. MCSF Public Calculator and Memorandum – Presentation

The FOCB Advisory voiced numerous concerns during the Public Calculator presentation. The FOCB Advisory asked the FOCB to share the FOCB Advisory's concerns to the Office of Child Support, which programs the Public Calculator.

1. When support is calculated in MiCSES, FOC staff can generate and print a Uniform Support Order (USO) right away. The Public Calculator, however, does not allow a user to print an USO. Having the ability to print the USO for any user of the Public Calculator would ease the job for FOC staff as an attorney or a proper party can come to court with a USO ready for signature.
2. Many judicial officers want parents to leave the courtroom with a USO in hand. Most courts are moving large numbers of cases on any given day. Having the Public Calculator able to print the USO will be much more efficient than waiting for court staff to insert the calculator results in a USO form.
3. Manually transferring results of the public calculator to the USO form increases the chance of errors being made in the preparation of the USO, regardless of who is completing the information transfer.
4. Several years ago, the state's child support program established a Strategic Plan. The plan outlines the Michigan Child Support Program's vision and mission statement for the upcoming 5 years. The Strategic Plan references two main goals – Technology and Customer Service. Providing the ability for the Public Calculator to print information on the USO fits under both of those large strategic goals.
5. If OCS wants the public and attorneys to use the state-sponsored Public Calculator, the calculator needs to compete with private products. Private products print a USO based on the calculations and thus provide a more valuable service to the user. To remain competitive, the Public Calculator needs to include the print feature.
6. Having the Public Calculator print a USO is a way for the Michigan Child Support Program to guarantee that the most up-to-date USO is in use. The developers of the Public Calculator may be able to make adjustments to the form layout as edits are made (as they do now with OCS/MICSES forms). Upon hitting "print" the user will be presented with the support calculations placed on the most up-to-date form available without risk of using a decommissioned form.
7. The FOCB Advisory was told that the Office of Child Support (OCS) is planning on a formal press "rollout" with the Public Calculator. This rollout is partnered with the March 2017 Enhancements (such as the ability to save calculations). The FOCB Advisory Committee recommends that any rollout initiatives wait until all of the Public Calculator issues are addressed, including the print feature.

- ii. Child Support Program Infographic Release
- iii. FOC Forms Review (posted online) – packet, many offices have stressed a need for collecting more information on the Questionnaire (FOC 39); please submit additional fields for consideration to the FOCB.
- iv. Proposed Court Rules (posted online).

1. MCR 3.203 and 3.208: Allows FOC to change an address on the basis of postal service data matching and would allow parties and attorneys to agree to electronic service of notices and pleadings. Comment period open until March 1, 2017.
 2. MCR 3.208: Implements alternative procedures to set contempt proceedings to reduce steps necessary to schedule a hearing, clarify when FOC must participate in contempt hearing, and would make OCS responsible for determining allocation and distribution of child support. Comment period open until March 1, 2017.
 3. MCR 3.216: Incorporates domestic violence screening requirements of 2016 PA 93. Comment period open until March 1, 2017.
- v. Changes to IV-D Federal Regulations – highlights.

b. Standing Agenda Items for Update

- i. Legislative Update – None
- ii. Case Law Update – Two published COA opinions:
 1. *Allard v. Allard* (Jan 31, 2017) - MI COA: parties cannot agree to waive a circuit court's equitable discretion under MCL 552.23(1) and .401 when ordering relief the court deems necessary to adequately support minor children, including through spousal support.
 2. *Weaver v. Giffels* (Nov. 2016) - mentioned at last FOCB Advisory meeting, definition of "residing full time with the recipient of support."

7. Closing

- a. Members Closing Comments
- b. Adjourn

Next meeting scheduled: May 19, 2017 @ 1 p.m., Hall of Justice in Lansing.

Upcoming Meeting Dates:

May 19, 2017
August 18, 2017
November 17, 2017