

AGENDA
FRIEND OF THE COURT BUREAU
ADVISORY COMMITTEE
Friday, May 19, 2017
Michigan Hall of Justice
925 W. Ottawa St., Lansing, Michigan

1. Call to Order

2. Administrative Matters:

- a. Review minutes from February 2016
- b. Membership (three vacancies):
 - 1. Have two qualified applicants, will be extending invitation to both.
 - 2. Still have one Human Services Professional position available.

3. Public Comment: 1 request, 3 viewing meeting

4. Correspondence as of last meeting (February 2016)

- a. Suggestions re: public calculator
- b. Two emails: Same text (verbatim), two different senders. Found out that there was a “call for action” on Reddit, asking people to e-mail US Department of Justice and our office regarding de facto prisons. No action or response requested.

5. Old Business

a. Intergovernmental Update:

- i. **UIFSA 2008: Hague OCSE Training (8 sessions) and Forms Training (4 sessions):**
Still ongoing, only two more Hague trainings and two Forms trainings left. Scheduled through July 2017.
- ii. **State Calls Project Update**
 - 1. Still have 10-15 states left to talk to
 - 2. Created action plan to continue state call project after all states have initial call (projected December 2017). Each quarter, we will reach out to a group of 12-13 states.

b. Domestic Violence Best Practices Guide

- i. Outline review by internal staff, Committee members, and the Michigan Domestic and Sexual Violence Prevention and Treatment Board of complete.
- ii. Have committee in place for review, sending sections out as we complete them.
- iii. Publication estimated end of summer/early fall.
- iv. *Courts have the DV Benchbook to use as of now. This guide is designed for FOC staff, not just judges/referees, but we anticipate the bench using it as well. The bench-specific stuff will be within the other Benchbooks (no specific Benchbook on topic to be produced).

c. PayNearMe

- i. CVS added as a payment location.
- ii. Press Release: 3/22/217-- As of January 31, 2017, the Michigan State Disbursement Unit (MiSDU) has processed about 2,762 payments in the amount of approximately \$710,901. Usage continues to grow every month, and a large portion of the usage (approximately 20%) is from outside of Michigan.
- iii. Follow-up with MiSDU regarding the receipt indicator—there is a note on the receipt that says “thank you for your payment to Michigan Child Support.” FOC staff can also call the FOC information line and ask if the payment was made by payer.

- d. **Court rule updates:** administrative hearing on rules held on Wednesday (5/17). Rules for discussion:
 - i. **MCR 3.208:** Whether to adopt the proposed amendment of MCR 3.208 that would reduce the steps necessary to schedule a hearing; clarify when the FOC must participate in a contempt hearing; implement 2014 PA 381 to make the Office of Child Support responsible for determining allocation and distribution of child support payments; and allow the FOC to refrain from enforcing child support orders in situations in which it is inappropriate or unproductive.
 - ii. **MCR 3.216:** Issue – Whether to adopt the proposed amendment of MCR 3.216 that would update the rule to be consistent with 2016 PA 93, regarding domestic violence screening for courts considering ordering mediation in domestic violence cases.

6. New Business

a. FOCB Update

- i. **New Management Analyst** - Amy Lindholm
- ii. **FOCB Trainings**
 - 1. Me: MFSC Southwest Council – Confidentiality/releasing documents
 - 2. Paul: MFSC Northern Council – two presentations
 - a. Imputation: Paul presented to FOCB Advisory
 - b. End-dating support orders (calculator) plus emancipation
 - i. End-date calculator/spreadsheet SCAO ADM 2012-07
 - ii. Potential to add child's grade
 - iii. What about child born in December - grade is “pushed back” yet
 - iv. Local office to determine if end date is last day of school or graduation date – policy references Educational Act which specifics graduation v. school date.
 - v. Paul to send a copy of spreadsheet to FOCB Advisory meetings
- iii. **Enforcement Manual Presentation** – New manual for FOC staff to pull all enforcement info in one place. New FOC employee could pick it up, understand legal requirements, when/why use tools in a particular case. Will also act as a guide for current staff with legal citations, usage, etc.
 - 1. Intent to create a case law appendix that can regularly be updated
 - 2. Will include bench cards, desk aids, etc.
 - 3. Not covering PT/custody enforcement, nor contempt so SCAO can continue work with fed regs
 - 4. Staying away from system-related training (MiCSES). Will make references or links to OCS policy as much as possible
 - 5. Workgroup to convene – FOC staff, family law attorneys, OCS, judges, referees. No invites yet but will be coming soon.
 - 6. Kickoff – Summer FOCA conference
 - 7. Will go to ENF-WIT and SCAO by start 2018. Target completion date is Spring 2018
 - 8. Suggestion to add “ability to pay/unwilling to pay” matrix/reviewing cases individually by ability to pay. Will be incorporated in the manual, topic in introduction.
 - 9. FOCB Advisory Committee offered to review pieces/update requested

iv. **Child Support Calculator Memorandum:**

1. March 9, 2017 release
2. Effective March 13, 2017, IV-D policy no longer permits IV-D funded agencies and employees to use tools outside of MiCSES (and it's online MiChildSupport calculator) to calculate support.
3. Memo addresses the scenario when FOC staff/bench uses a different tool (or multiple) to calculate support – and the tool gives a different result than MiCSES produces. Answer = must use the program that correctly uses the Michigan Child Support Formula (MiCSES).
4. SCAO clearly tells courts two things:
 - a. When determining support based on different amounts produced by multiple calculators, “. . .absent evidence that circumstances differ from the inputs used in the MiCSES or MiChildSupport calculator, the courts can improve consistency and best meet IV-D regulations by using the those calculators’ results.”
 - b. “The court can be assured that its [MiCSES and public calculator] programming follows the MCSF requirements.”
5. RE: MiCSES does not calculate spousal support – that is correct, but there is no statewide formula that exists for spousal support (nor any requirement to create one). Use of a separate tool outside of MiCSES regarding spousal support *only* is fine (especially since it's done in only a small percentage of cases).

v. **Safe and Together Grant**

1. MI Domestic Violence Prevention and Treatment Board (MDVPT) awarded grant, three years. Purpose: domestic relations staff will use the same model/language as used in child welfare cases and determine if the outcome provides for a safer, more educational approach to domestic relations cases concerning child(ren) and child support.
 - a. 12-18 mo. For training to be developed/certification to provide training
 - b. 12-24 mo. Using the tools/training on cases
2. The ***Safe and Together Model Suite of Tools and Interventions***
 - a. Is a “. . .perpetrator pattern based, child centered, survivor strengths approach to working with domestic violence.”
 - b. Developed originally for child welfare systems, it has policy and practice implications for a variety of professionals and systems including domestic violence advocates, family service providers, courts, evaluators, domestic violence community collaborators and others.
 - c. The behavioral focus of the model highlights the “how” of the work, offering practical and concrete changes in practice. The model has a growing body of evidence associated with it including recent correlations with a reduction in out of home placements in child welfare domestic violence cases.
3. Develop the training and get some providers in the courts to use the program; get feedback on whether it is providing more/better safety for children
4. Supervised visitation AND the training above.
5. Three-year grant – Dec. 30, 2019 end. Safe and Secure team redeveloping its program.
6. FOCB: starting net small, local FOC offices in the three counties, outreach to other counties to identify mediators/evaluators.

vi. **Baby Brochure**

1. The goal of the brochure is to inform fathers the importance of responding to notices from the court related to child support and why they are important not to ignore.
2. The brochure layout has a lot to be desired, but they recognize it was a draft brochure. All liked the readability and simplicity of the brochure, however, it would need to distinguish itself from the current OCS paternity brochure (questions came up if this was a supplement to that brochure or stand-alone). The FOC's on the FOCB Advisory said this is something that their offices would provide for litigants if finalized and published.

b. **OCSE Reports**

- i. Funding Report
- ii. National Trends v Michigan Trends
- iii. Child Support Report Newsletter – highlight Sesame Street

c. **OCS memo on text messaging**

- i. Released 5/12/17
- ii. No confidential information via text, but can use specific identifying information
- iii. Process to ensure proper person being texted

d. **Standing Agenda Items for Update**

- i. Legislative Update
- ii. Case Law Update

7. Closing

- a. Members Closing Comments
- b. Public Comment
- c. Adjourn

Next meeting scheduled: August 18, 2017 @ 1 p.m., Hall of Justice in Lansing.

Upcoming Meeting Dates:

August 18, 2017
November 17, 2017