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Introduction of the MiCase Website

In the past, payees and payers could access payment and enforcement information only through their county interactive voice response (IVR) system, their friend of the court (FOC) caseworker, or a Michigan State Disbursement Unit (MiSDU) service representative. That changed on April 11, 2009, with the launch of the **MiCase website**. The site provides payees and payers an efficient way to access selected information about payments and enforcement activity on their particular case 24 hours a day, seven days a week. Parenting time and custody information is not available through this new site.

MiCase contains links to FAQs, a detailed description of the sign-up process, and a list of all county FOC contact information. The Michigan Office of Child Support (OCS) has posted information about **MiCase** on the Department of Human Services (DHS) public website, on its mi-support website, and on the MiSDU website.

A first-time visitor to **MiCase** must enter certain personal information that MiCase will match with information already in the MiCSES database to identify the user. The user will be directed to select and answer three security questions. Then, within 10 days, the user will receive a letter with the user's **MiCase ID** and temporary password. The ID and password will allow the user to access the payer's payment and enforcement information. Because **MiCase** IDs, passwords, and answers to security questions are *not* stored in MiCSES, the **MiCase** administrator and MiCSES staff are not able to help users retrieve lost or forgotten **MiCase** IDs, passwords, or answers to security questions.

If the personal information supplied by a first-time MiCase user does not match the user's MiCSES data, or if MiCSES does not have a current address for the user, **MiCase** will instruct the user to contact the user's FOC office to correct any errors.

MiCase allows a payee to access the payment history of the payee's case for the past 18 months, including information such as disbursement dates, disbursement type (electronic or check), the total amount received, and how much was applied to current support and arrearages. Similarly, payers are able

Work Improvement Team and Workgroup Team

The Michigan Child Support Leadership Council has developed a strategic plan for the Child Support Program to meet the council's goal to enhance public confidence in administration of the Child Support Program. This objective will be achieved by increasing the program's accessibility, timeliness, fairness, and customer service. The Program Leadership Group (PLG) has chartered two new teams to carry forward the work that is necessary to meet these goals, the **Work Improvement Team** (WIT) and the Workgroup Team. The teams will make their decisions by consensus and then provide recommendations to the PLG.

Both teams will be comprised of a broad array of partners that include staff from the Office of Child Support and the State Court Administrative Office, friends of the court, and prosecuting attorneys. The WIT partners will provide input on:

- Policy
- User testing
- Business requirements
- Process improvement
- System documentation review, enhancement, analysis and recommendations

The WIT is an all-encompassing term for the entire improvement team that is comprised of five subgroup teams, which include (1) Establishment, (2) Enforcement, (3) Financial, (4) Case Management, and (5) Intergovernmental. Each sub-team will be working toward a specific goal, which is described below.

Partners on the **Workgroup Team** will provide input for internal program communication methods, protocols, and processes.

The teams will conduct much of their work communicating by e-mail. They will have one or two meetings per month, each lasting two to three hours. In addition to the scheduled meetings, the teams will devote an additional four to six hours per month reviewing documents and responding to e-mails.

Team members have initially agreed to three-year commitments. If, after the first three years, no replacement member is available, a member may be asked to extend his or her original commitment; however, members are under no obligation to extend.

WIT Sub-Teams

(1) Establishment WIT

The Establishment WIT will review and analyze establishment-related system enhancement requests. It also will recommend improvements for establishment, review, and modification processes.

Future Activities of the Establishment WIT include:

- Improvement of customer service through the development of best practices and system procedures
- Workflow enhancements on activity chains

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Questions and Answers Regarding the Michigan Child Support Formula

The Friend of the Court Bureau (FOCB) collects public comments regarding the Michigan Child Support Formula at mcsf@courts.mi.gov. Public comments often ask specific questions regarding the MCSF. Here are some recently received questions and the FOCB's answers.

1. Do “child care” costs cease when a child reaches a certain age?

Child care costs continue as long as the court order provides. Many orders continue to authorize these expenses until the beginning of the school year following the child's 12th birthday, which is consistent with Section 3.06(D) of the MCSF. Section 3.06(D) states, “[p]resume that the need for child care continues until August 31st following the child's 12th birthday. At the court's discretion, the child care support obligation may continue beyond that date as a child's health or safety needs require.”

2. What is the health insurance “premium adjustment” and how is it allocated?

The premium adjustment is described in MCSF Section 3.05 Health Care Coverage Obligation and Premiums. The premium is allocated according to the parents' incomes and the reasonable costs of purchasing health insurance for their child. Section 3.05(B) states that “[w]hen ordering child support, the court must order one or both parents to maintain health care coverage for the children if it is available at a reasonable cost as a benefit of employment, or when a self-employed parent maintains personal health coverage.” Section 3.05(C)(1) has to do with Health Care Premium Allocation and states, “[t]he children's net determinable portion of health insurance premiums paid by the parents to cover the children should be apportioned according to each parent's percentage share of family income.” These MCSF provisions are consistent with federal regulations.

3. Is the Shared Economic Responsibility (SER) rule still applicable under the current MCSF?

Its applicability depends on when the court entered its order establishing child support. If the order was entered before October 1, 2008, then SER still applies if each parent annually cares for the children overnight a minimum of 128 nights and thus meets the threshold for application of the SER formula. If the court order was entered on or after October 1, 2008, the Parenting Time Offset (PTO) replaces the SER. PTO considers the annual number of overnights each party will spend with the children and uses that figure to set the base support obligation. Additionally, if an order was entered before October 1, 2008, but is reviewed and modified by the court after that date, the new order will reflect the PTO rather than the SER.

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Arrearages in Child Support and the Estate

Depending on the language of the support order, current child support usually stops accruing on the date of death of the custodial parent or guardian named in the child support order. But what happens to arrearages that have accrued before the custodial parent or guardian dies? Many people believe that the noncustodial parent must pay that money to the custodial parent's estate, and that the friend of the court (FOC) can still collect on the case. However, those assumptions are not based on Michigan law. Under the Support and Parenting Time Enforcement Act (SPTEA), child support can only be disbursed to a "recipient of support." The SPTEA defines a recipient of support as:

1. the spouse (if the support order orders spousal support),
2. the custodial parent or guardian (if the support order orders support for a minor child or a child who is 18 years of age or older), or
3. the Department of Human Services (if support has been assigned to that department).

The *estate* of the custodial parent or guardian is not the same as the custodial parent or guardian. Statutorily, then, there is no recipient of support and neither the FOC nor the Michigan State Disbursement Unit (MiSDU) can receive and disburse the support. Therefore, arrearages under MCL 552.605b(2) cannot automatically become payable to the deceased parent's estate. However, this does not mean that the estate cannot collect support arrearages owed to the deceased parent. In order to collect the arrearages, the estate must file its own claim in the appropriate court. Once the claim is filed, and the estate is found by the court to be the proper payor, the estate can enforce that judgment.

This process may not be easily understood by the personal representative of the estate. If past-due support is owed to the estate, the personal representative should seek legal advice from an attorney. If a personal representative requests help with the process from your FOC office, you should recommend the personal representative contact an attorney who has experience in both support enforcement and probate law.

The preceding discussion was based on the assumption that any arrearages were owed to the custodial parent. But if the deceased parent previously assigned the arrearage to the State of Michigan, the arrearages are owed to the state. Remember that the State of Michigan's Department of Human Services is listed by statute as a recipient of support. In that situation, the custodial parent's death has no effect on the FOC's ability to disburse arrearages to the state.

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to access payment summaries for 18 months that include information such as distribution dates, how the payment was made (cash, check, electronic) and the amount of
 Jessica feels that the most satisfying aspect of being a friend of the court director is getting parents to set aside their hard feelings toward each other and to focus instead on the best interests of their children.

Muslim ‘Triple Talaq’ Court of Appeals Case

Michigan Court of Appeals Declines to Recognize Indian Divorce Judgment that is Based on the Muslim “Triple Talaq” Divorce Ritual

In April 2009, the Michigan Court of Appeals overturned an Oakland County Circuit Court ruling that recognized a divorce judgment from India that was based on a divorce process known as “triple talaq.”¹ The case received significant media attention after the Court of Appeals issued its ruling.

The triple talaq allows a husband to summarily divorce his wife by pronouncing “I divorce thee” three times. The specific requirements of the ritual vary among different sects of the Muslim religion and the ritual is a topic of great debate within Muslim communities.

Saida Tarikonda and Bade Pinjari, both Indian citizens, were married in India in 2001, and later lived in Michigan for two years. Pinjari returned to India in April 2008 to summarily end the marriage by declaring the triple talaq. Pinjari returned to the United States and Tarikonda filed for divorce in Oakland County. Pinjari alleged that a divorce had already occurred in India. Tarikonda asserted that she had been denied due process because she was not present in India during the divorce ritual and did not receive proper notice of the event.

The Court of Appeals stated “India has a two-tiered legal system with a universal civil code that applies to all citizens and individual personal laws that apply to each of the Christian, Hindu, and Muslim communities.” The Court of Appeals noted that India recognizes personal law when ruling on marriage and divorce matters.

The doctrine of “comity” determines whether a United States court will recognize a judgment rendered by a foreign nation. In considering whether a foreign judgment should be given full faith and credit, or comity, the court must consider whether basic rudiments of due process were followed, the parties were present in court, and a hearing on the merits was held and whether the laws under which the judgment was granted do not conflict with a public policy of the United States. The Court of Appeals determined that the doctrine of comity should not apply in this case.

Because in India, women do not have the right to pronounce the triple talaq, the Court of Appeals ruled that the Indian judgment could not be recognized because it would be contrary to federal constitutional equal protection principles. The Court also agreed with the plaintiff’s argument that she had been denied due process because of lack of proper notice and other irregularities.¹

¹ *Tarikonda v Pinjari*, unpublished opinion per curiam of the Court of Appeals issued April 7, 2009 (Docket No. 287403). (No further appeal filed.)

Work Improvement Team and Work Group Team, continued from page 2

- CAR functionality improvements
- Confinement Obligation Arrearages Management
- Case data transfer improvements

(2) Enforcement WIT

The Enforcement WIT will review and analyze enforcement-related system enhancement requests. It also will recommend improvements for enforcement processes and work to develop a clear and common understanding of existing enforcement processes in Michigan.

This team will focus on:

- The enforcement of the delivery of child support services to families and children.
- How the enforcement partners do their work.
- How to improve the enforcement and service delivery process.

Future activities of the Enforcement WIT include:

- Working and providing uniform statewide Passport Denial policy.
- Improvement of communication with the Michigan Unemployment Insurance Agency, the Michigan Department of Corrections, and other state agencies.
- Improvement of Arrearages Management policy.
- Improvement of the license suspension and bench warrant processes within the Michigan Child Support Enforcement System (MiCSES).

(3) Financial WIT

The Financial WIT will review and analyze finance-related system enhancement requests. It also will recommend improvements for financial processes.

Future Activities of the Financial WIT include:

- client return support process
- Large Allocations
- Discussion and review of “Bridges” related changes
- Review of MiSDU issues (e.g., stale dated checks)

(4) Case Management WIT

The Case Management WIT includes all the tasks that Michigan Child Support Program partners must perform to ensure that Michigan children receive the support they need to grow up in stable families. First, the Case Management team must ensure that all team partners comply with all applicable federal and state mandates. Second, to promote consistency, efficiency and effectiveness, the team partners need best practice standards for case initiation, case processing, and case closure. Finally, team partners must establish processes so that each partner’s action assists other partners.

Future Activities of the Case Management WIT include:

- Enhancement of automated information storage and system activity based on updates from diverse locator sources.

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Work Improvement Team and Work Group Team, continued from page 6

- Enhancement of information exchanges between IV-D and IV-A agencies through a two-way interface.
- Increased automated case closures in appropriate cases.
- Reduction of the quantity of returned mail.
- Reduction of the rejected referral rate by enhancement of referral information.

(5) Intergovernmental WIT

The Intergovernmental WIT plans to review and recommend policy updates related to interstate, as well as reviewing requests for associated system changes and make recommendations for system improvement. The team will also undertake production and delivery of a comprehensive interstate educational course. It plans to improve awareness within IV-D offices regarding intergovernmental issues.

Future Activities of the Intergovernmental WIT:

- Develop a beginner through advanced training programs relating to intergovernmental issues.
- First Meeting: Monday, November 2, 2009.

Workgroup Sub-team

(1) Communications Workgroup

The Communications Workgroup will develop methods, protocols, and processes for internal communications among the Program partners and the external stakeholders.

Future Activities of the Communications Workgroup include:

- To write and publish quarterly partnership newsletter.
- Review of planned MiCSES releases; identify/recommend related communication plans.
- To provide assistance to OCS and DHS with the Bridges project's communication strategies; design a marketing plan; and review field issues and concerns.
- To identify opportunities and design projects to promote the partnership concept and to provide information to all child support professionals about available resources and communication tools.

The several WITs and the Communications Workgroup will always be looking for new members. If you are interested in joining a team, please visit <http://mi-support.cses.state.mi.us>.

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4. How does the MCSF account for one parent's obligation to support additional minor children who are not children of the other parent involved in the current case?

To account for additional minor children, MCSF Section 2.08(B) states:

When a parent has additional minor children . . . , net income for calculating support in the present case does not include the portion of that parent's income reserved for supporting those additional children according to the following steps:

- (1) Deduct from the parent's income dollar-for-dollar the portion of that parent's health insurance premiums used to cover qualifying additional children. . . .
- (2) After subtracting qualifying additional children's health care coverage costs, multiply that parent's remaining net income by the Additional Children table's Adjustment Multiplier to determine net income to use for the present case.

For example, if there is one additional child, the Adjustment Multiplier is 85%, which means that 85% of the payer's net income, after the qualifying costs of the children's health care coverage are subtracted, will be used to determine the child support obligation.
