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New Friend of the Court Bureau Management Analyst

Suzy Crittenden has joined the Friend of the Court Bureau (FOCB) as a Management Analyst/ MiCSES Liaison. Suzy comes to the FOCB from the Office of Child Support. Suzy currently resides with her husband, her three stepdaughters, and their 8-month old son. Suzy earned a master’s degree in social work, with an emphasis in community development, from Michigan State University.

We recently interviewed Suzy about her career so far and about Michigan child support:

What is the most satisfying aspect of what you have done so far in the family law/child support area? My career chose me. I have really enjoyed most aspects of my jobs, which have focused both on working with at-risk populations and with the Office of Child Support. I like the opportunities for partner contact, project collaborations, and new initiatives.

What is the most critical challenge facing Michigan child support today? First, the ability to keep clients informed and updated on how to navigate the complex child support system and all its changes (whether the changes occur through federal, state, or county initiatives). Additionally, the ability to collect child support in Michigan’s worsening economy is an ongoing challenge.

If you could make one improvement to the child support system, what would it be? If money was no object, I would improve the MiCSES computer system to add more automation to enable all child support professionals to be more effective and efficient.

What are your future goals/plans? My goal is to increase communication among partners, at all levels, thus creating a stronger and more effective child support program. I am open to ideas to achieve this goal. Also, on a personal level, to raise happy, healthy, and well-adjusted children.

Additionally, if an MiCSES user has feedback or advice regarding the Michigan child support system, Suzy would welcome any comments or concerns. She can be reached at crittendens@courts.mi.gov.

Underground Economy Task Force Survey Results

In the last **Pundit** edition, readers were asked to complete a survey commissioned by the **Michigan Underground Economy Task Force**. Through the use of the survey, the task force hoped to solicit ideas and comments from all Title IV-D personnel and various family law professionals throughout the state that would help the task force reach its primary goal “to identify, discover, and collect unreported and underreported income to ensure that appropriate child support orders are established and enforced.” Members of the task force believed that the knowledge and experiences imparted by IV-D and family law professionals would provide invaluable insight to help further such goals.

Each of the task force’s three subcommittees (Collaboration, Enforcement, and Prevention) contributed several questions aimed at that subcommittee’s area of focus. The survey then was distributed to the Office of Child Support executive staff, Friends of the Court (FOC), FOC office staff, attorneys with the Attorney General’s Child Support Division, and members of the Family Law Section of the Michigan State Bar. Of the more than 3,000 IV-D and family law professionals solicited, roughly 6 percent responded.

After analyzing the responses, the following significant themes emerged from the data:

1. Increased education.

Respondents suggested equipping parties with more information regarding the court process and child support. Education topics should include: the effect of default orders, imputation of income, and the proper filling of tax returns. Early engagement has a proven successful track record. Encouraging noncustodial parental involvement is critical. A more compassionate approach towards Michigan families is necessary.

2. Employer-focused solutions.

Employers often cause their employees’ involvement in the underground economy. Several survey responses indicated a need for a system that both promotes and enforces employer accountability. Some responses encouraged that simultaneous protection be provided to employees who may report about employers who incentivize employees’ participation in the underground economy. Additionally, an employer referral hotline should be created to allow individuals within the community to anonymously inform authorities of local businesses that operate in the underground economy.

3. Practical child support orders.

Currently, Michigan law permits an income withholding order to collect up to 50-65 percent of a payer’s income. Numerous survey responses indicated that the formula should be revised to reduce this percentage because the current level does not allow payers to provide themselves a reasonable standard of living. In

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FOC “Professional Capacity” Staff Mandated to Report Abuse

2008 PA 300 took effect on October 1, 2008. Its requirement that Friend of the Court (FOC) professional personnel report suspected child abuse has had a significant effect on FOC offices. As amended, the Michigan Child Protection Law, MCL 722.621 *et seq.*, now requires any person employed in “a professional capacity” in an FOC office to report suspected child abuse and neglect to Child Protective Services (CPS).

The statute does not define “professional capacity.” Professional employees can include:

1. All FOC employees.
2. FOC employees who have contact with parties in domestic relations cases.
3. Employees who are specifically designated as professional by position or job description.
4. Employees holding particular positions under a collective bargaining agreement.
5. Employees whose educational qualifications include postgraduate training on how to detect physical or emotional abuse.

In an even more recent development regarding mandatory reporting, 2008 PA 405, which took effect on January 6, 2009, amended the Friend of the Court Act (MCL 552.520) to require that FOCs notify CPS of any “procedural development” in certain pending FOC cases. However, 2008 PA 405 does not define “procedural development.” SCAO recommends that once an FOC receives notice from CPS regarding a child abuse investigation, the FOC should notify CPS of any custody or parenting time notices, motions, or orders that are issued in the FOC case. Information on the case must continue to be communicated to CPS until the court enters a final custody and parenting time order.

The latest amendments of the Child Protection Law further require (if there is an open FOC case with children) that CPS notify its local FOC office of a CPS investigation into suspected abuse or neglect of a child. If CPS finds an open FOC case, CPS must notify the FOC of the open investigation. If the investigation leads to discovery of an abuse or neglect situation, CPS must notify the FOC office if it changes the child’s placement. Also, CPS must give the noncustodial parent a form with information on how to change a custody or parenting time order. This form can be found in the *Recommendations for Coordination Between Friends of the Court and Department of Human Services Children’s Protective Services*, at: http://www.michigan.gov/documents/dhs/DHS-CPS-FOC-Recommendations_230561_7.pdf.

CPS *should* determine whether there is an open FOC case in which a child is suspected of being abused or neglected if the CPS investigation results in any of the following circumstances:

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“... the Michigan Child Protection Law, ... now requires any person employed in a ‘professional capacity’ in an FOC office to report suspected child abuse and neglect.”

LEIN: A Tool for Enforcement of Child Support

The Michigan Law Enforcement Information Network (LEIN) is a computerized system that contains information about arrest warrants, convictions, and various court orders. The network links all criminal justice agencies in the United States, Canada, and other countries and is accessible at all times. Only authorized criminal justice agency personnel are allowed to access it. The Michigan State Police maintain the LEIN's Michigan components.

Friend of the court (FOC) personnel are allowed to access LEIN for investigative purposes when a county sheriff has deputized the FOC employee for such an inquiry. FOC inquiries do not become part of the court file and any information that may be gained by the employee through a LEIN search is not allowed to be used for any purpose than originally stated.

The C.J.I.S. policy council act, MCL 28.211 *et seq.*, has been amended to allow access to LEIN by friends of the court for enforcement of child support programs. See MCL 28.214(1)(a)(ii), which states that the criminal justice information policy council shall: **“Ensure access . . . by a governmental agency engaged in the enforcement of child support laws . . .”**

When a judge issues a bench warrant to arrest someone who failed to appear at a show-cause hearing or violated a parenting-time order, the Michigan Child Support Enforcement System (MiSCES) electronically communicates that warrant information to the LEIN system. Entering the warrant into the LEIN system assures that law enforcement agencies have access to the warrant information. MiSCES updates LEIN every 15 minutes to confirm that the posted warrants are still active and accurate.

LEIN can generate a county-specific “validation screen” that helps local bench warrant officers create required LEIN Reconciliation Reports. Reconciliation Reports provide each county a list of its MiSCES bench warrants that must be validated with the LEIN each month. The county's bench warrant officer must ensure that all warrants for the county listed in the LEIN Reconciliation Report remain valid, all invalid warrants have been deleted, and all warrant discrepancies have been reconciled.

If MiSCES detects an error before it sends a bench warrant to the LEIN system, or if the LEIN system detects an error upon receiving the bench warrant, one of those computer systems will generate an error message that can be accessed by bench warrant officers and Office of Child Support specialists. Warning messages are also generated when MiSCES cannot be updated with bench warrant information that has been returned from the LEIN system.

The LEIN system has been in existence for 38 years and has proven to be an effective system for collecting information and making it readily available to the local, state, and national criminal justice communities.

Michigan's Efforts to Improve Parental Locate Methods

The Michigan Department of Human Services (DHS) recently held a conference entitled "**Locate Summit**," in which DHS reviewed the tools that are currently available to be used in locating parents and their property. The **Locate Summit** included discussions of processes that directly interface with Michigan Child Support Enforcement System (MiCSES), that interface with MiCSES via the Judicial Data Warehouse (JDW), and that only interface with JDW.

The federal Office of Child Support Enforcement (OCSE) has published a document entitled "**Automated Systems for Child Support Enforcement: A Guide for States.**" The guide defines the minimum functionality required of child support automated systems and establishes certification criteria required by states in order that they comply with all Title IV-D requirements. The guide also requires automated IV-D systems to work in conjunction with all appropriate sources to obtain and verify data about the non-custodial/putative parent's or custodial parent's location, assets, and other information. In other words, Title IV-D requires that state systems have automated interfaces to gather and verify relevant information about the parents.

In accordance with 42 USC 654(8) and (9)(B), and also 42 USC 654A(e) and (f), Michigan system requirements state that "**...the system must have automated interfaces with Federal, State, interstate, and intrastate sources, when appropriate, feasible and cost-effective to facilitate obtaining and verifying case information.**" The required interfaces include: the federal Parent Locator System, the National Directory of New Hires, the Federal Case Registry, the state's department of motor vehicles, the state's workforce agency, the state's Department of Natural Resources, the state's department of vital statistics, the state's Department of Corrections, credit bureaus, the US Postal Service, local/state tax agencies, the state's IV-A agency, the state's IV-E agency, the state's Title XIX agency, the state's Directory of New Hires, the state's Disbursement Unit, public utilities, financial institutions, the state's licensing agencies, and the state's agencies with jurisdiction over real and personal property.

The recent DHS **Locate Summit**'s purpose was to improve interaction between all those interfaces. Currently, in Michigan, the locate components that work *directly* with MiCSES include: Central Parent Registry, State Disbursement Unit, Child Support Enforcement Network, Credit Reporting, IV-A, IV-E, Title XIX, Electronic Income Withholding Order, and Law Enforcement Information Network (LEIN).

The locate processes that currently interface with MiCSES *via* JDW include: Federal Case Registry, Federal Parent Locator Services, State Verification Exchange System, National Directory of New Hires, Financial Institution Data Match, Interstate Central Registry, Defense Enrollment Eligibility Reporting System, State FIDM, Medical Support Enforcement System, unemployment information, and Department of Labor and Economic Growth.

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Friend of the Court Custody Evaluator Seminar

On October 26 and 27, 2009, the Michigan Judicial Institute hosted the Friend of the Court Custody Evaluator Seminar. Materials and information offered at the two-day seminar were presented by speakers from the State Court Administrative Office's Friend of the Court Bureau (FOCB) and others in the Friend of the Court system. Sessions included:

- **“Interviewing Parents and Children”** by Jack P. Haynes;
- **“Information Gathering and Report Writing”** by David Bosworth, Katie Dopke, and Stephanie Newberry;
- **“Expediting Case Conclusion”** by Julie Vredevelde and Alan Zoltowski;
- **“Accessing Web-Based Resources and Information”** by Beryl Frenger;
- **“Children’s Protective Services Processes”** by Colin Parks;
- **“Using the Child Support Formula”** by Bill Bartels;
- **“Developmental Stages of Children”** by Larry Visconti;
- **“Testifying in Court”** by Janice Cunningham, Claire Metzgar, Nancy Parshall, and Kent Weichmann; and
- **“Accessing for Domestic Violence”** by Joyce Wright.

SCAO-FOCB Management Analyst Elizabeth Stomski spoke about recent changes in statutes, court rules, and case law, in which she focused primarily on the grandparenting-time amendments, the change in domicile findings, the custody and parenting-time amendments, and the new statute that requires FOC personnel who are employed in a “professional capacity” to report child abuse.

SCAO-FOCB Management Analyst Timothy Cole gave a presentation regarding child custody factors, changes in parenting time, and changes in domicile. During his presentation, Cole illustrated how to approach each child custody factor while soliciting the greatest amount of feedback from the parties.

All seminar participants used index cards to record “best practices” to be used during evaluations, including such things as what to look for in an evaluation and types of questions that should be asked regarding each factor. All “best practices” discussed during the seminar have been compiled into a document that will be distributed to the participants.

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addition, the excessive income withholding percentage increases the likelihood that a payer will fail and fall into arrears. Many survey respondents also indicated that the current system of entering default orders causes problems. If a default is entered, that usually happens without solid evidence of the payer's actual ability to pay, and often results in excessive arrears. The arrears frequently accrue even before the payer knows about the order. Many survey respondents deemed default orders to be punitive and suggested that default orders become nonpunitive. Survey respondents also believed that improvements in the handling of payments should be made *before* an order is finalized.

4. Increased innovative enforcement techniques.

A substantial percentage of survey responses supported hiring "underground economy field investigators" in every FOC office. Survey respondents also supported implementation of self-renewing "pay or stay" orders that require receipt of weekly support payments in order to avoid jail on weekends (i.e., the payer would pay by Friday at noon or spend the weekend in jail). Other innovative enforcement techniques suggested by the survey participants included the use of Internet websites like "Myspace" and "Facebook" to locate payers, and allowing IV-D personnel to access credit reports online.

5. Improved collaboration between the Social Security Administration, the Department of Treasury, and the Internal Revenue Service.

The underground economy battle can be more effectively fought if state agencies collaborate with one another and their federal counterparts. The Social Security Administration, the Michigan Department of Treasury, and the Internal Revenue Service possess useful information that could assist in the enforcement of child support and deter payers from entering the underground economy. If state and federal agencies work together, there is a better chance of collecting child support and ultimately preventing payers from entering the underground economy.

The **Michigan Underground Economy Task Force** members would like to thank all those who participated in the survey. The survey responses will prove extremely helpful as the task force prepares the final report that it will publish in June of 2010.

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- (1) A finding by a preponderance of evidence that there had been child abuse or neglect.
- (2) An emergency removal of the child for abuse and neglect occurred before the investigation was completed.
- (3) The family court took jurisdiction on a petition and the child was maintained in his or her own home under CPS supervision.
- (4) One or more children residing in the home were removed and one or more remained.
- (5) CPS determined that any other circumstances applied and related to child safety.

Finally, 2008 PA 405 removed previous restrictions that prevented local FOC offices from obtaining central registry information about alleged child abuse or neglect reports. The new legislative enactments will require more communication between the FOC and CPS. These statutory guidelines are measures to help ensure that CPS and FOCs are aware of each other’s cases involving abuse and neglect and that they are cognizant of the placement of children. For further information about the coordination of FOC and CPS services, please see *“Recommendations for Coordination Between Friends of the Court and Department of Human Services Children’s Protective Services.”*

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The locate processes that currently work *only* with JDW include: State Directory of New Hires, Department of Natural Resources, Department of Community Health, Department of Corrections, Quarterly Wage, and Secretary of State.

The Locate Summit’s goal was to bring all locate processes together to work as a unit. This effort will enable parents and parental property to be located. When the Locate Summit has completed its work, the Release Planning Group, in coordination with the Program Leadership Group, will review the summit’s recommendations and determine the best way to apply them in future system releases. After these improvements have been implemented, they will be available on MiCSES.
