

## 'Wanted' Posters Help Collect Support Payments

The Oakland County Friend of the Court (FOC) office has instituted an innovative and effective method to help collect past-due child support payments: "wanted" posters. The enforcement division of the FOC generates "wanted" posters of individuals who have had bench warrants issued for their arrests for nonpayment of support and for failure to appear at show-cause hearings.

The "wanted" poster idea came from Sgt. Matt Norman of the Oakland County Sheriff's Department, who is assigned to cases that involve payers who are located outside Michigan's borders. Once a

bench warrant is issued, the enforcement division creates "wanted" poster and begins to gather contact information regarding the individuals on the poster by conducting Internet searches and reviewing jail visitation records. The posters are sent to the last-known address of the wanted

person and also to any other addresses listed. Oftentimes, receipt of the poster will pressure individuals to turn themselves in. The other addresses may encompass other relevant people in

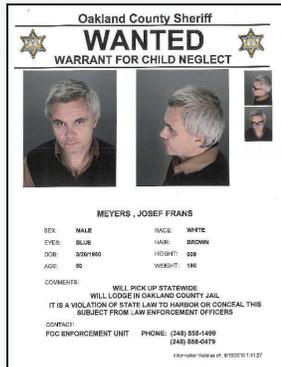
the wanted person's life, such as parents, ex-girlfriends or ex-boyfriends, or siblings. The posters are always addressed to the wanted individual and arrive in a sealed envelope with a stamp that says: "Visit Oakland County Sheriff's Most Wanted

[www.oakgov.com/sheriff/most\\_wanted](http://www.oakgov.com/sheriff/most_wanted)."

The staff that mails the posters tries to ensure that the posters are not sent to an address where the children could see them, because they do

not want to upset the children or provide a reason for the other party to speak badly of the wanted parent. Additionally, the posters are not posted in public areas (such as supermarkets), because of budget and staff restrictions. Sgt. Norman believes that the simple act of sending the posters to the wanted individuals and persons who have or had relationships with them is sufficient. The posters keep the phone ringing and the tips coming in, and the process closes more cases than if he went door-to-door looking for people. Sgt. Norman has seen a one-out-of-six success rate, which is high, considering that the assignment applies to only out-of-state payers. He recalls that in the first month

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## Confiscating Season Tickets From Nonpayers

In Michigan, child-support obligations are in large part determined by income. However, some people who owe child support work in the "underground economy." These people conceal their finances in a way that makes them appear to have a lower income than they actually have. Not only do they report a lower income to the Friends of the Court (FOCs), but they also falsely report income for tax purposes, which in turn deprives state and

federal governments of revenue, and deprives children of the financial support they deserve.

Recently, Justice Maura D. Corrigan introduced a report that was composed by the Underground Economy Task Force that investigated the current situation of the underground economy. The report includes recommendations to bring the underground economy "above ground." Many of the report's recommendations to eliminate the underground economy involve using techniques that

would prevent people from entering the underground economy, and the collaboration with other state agencies to communicate information about people who may be potentially operating in the underground economy. Further, the task force also introduced many ideas to improve child support enforcement of those people who falsely report their income. One innovative recommendation is to confiscate season tickets to sporting and

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## Confiscating Season Tickets From Nonpayers

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entertainment events that are held by people who have underreported income and owe child support and taxes.

In order for the FOCs to confiscate season tickets to sporting events and other entertainment events, the task force recommended that new special-purpose statutes should be enacted to target the underground economy. Although clear legislation would be the best way to ensure that FOCs use this method of enforcement properly, it is arguable that the power to confiscate and sell tickets of this nature already exists. Under the Support and Parenting Time Act (MCL 552.625b), the FOCs have the power to place a lien on any real or personal property owned by child-support payers who are more than two months behind on

their support payments. The statute also allows the FOCs to sell that property once the lien has been perfected. Because season tickets would be the personal property of the person who owes child support, the FOCs would have the authority under MCL 552.625b to levy and perfect a lien against this property and then sell this property to recoup money owed for child support.

Although some states prevent the resale of tickets under the local ticket “scalping” laws, Michigan does not completely forbid the resale of tickets.

However, tickets may not be resold: 1) if the ticket was originally purchased under re-

strictive conditions at a lower rate than general admission, 2) if the original purchaser’s name appears on the ticket or is registered in the seller’s office as the ticket holder, or 3) if the ticket is nontransferable and sold only to named purchaser. These limitations would place a burden on the FOCs who are trying to resell tickets for back-owed child support and would likely inhibit the FOCs from exercising this method of enforcement. It also might lead to more judicial challenges of the FOC’s enforcement.

The Underground Economy Task Force examined the possible benefits of a statute that would allow the resale of

season tickets. This type of statute would grant clear authority to the FOCs and could be especially effective to identify those people who operate in the underground economy. It would help find people who claim to have a low income, but nonetheless can afford to buy season tickets to the Pistons, Red Wings, or even Lions games.

By challenging and bringing attention to disparities between a person’s reported income and the actual personal property that the person owns might prevent a purchase of season tickets. The hope would be that the statute would require that the child-support payment be made instead.

For more information, send an e-mail to [UETaskForce@courts.mi.gov](mailto:UETaskForce@courts.mi.gov).



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of this program, a payer’s father opened the “wanted” poster that was delivered to his house, called the Oakland Court Services Office, FOC Enforcement Unit, and asked how much his son owed. The wanted parent’s father then sent a certified check to cover the amount that was due.

Additionally, Sgt. Norman has discovered that many people will start calling the wanted person on their own to encourage the individual to turn himself/herself in.

This has been an effective collections tool because apparently the pressure from a payer’s friends and family is seemingly enough to convince the payer to pay the obligation.

A criminal child neglect case that brought excitement to the enforcement division is the case of Josef Frans Meyers, an Oak-

land County man who was pretending to be a prince of Austria.

A bench warrant was issued for him on child neglect charges because Meyers owed over \$250,000 in past due child support.

Following the issuance of the warrant and the “wanted” poster, Meyers was found hiding in a New York apartment. He

has since been extradited to Michigan and sentenced on charges of child neglect and nonpayment of support.

For more information on the “wanted” poster program, please contact the Oakland County Friend of the Court Enforcement Unit at 248-858-0424.



## Using Court Interpreters In Child-Support Cases

BY TONI BEATTY,  
MANAGEMENT ANALYST,  
TRIAL COURT SERVICES

A steering committee has been created to provide guidance in the development of model language assistance plans regarding interpreting programs of the Michigan courts. The Court Interpreting Steering Committee met for the first time on August 17, 2010, at the Hall of Justice in Lansing. Chaired by Chief Judge Suzanne Hoseth Kreeger, Ionia County Circuit Court, the committee's members include judges and court administrators from across Michigan.

In August 2000, President Clinton signed Executive Order (EO) 13166, which requires all state agencies that receive federal funding for any program to develop a model "language assistance plan" (LAP) to assist courts so that they provide meaningful access (as defined by the EO) to people who have limited English proficiency skills. Because Michigan courts receive federal funding to fund specialty courts, child support programs, child welfare programs and other programs, the courts are required to comply with the EO. Michigan courts that fail to develop and implement LAPs risk penalizing all Michigan courts with lost federal funding.

A person who has limited English proficiency (LEP) is defined as a person who does not speak English as his

or her primary language and has a limited ability to read, speak, or write English. A person having limited profi-



**Row 1 (L-R):** Judge Karen Tighe, Lorraine Weber, Toni Beatty, Zenell Brown, Judge Suzanne Hoseth Kreeger, Sharon Fox, Mike Boltz, Judge Michelle Rick.  
**Row 2 (L-R):** Judge Kimberley Wiegand, Judge Beth Gibson, Steve Capps, Judge William Kelly.  
**Row 3 (L-R):** Deb Green, Kathy Hoogstra, Brian Ray, Judge Christopher Yates, Judge Mark Somers.  
**Row 4 (L-R):** Dan Bauer, Bill Newhouse.

ciency may approach a customer service counter and request an appointment, a form, or another service and the person behind the counter may not be able to understand what is being asked. Is the LEP person entitled to special language assistance services? Who pays for the services? What if the language spoken by the LEP person is regularly encountered by the customer service department? Must the court hire an interpreter for that specific language? What if it is an obscure language? Can the parties be charged? If the court refers an LEP person to a community program, but the pro-

gram does not offer an interpreter, how is the cost of the interpreter to be paid? What level of skills must an

tee the frequent need that her office has for interpreter services.

Many LEP persons seek services at the friend of the court. The LEP payee wants to understand how support payments are received and disbursed and, also, to be aware of the status of current support enforcement efforts. The LEP payor or payee wants to share information about a change in employment status so that the FOC can initiate a child-support review. Without a language assistance plan in place, there are many barriers that a person who is not proficient in the English language may face. The person may have a question about an in pro per form.

In order to understand FOC processes, there must be adequate communication between the FOC worker and the party. The party with the English language deficiency may be trying to convey serious information about child abuse or domestic violence, making it essential that the party can access the court. LEP parents cannot be denied access to court services because of language barriers.

To extend this concept further, it may also mean that parents cannot be deprived of programs that could assist the family. Brown believes a natural result of providing improved services to LEP individuals will likewise improve child-support services and benefit Michigan families. When an LEP party is made aware that a language deficiency is not a barrier to justice, everyone benefits.

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## Out-Of-Home Placement And Its Effect On The FOC

In either a delinquency case or an abuse and neglect case, when a court removes a child from the home, any existing child-support orders that are managed by a Friend of the Court (FOC) office may be affected.

Child-support payments received by an FOC may be redirected to reimburse the county for out-of-home (OOH) expenses. FOC offices can create internal procedures to readily identify child-support orders that can be redirected to reimburse the county for OOH expenses. Prompt redirection of child-support orders to reimburse a county saves money in OOH expenses.

This article focuses on redirection of a support payment received by the FOC to reimburse expenses when a child is removed from a home for abuse and neglect. If the court that places the child also orders reimbursement of expenses from the parents, the FOC office is still allowed to redirect the support, but should only require payment of costs that are not covered by the support order to be reimbursed, and the FOC should not be involved in enforcing the reimbursement order.

### OOH FUNDING STREAMS

Out-of-home placement can take several forms, including traditional foster homes and placement with relatives. There are also various sources of funding available to help pay expenses for OOH placements. The five main funding sources are:

- Title IV-E.
- State Board Ward and Care (SWBC).
- County Child Care Funds (CCCF).
- Public assistance funding.
- Privately funded (no public assistance).

The use of a funding source to cover expenses of OOH is contingent on the placement meeting specific criteria. The specific funding source determines whether OOH costs will be covered by federal, state, or county funds (or a combination thereof).

Title IV-E funding has the strictest criteria for eligibility. It takes into account factors such as financial need, deprivation, and the welfare of the child. Title IV-E fundable placements are licensed family and relative foster homes, private and nonprofit child-care institutions, and Department of Human Services (DHS) treatment facilities. Title IV-E placement costs are split 50/50 between state and federal government. (1) The SWBC funding source can be used for placements in which the child is made a state ward. Court wards do not qualify for SWBC. Payments are made by DHS.

Meanwhile, SWBC placement costs are split 50/50 between state and county government. The state pays 100 percent of the placement costs up front, but is reimbursed by the county for 50 percent of the placement costs.

On the other hand, the CCCF funding source acts as a “catch all” for placements that do not qualify for IV-E or SBWC funding. If a placement does not qualify for IV-E or SWBC funding and the caregiver is not receiving public assistance on behalf of the child, the placement will be funded by

CCCF as a “default” funding source. CCCF placement costs are split 50/50 between state and county government. The county pays 100 percent of the placement costs up front, but is reimbursed by the state for 50 percent.

Public assistance funding is available for “court ward” children. The caregiver may qualify for public assistance on behalf of the child. If the caregiver is receiving public assistance for the child, then the funding source will be public assistance. The privately funded (no public assistance funding) source is when an unlicensed caregiver or unlicensed fictive kin does not get

paid for a child support obligation goes where the court order specifies. There are three ways, however, that child support is allowed to be redirected to someone other than the person named in the order, which are: 1) another court order can redirect the existing court order; 2) an assignment by law; or 3) administrative memorandum 2005-04 allows redirection of payment to a new person who has become legally responsible for the child.

When a court places a child outside of the home, the order may explicitly redirect the current child-support obligation. If that happens, the FOC is required to get a copy of that order and redirect the support payment as directed by the court. The support may be assigned by law. Under MCL 552.605d(1) (a), support must be assigned to the state when the child’s out-of-home placement is DHS supervised and DHS funded. Under MCL 552.605d(1)(b), support must be assigned to the county when the child’s out-of-home placement is court supervised and county funded.

SCAO Administrative Memorandum 2005-04 allows the FOC, on request, to administratively redirect support if a new person becomes legally responsible for the child. To date, no appellate court case has defined “legal responsibility.” Local courts may interpret this requirement in

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**FOC offices can create internal procedures to readily identify child-support orders that can be redirected to reimburse the county for OOH expenses. Prompt redirection of child-support order to reimburse a county saves money in OOH expenses.**

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any number of ways. The administrative memorandum does indicate that a new legally responsible person includes “[a] person with whom the child is placed pursuant to court order.” (See page 4, section E.1.b of the memorandum.)

### IDENTIFYING PLACEMENT ORDERS FOR REIMBURSEMENT

Finding placement orders that redirect child-support payments involves a three steps procedure. FOCs must: 1) identify when placement activity occurred, 2) obtain a copy of the placement order, and 3) process redirection of child support as appropriate. There are several methods that can be used by FOCs to find out whether a placement has occurred. MCR 3.205 specifies that notice must be provided by the plaintiff or other initiating party in the court commencing proceedings involving a minor. Such notice must be sent to the FOC office enforcing the existing child-support judgment. If the FOC office has not received that initial notification, FOC employees can:

- Check the MAHI screen on MiCSES (under the “Foster Care” tab) to see whether a case’s payments have been assigned.
- Check information provided by parties or a DHS worker regarding a child’s placement.
- Ask the local DHS office to provide a DHS-729 “Confidential Notice to Friend of the Court of CPS Disposition and Family Court Action.” This form informs the FOC that a court case is

pending that may place the child out of the home.

- Ask the county court’s family division to notify the FOC whenever an abuse/neglect case or delinquency case is opened. The FOC can search MiCSES for an existing child-support case and add the FOC to the mailing list of the parties on the case.

- Search SWSS reports to see if placement has occurred. Note: If a child has been placed, check to see if any other children in the household have also been placed. Once the FOC has received a copy of the placement order, the FOC will be able to determine the funding sources (if any). If the funding source is listed as “IV-E” or “SWBC,” the FOC, after its verification of the funding information with MiCSES, then begins the process of redirecting funds. If the funding source is listed as “County Funds,” more research may be required. If the funding code in MiCSES shows “CCCF” but the provider or caregiver identification number is blank, the placement is not funded by CCCF and the FOC should look for any Family Independence Program (FIP) assistance that the caregiver is receiving on behalf of the child. If the funding code is “CCCF” and there is a provider identification number listed, the caregiver is probably receiving CCCF payments as long as there is not any public assistance being received because public assistance trumps CCCF.

After the funding source has been identified, the FOC can

begin the redirection of child support:

- If the funding source is IV-E, SWBC, or CCCF, the assignment of child support to the state or county does not require notice under MCL 552.605d(3).

- If the funding source is public assistance, then the caregiver has legal authority and is receiving public assistance on behalf of the child, but the caregiver is not receiving “foster care payments.”

- If the placement order does not address redirection of support to a caregiver, the FOC must administratively redirect the support and provide notice to the parties. A “Notice of Redirection or Abatement of Child Support” (FOC 106) form must be filed. If neither party objects, the redirection becomes effective 21 days after notice was sent to the parties (not on the date of the placement).

- If the funding source is not public assistance, the caregiver has legal authority of the child but has not requested IV-D services. The child support cannot be redirected unless the placement order states that child support should be redirected to the caregiver. If the caregiver completes an application for IV-D services, then the FOC can begin the administrative redirection process listed above.

FOCs should monitor and watch for changes in cases in which a child is placed out of home. Subsequent placement orders may also show changes in the placement activity.

Additionally, when the family division of the circuit court receives a request to re-determine foster care funding sources, case conditions may have changed that warrant review of the funding source. The FOC can request the family division to forward a copy of DHS-350 forms to the FOC at filing.

### IDENTIFYING PLACEMENT ORDERS FOR REDIRECTION: TWO APPROACHES

The FOCs in the 6<sup>th</sup> and 34<sup>th</sup> Circuit Courts have developed internal procedures that effectively identify placement orders that require redirection of child support.

In the 6<sup>th</sup> Circuit Court, FOC employees know where to look, what to look for, and what to do with what they find. Claudia Martello, chief assistant for financials for the Oakland county-based court, says that both knowing where to find data and knowing what to do with it are integral components of the system. “When children are removed from the home, it’s like putting together a puzzle,” Martello says. “You might know a piece of it, but to redirect orders properly, it is important to know the whole picture.” FOC employees look for clues to help identify that a child has been removed from the home as early as possible. MiCSES notifications or contact by a party to the case can inform the FOC that a child has been removed from the home. The FOC further investigates the case to determine whether redirection of child support is required. By knowing where to look, the Oakland County FOC is able to put the whole puzzle together.

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## How Intimate Partner Violence Changes Children's Lives

BY JOYCE WRIGHT,  
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Intimate partner violence (IPV) does not always involve physical abuse. In fact, coercive tactics such as emotional abuse, sexual assault, isolation, economic withholding, intimidation, manipulation, and the use of children, are more common methods used by the abuser to control the victim and children. Providing information about how chil-

dren are shaped by violence will not only increase general awareness, but, also will assist those who come in contact with vulnerable families so that the families are appropriately referred to available community resources. Children's lives are manipulated in various ways by the abuser.

Some of the common ways children are "exposed" to IPV:

- Being used by an abusive parent as part of the abuse.
- Seeing the aftermath (e.g.,

damages to property; injuries).

- Seeing a parent assaulted or demeaned by another adult (partner, spouse).
- Hearing the assault.
- Seeing an abuser assault his/her new partner when children visit the abusive parent on the weekends.
- Being denied what is owed the payee parent for child support.

How children might be "used" by an abusive partner:

- Saying the children's misbe-

havior is the reason the abuser must be abusive.

- Talking disrespectfully to the children about the victim's behavior.
- Undermining the parental authority of the abused parent.
- Encouraging the children to abuse their mother.
- Threatening violence against the children in order to gain compliance from the other parent.
- Holding the children hostage or abducting them.

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## OOH Placement: Effect On FOC

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The FOC's office of the 34th Circuit Court in Roscommon takes a slightly different approach to identifying OOH placements. In smaller counties, it is easier for FOCs to be notified from other county employees. "The key to our system has been the development of a 'communication matrix' between the FOC and other county offices," says Jill Mayhew, financial officer in the office. Mayhew says that the FOC works closely with both DHS and the family division. When the family division opens a new guardianship, abuse/neglect, or delinquency case, the FOC is notified and is listed as a recipient of future court orders. This way, the FOC keeps informed of developments in the case. Also, when DHS forwards the funding source for an OOH placement to the family division, the court notifies the FOC of the changes.

The open communications between the family division and the FOC has helped Mayhew both monitor cases in which children are removed from the home and, also, determine when support must be redirected.

If FOC employees are looking for clues regarding an OOH placement and are in contact with DHS and the family division, child support orders can be redirected timely. This informed awareness can save counties money and ensure that the benefits from support payments remain with the child during an OOH placement.

If a court has questions regarding redirection of support orders to fund an out-of-home placement, contact SCAO Management Analyst Daniel Bauer at [bauder@courts.mi.gov](mailto:bauder@courts.mi.gov).

*(1) IV-E does not cover any locked facility treatment facilities.*

### THE PUNDIT

can be accessed  
online at:

<http://courts.michigan.gov/scao/resources/publications/focbnewsletters/focbnews.htm>

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- Deliberately creating tension between siblings.

In a home where violence is present, abusive actions can affect the beliefs and attitudes held by these children in the following ways:

- Children can develop negative core beliefs about themselves. Core beliefs are formed in childhood, and parents are a large part of that. If children have been demeaned or told they are not worthy, they may start to believe the negative messages given to them.

- Children can be isolated from helpful sources of support. Hiding the family secrets is the norm for children exposed to violence. The children are warned that "bad things" will happen if others learn of the domestic violence. Acting "normal" cuts them off from people who could listen and help.

- Abuse destroys children's view of the world as a safe and predictable place. Children will learn that adults do not keep their promises, and that bad things will always happen no matter how hard they try to be good.

- Children may rationalize by adopting the belief that the abuse is justified. Hearing the use of entitlement to justify the abuse may lead children to believe the abuse is the victim's fault.

- Children can believe that victimization is inevitable or normal. Messages conveyed by violence may teach tolerance of abuse and discourage the child from seeking help.

Children who live with abuse are not just "witnesses" to IPV, but will actively interpret, try to predict, and assess their role in causing a "fight." Children worry about the consequences or take measures to protect themselves and their siblings both physically and emotionally. As a result, children may referee, take care of their younger siblings, and try to distract the abuser or seek outside help (e.g., calling 911, running to a neighbor's house). Between incidents, children may try to predict the next assault or believe that changing their behavior might prevent another eruption of violence. They do not realize that their behavior has nothing to do with the abuser's choice to harm the other parent.

Fear, distress, anxiety, self-blame, guilt, anger, grief, confusion, worry, embarrassment, and hope for rescue are some of the emotional reactions children may experience. To deal with these emotions, they may use coping strategies such as:

- Redirecting their emotions into positive activities (e.g., sports, hobbies, faith activities).
- Crying out for help (e.g., running away, suicide attempt, aggressive behavior).
- Reaching out for help (e.g. disclosing abuse, joining a support group).
- Looking for acceptance in the wrong places (e.g., hanging out with the wrong crowd).
- Taking charge through caretaking (e.g., helping to care for

younger siblings).

When one parent is abusive to the other parent, it is more than bad parenting; it is bad role modeling. Some children may believe the abuser's rationalizations for the abuse. Children who believe these excuses could blame the victim for his or her own victimization, excuse the perpetrator's behavior, or even try to emulate the perpetrator. The abuser may maltreat the children directly, putting the children at risk of injury during violent incidents. The abuser may also maltreat the children indirectly, by using harmful words or isolating the children from potential sources of support, and, in turn, leading the children to see the world as scary and unsafe.

### HELPING CHILDREN TO HEAL AFTER EXPOSURE TO IPV

A strong factor in overcoming the harmful effects of IPV is the assurance that the children maintain a positive relationship with their nonoffending parent and their siblings. Children need safety and positive role models in order to heal. If the offending caregiver continues to undermine the abused parent's authority, speaks and acts disrespectfully to the abused parent, or fosters tension between the siblings, leaving the children in the unsupervised care of someone who has been violent will prevent the healing process.

Children need structure, limits, and predictability. Domestic violence creates an environment of confusion, fear, danger, and uncertainty for children. Therefore, when these

children are identified as being exposed to IPV, it is important to assist so that they connect with and are aware of supportive community resources, relatives, and friends who can assist in creating a safe environment for both the children and their families.

Children exposed to IPV need to feel safe in their surroundings and to understand that there is a coordinated system response that holds the batterer accountable for his/her actions, thus allowing the child to feel protected, which then allows for a child's healthier development and increased self-esteem.

### IMPLICATIONS FOR CHILD CUSTODY AND PARENTING TIME DETERMINATION

It is crucial to understand that children who have been exposed to IPV experience a continuum of effects from the trauma it causes. Some develop serious or multiple physical and psychological difficulties, while others exhibit mild distress or none at all.

The effects of exposure can be moderated by factors such as inherent traits of the particular child, the family environment, and the response and resources available and offered by the community. Some things to examine when drafting intervention for families include:

- Safely fostering parent-child relationships. Except in cases

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## Child-Support Formula Guideline Review

Federal law (42 USC 667) requires every state to review its child-support guidelines every four years to ensure that use of the guidelines results in appropriate child-support amounts. Michigan's last guideline review ended in 2008 when the latest Michigan Child Support Formula (MCSF) went into effect. The State Court Administrative Office (SCAO) is charged with the creation of the MCSF, and SCAO will be initiating the guideline's next review in 2011.

Bill Bartels, a management analyst with the Friend of the Court Bureau, has been in

charge of editing and reviewing the MCSF since 1998. He will again be the point person for the review, which must be completed in 2012 so that the manual can be implemented at the end of the year. Bartels and the MCSF Review Committee are interested

in gathering feedback from those who use the formula

often. "Getting suggestions and listening to the concerns from those who frequently use the formula manual is the best way to find out how well it works" says Bartels. "Some of the greatest changes made to the manual over the last decade

started from a concern or idea raised by a judge, referee, fam-

ily law attorney, or local court staff."

Traditionally, SCAO's review process has included the gathering of information and suggestions from anyone who has used or is affected by the child-support formula. The MCSF Review Committee uses a number of methods to collect data and comments, including surveys and group meetings, but the easiest way for an interested person to submit a recommended change is to submit a written comment, either by letter or via the committee's e-mail at

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in which children are terrified of the battering parent or have been abused by him/her directly, children generally tend to desire some degree of ongoing contact with both parents. That type of contact can be beneficial when adequate safety measures are in place to protect the parent and children, and as long as the abuser is not given the opportunity to cause setbacks in the children's emotional recovery. This type of safe contact can occur through a supervised parenting time center. In situations when unsupervised parenting time has been found to be safe, the use of relatively short visits that do not include overnight visits can reduce the abuser's ability to damage the parent-child relationship and ensure

that the children feel safe and secure.

- The ability to make appropriate assessments, especially in custody and parenting time determinations, is critical. A batterer's history of abusive behavior and how the abuse reflects on his/her parenting skills must be investigated carefully to assess the presence of the common problems described in this article, and to be particularly attentive to the possibility that children may become vehicles for continued abuse by the batterer.

Extensive training should be provided to parents regarding the multiple sources of risk to children who have unsupervised contact with the abusive parent.

Efforts are increasing in many communities to break the inter-

generational cycle of violence that exists in many families. Often, these attempts to break a pattern of abuse and to create a safe environment begin with community-based programs that are designed to intervene on behalf of a child whose parent has been beaten. Innovative programs that teach nonviolence and conflict resolution skills to preschoolers are being developed and duplicated in child care centers in diverse communities. Workshops on teen dating violence are being offered to middle- and high-school-age children. The effects of these efforts is to teach children that everyone, regardless of sex, has a right to live in an environment that is free from violence and free from the fear of violence.

These efforts also attempt to teach children how to healthfully relate with members of the opposite sex and form positive relationships with others.

*Excerpts taken from "Domestic Violence in Child Custody and Parenting Time Disputes — Assessing Risk to Children from Men who Batter," by Lundy Bancroft.*

## Genesee County's PACT Program

In Genesee County, the Parents and Children Together (PACT) court project is undertaking a novel approach to solve problems that are encountered in domestic relations cases.

The underlying purpose of the project is to identify at-risk families and help them before dire financial circumstances cause problems in their Friend of the Court (FOC) cases. The problem-solving court, led by 7<sup>th</sup> Circuit Court Judge Michael

Theile, continues to enroll new cases for future court dates and for referral to community-based services.

PACT court staff is responsible for monitoring the progress made by parents who are enrolled in the program. The program, funded by a



federal 1115 grant, is a collaboration of the Genesee FOC, the 7<sup>th</sup> Circuit Court, the Michigan Department of Human Services, and the State Court Administrative Office (SCAO). Additionally, an advisory board comprised of members who are community lea-

ders works with PACT stakeholders to review and improve the program. The advisory board holds quarterly meetings to provide updates about the program and to share new ideas.

Currently, about 270 cases are enrolled in the PACT program. Of those, 180 are job-loss cases in which one parent has recently lost his or her job. The other 90 cases are new establishment cases, *(continued on page 10)*

## Child-Support Formula Guideline Review

*(continued from page 8)*

mcsf@courts.mi.gov.

Information obtained from those who frequently use the formula – for example, judges, referees, or family law attorneys– will be helpful to the review committee. When submitting comments or proposed changes, please follow the comment format found at the committee's web page, <http://courts.michigan.gov/scao/services/focb/mcsf.htm#suggest>. If there is research available on the issue presented in the submitted comment, please include the research also to assist in evaluation of the recommended change.

In addition to general comments or concerns about the formula, the committee is also interested in obtaining information about specific or problematic scenarios that those who use the MCSF have encountered.

Bartels recommends that comments are articulated in a

way that can be readily understood by the committee and that appropriate provisions are cited, etc.

He says: "To make sure we understand what you are saying, clearly and concisely describe your issue, reference specific manual provisions or language, specifically suggest changes, and always include an example or comparisons to demonstrate the effect of your proposed changes."

Because of Bartels' experiences in this effort, he has been able to identify a few topics to be addressed during the review – in addition to any that are brought to the committee's attention through the

public comment process. The likely topics include:

- Determination of ordinary medical expenses when custody is split between two primary caregivers.
- How the parenting time offset is applied in cases where parties have low income.
- How parenting time offsets apply to third-party custodians.
- Clarification of lump-sum payments and how they affect child

support. The formula was applied in an individual case. The MCSF committee does not have the power to change a court order.

Those with further questions can e-mail mcsf@courts.mi.gov. Stay tuned for updates as the FOCB continues its work on the Child Support Formula.

**"Some of the greatest changes made to the manual over the last decade started from a concern or idea raised by a judge, referee, family law attorney, or local court staff."**

**— Bill Bartels, FOCB Management Analyst**

*The Pundit is a publication of the Friend of the Court Bureau, State Court Administrative Office, Michigan Supreme Court.*

*The Pundit is published quarterly and is paid for with IV-D funds.*

Comments from the general public are accepted, but this is not the appropriate forum for individuals who have complaints about how the

## FOC Act Changes & New ADR Services

Amendments to the Friend of the Court Act have created new requirements for friend of the court (FOC) offices regarding services that are provided by alternative dispute resolution (ADR).

Mediation, the most common form of ADR, has been used by FOCs for many years to resolve custody and par-

enting-time disputes. In fact, before January 8, 2010, the Friend of the Court Act required FOCs to provide directly or by contract domestic relations mediation to assist parents so that parents could voluntarily settle custody or parenting-time disputes. The Friend of the Court Act now allows FOCs to

provide other ADR services under a plan that has been approved by the chief judge and the State Court Administrative Office (SCAO). The Friend of the Court Act also establishes the necessary qualifications required of FOC staff that will provide the ADR services.

To assist the courts, the SCAO

has formed an ADR/FOC work group. This work group is comprised of members who are domestic violence experts, FOC directors and staff, SCAO staff, and private mediators. The work group will make policy recommendations and prepare a draft

*(continued on page 11)*

## Genesee County's PACT Program

*(continued from page 9)*

meaning that the parties have recently entered the FOC system. The Michigan State University School of Social Work has been retained to evaluate the project and the school plans to begin collecting qualitative and quantitative data soon. In order to collect information about specifics regarding parenting time and child-support payments, the evaluators plan to use surveys, focus groups, and one-on-one interviews to explore PACT cases in more detail.

One of the most integral components of the PACT project is the individual time that participants spend with the PACT caseworker and coordinator. Natalie Zerka serves as the PACT coordinator in Genesee County. Zerka began her work with the PACT program almost immediately after being hired as a part-time paralegal at the Genesee FOC in March 2009. Zerka initially worked in a program called "Work First." Work First programs around the state are used to provide job search services, education and training programs,

and employment-related supportive services. Noncustodial parents who were behind in making their child-support payments were referred to Work First in the hope that they would find employment. After the funding for this program was cut, Zerka moved into the PACT program. Zerka was asked to attend a child-support specialty court conference at SCAO in 2009, and has been on board with PACT ever since. She enjoys her work with the PACT program and at the FOC in general. Zerka says: "In addition to being involved in such a wonderful program, the staff at FOC provides a sense of family within a workplace. Everyone helps each other out, whether it's their specific job or not. It's a super place to work!"

At this point, Zerka has seen a number of benefits in PACT's approach to family court cases. The biggest benefit, she says, is removing barriers that are in place within the family structure, such as parenting time. "Every case is different, but in a majority of cases that are involved in our program, we are establishing specific parenting

time schedules for both parents to rely on. This schedule lays out specific days the noncustodial parent will receive visitation with their child. For parents who cannot agree or simply cannot get along, this schedule is the key ingredient to a healthy upbringing for the minor child and can help promote peace among the parties involved," says Zerka.

The PACT program has received positive feedback from participants as well. Zerka has heard encouraging comments from noncustodial parents who have had their parenting-time schedules and orders secured through the program. And the custodial parents are likewise happy because the other party is helping out and spending time with the child.

Those who have been involved in the PACT program have reported many success stories. Zerka shared one great story in particular. "Perhaps the best story I've seen is a couple that had not seen each other in three years," she says. "They were reunited at a PACT hearing and, 30 days after the first hear-

ing, the couple reported they were back together. The father, who was the noncustodial parent, was spending a lot of quality time with the child and they both secured jobs as a result of the employment referral they received."

Going forward, Zerka hopes to gain knowledge of more success stories from PACT participants. In addition to parenting-time issues, the PACT program also provides individuals with employment services, as they are needed, which ultimately leads to the payment of child support that was not previously being paid. Zerka thinks that, without PACT, many families would not know where to turn for help and the children involved would ultimately pay the biggest price.

Thanks to hard work from people like Zerka, the PACT project continues to expand and add new cases. Eventually, the program will serve 600 families. The project is currently slated to continue through February 2011. *The Pundit* hopes to continue sharing more updates on this innovative program.

## FOC Act Changes & New ADR Services

(continued from page 10)

ADR plan for approval by the state court administrator. Some ADR issues that the workgroup will address are:

- Domestic relations cases that are not appropriate for FOC/ADR.
- FOC staff's preparation of consent orders.
- Development of a standard consent form.

- Attendance by parties and attorneys of record.

- Standards of conduct.

- Qualifications necessary to conduct ADR.

- Training.

The workgroup held its first meeting on September 20, 2010, and will continue to meet until a policy and draft ADR plan have been completed.

If an FOC or court has questions about the ADR/FOC workgroup, please contact Tim Cole in the Friend of the Court Bureau at 517-373-5975 or [ColeT@courts.mi.gov](mailto:ColeT@courts.mi.gov).



*The Pundit* editorial staff welcomes reader comments and suggestions for articles.

For more information, please contact Elizabeth Stomski at 517-373-5975 or at [stomskie@courts.mi.gov](mailto:stomskie@courts.mi.gov).

## Using Court Interpreters In Child-Support Cases

(continued from page 3)

In an effort to fulfill the requirements of EO 13166 and likewise benefit the people who use Michigan courts, the Court Interpreting Steering Committee will draft a model LAP and distribute it to the courts to provide assistance so that the local courts can develop their own LAPs. The model LAP will also include details on how the courts

should make information available to the public.

The committee will also create workgroups to receive input from partner agencies and others about how the EO will affect the data that courts must gather and the resources available to allow courts to implement local LAPs. The committee will also provide guidance to the courts regarding both the importance of maintaining quality control and providing

education about language proficiency issues to courts statewide.

Similarly, interpreters and special equipment are also used to break language barriers for the deaf and hard-of-hearing community. And the committee will work with agency partners and others to make recommendations to improve meaningful access to courts and court services for deaf and hard-of-hearing persons in Michigan. It is important

that new courtroom interpreters have opportunities to practice their skills in a courtroom setting. In that same vein, it is important that veteran court interpreters remain current in their skills. The committee will make recommendations to Michigan courts to assure that all Michigan citizens have meaningful access to Michigan courts.

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**LEGISLATION** – SEE [HTTP://WWW.LEGISLATURE.MI.GOV/](http://www.legislature.mi.gov/)

**HB 5951:** A bill that declares that marriage is between one man and one woman and establishes the procedures and requirements for bringing an action for divorce or separation and for obtaining a judgment of separation or divorce.

**HB 6344:** A bill to amend the Paternity Act, by explaining circumstances under which a putative father may sue to establish paternity of a child born to a married woman.

**MICHIGAN SUPREME COURT DECISIONS** – SEE [HTTP://COURTS.MI.GOV/SUPREMECOURT/CLERK/OPIINIONS-09-2010-TERM.HTML](http://courts.mi.gov/supremecourt/clerk/opinions-09-2010-term.html)

**Foster v Wolkowitz**, 486 Mich 356 (2010). The parties' execution of an acknowledgment of parentage was not an initial custody determination that gave Michigan courts continuing jurisdiction. Because Illinois was the child's home state under the UCCJEA, the Illinois court was required to decide jurisdiction.

**COURT OF APPEALS DECISIONS** – SEE [HTTP://COA.COURTS.MI.GOV/](http://coa.courts.mi.gov/)

**Shin v Shin**, unpublished opinion per curiam, issued June 10, 2010 (Docket No. 295483). Because plaintiff was given an opportunity to view evidence and declined, plaintiff cannot assert that defendant was allowed to view evidence that plaintiff was not.

**Gendich v Whiteman**, unpublished opinion per curiam, issued June 29, 2010 (Docket No. 293139). The trial court erred when it failed to comply with requirements of the Child Custody Act by not issuing a parenting-time schedule following defendant's request for a more specific parenting-time schedule.

**Henry v Henry**, unpublished opinion per curiam, issued June 29, 2010 (Docket No. 293966). The dismissal of parental kidnapping charges, and "disturbing" drawings of one of the children did not meet the standard of a change in circumstance.

**Evans v Mathis**, unpublished opinion per curiam, issued July 1, 2010 (Docket No. 295019). When determining which school district the child should attend, the court can analyze the parent's health concerns, the reliability of getting the child to school, and the child's previous success at the current school.

**Wright v Snyder**, unpublished opinion per curiam, issued July 13, 2010 (Docket No. 295196). The trial court committed clear legal error by making a determination of the child's established custodial environment based on conditions that had existed at the time that the court entered a previous custody order, instead of the conditions at the time of the evidentiary hearing.

**Deforge v Deforge**, unpublished opinion per curiam, issued July 13, 2010 (Docket No. 295959). The trial court did not err by awarding parties joint legal custody of their minor child after evaluating the best-interest factors, specifically the moral fitness of the parties, as both parents had history of drug and alcohol abuse.

**Richards v Schwemin**, unpublished opinion per curiam, issued July 13, 2010 (Docket No. 294615). A trial court did not err by awarding primary physical custody of a child during the school year after an evaluation of the best-interest factors favored the father's ability to provide a stable, satisfactory environment.

**Allen v Belonga**, unpublished opinion per curiam, issued July 20, 2010 (Docket No. 295753). Mother's marriage to a new person that the court previously had concerns about did not constitute proper cause of a change in circumstances sufficient to warrant reconsideration of the original custody order.

**Williamson v Williamson**, unpublished opinion per curiam, issued July 22, 2010 (Docket No. 295134). The trial court abused its discretion when it prohibited the parties' adult children from testifying regarding the custody arrangement of the two minor children. The adult children planned to testify regarding the parties' parenting skills and the well-being of their minor siblings in a custody situation, which is relevant in a custody determination case.

**Filsinger v Filsinger**, unpublished opinion per curiam, issued July 27, 2010 (Docket No. 295643). The trial court did not err by declining to hold a custody hearing when defendant changed the custodial environment to eliminate the potential for abuse, which was the basis of the motion.

**Woszczyna v Smith**, unpublished opinion per curiam, issued August 10, 2010 (Docket No. 296462). In a child-custody dispute between the parent and an agency or a third person, the court shall presume that the best interests of the child are served by awarding custody to the parent, unless the contrary is established by clear and convincing evidence.

**Hammouda v Mourad**, unpublished opinion per curiam, issued August 12, 2010 (Docket No. 295668). A custody order does not establish a custodial environment, and an established custodial environment may exist absent a custody order.

(continued on page 13)



## THE LEGAL CORNER

A summary of new legislation, recent Court of Appeals decisions, and Michigan IV-D memoranda.

(continued from page 12)

### COURT OF APPEALS DECISIONS – SEE [HTTP://COA.COURTS.MI.GOV/](http://coa.courts.mi.gov/)

*Schumacher v Steen*, unpublished opinion per curiam, issued August 26, 2010 (Docket No. 294593). The trial court did not err by seeking guidance from the UCCJA to determine whether the court should exercise jurisdiction, and by finding that Minnesota had exclusive, continuing jurisdiction when no court had determined that Minnesota's jurisdiction had been lost.

*Derry v Derry*, unpublished opinion per curiam, issued August 31, 2010 (Docket Nos. 294029; 294167). The role of the extended family and/or the child's friends cannot be the determining factor in denying a change of domicile.

*Mosholder v Mosholder*, unpublished opinion per curiam, issued September 9, 2010 (Docket No. 295852). The trial court erred by finding that a move to another state would not change a child's established custodial environment when the move would significantly limit the amount of interaction that a parent had previously enjoyed with his child.

### MICHIGAN IV-D MEMORANDA

*Escheatment 2010-013*: Introduces Section 5.65, "Escheatment" of the Michigan IV-D Child Support Manual. It also introduces the revised Notice of Unclaimed Property (FEN804). Replaces Memorandum AT 2004-038, AT 2006-041, AT 2007-033, and AT 2009-025.

*Interim Policy – Delay in Processing Cases When a Parent Seeks Employment Out of State 2010-014*: Introduces an interim policy allowing support specialists to delay the processing of specific public assistance referrals from the Department of Human Services (DHS) into IV-D court action referrals (CARs) through the Michigan Child Support Enforcement System (MiCSES). It is designed for families who apply for public assistance when there is a temporary separation of a parent who is actively seeking employment out of state.

*FY 2009 and FY 2010 Reporting Requirements Under the American Recovery and Reinvestment Act of 2009 (ARRA) Related to the Use of Federal Performance Incentives As IV-D Matching Funds 2010-016*: Updates the previous policy to identify FFP percentages, State of Michigan general fund/general purpose (GF/GP) funding, CFDA numbers, and guidance for preparation of the Schedule of Expenditures of Federal Awards for FY 2009 and FY 2010. Eliminates references to medical support contracts. Updates the previous policy to inform OCS contactors and auditors of the audit requirements and program risk information for FY 2009 and FY 2010. Informs OCS contactors and auditors of the reporting requirements under ARRA related to the use of federal performance incentives as IV-D matching funds. Replaces Memorandum 2006-037.

*New Title IV-D Genetic Testing Contract 2010-020*: Introduces information and procedures that are related to the new genetic testing contract with Orchid. Replaces Memorandum 2010-012.

*Pre-MiCSES/Bridges Interface Procedures for Reconciliation of IV-D Cases Currently in Noncooperation Status Without Support Disqualifications (Sanctions) Applied 2010-022*: Introduces procedures to generate automatic support disqualifications for grantees who are not cooperating with child support.

*Revisions of the National Medical Support Notice (NMSN) 2010-023*: Introduces revisions of the National Medical Support Notice and the Addendum of the National Medical Support Notice that was implemented in the Michigan Child Support Enforcement System on September 1, 2010.

THE PUNDIT can be accessed online at:

<http://courts.michigan.gov/scao/resources/publications/focbnewsletters/focbnews.htm>