

## Uniform Support Order Changes Going Into Effect

The Uniform Support Order (USO) forms, [FOC 10](#) and [FOC 10a](#), will be changing January 1, 2015.

Michigan has been using the USO forms since 2006. A standing committee reviews the USO forms almost every year and sends its recommendations to the State Court Administrator. The State Court Administrator then approves or rejects the proposed changes.

The committee recommended a major change to comply with MCL 552.605b(3). The statute requires that “[a] support order entered under this section shall include a provision that the support terminates on the last day of a specified month, regardless of the actual graduation date.” The new USO specifies that the child support obligation for each child ends on the last day of the month when the child turns 18. However, the new USO also provides a checkbox and blank space to include a specific later date that the order ends if the child will attend high school on a full-time basis after reaching 18 years of age. Bill Bartels, Senior Management Analyst at the Friend of the Court Bureau, anticipates that this change will save the courts and Friend of the Court (FOC) offices money in the administration of child support because the date that the obligation ends will be certain and require no further investigation by FOC staff. Parents will have more responsibility to ensure that their USO is changed if the date is incorrect.

The creation of FOC 10d is another major change to the USO. FOC 10d, a new addendum form, is to be used when there is a deviation from the Michigan Child Support Formula. MCL 552.605 requires that any order deviating from the Formula must include in writing or on the record four factors. The first factor is “[t]he child support amount determined by application of the child support formula. . . .” The second factor is “[h]ow the child support order deviates from the child support formula . . . .” The third factor is “[t]he value of property or other support awarded instead of the payment of child support, if applicable . . . .” The fourth factor is “[t]he reasons why application of the child support formula would be unjust or inappropriate in the case.” In cases where the addendum form is used, judges, practitioners, and FOC staff can be assured that the record has been made for a deviation. The new addendum form streamlines the process of reviews by verifying whether conditions causing a deviation persist.

Other updates include a few minor changes to the layout and a reordering of steps.

Bartels said that the State Court Administrative Office will make additional materials available to help attorneys and court staff learn about the changes to the forms.

**The Pundit provides information on current issues to Michigan child support staff. The Pundit is not intended to provide legal advice and does not represent the opinions of the Michigan Supreme Court or the State Court Administrative Office.**

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## Work Improvement Teams

Work Improvement Teams (WITs) were created to allow smaller, more detailed focus on specific issues impacting the child support program in specialized areas of the child support program. The child support program created WITs to allow child support professionals to provide input on policies that impact their daily jobs. The various WIT groups have spent the time since their inception establishing processes to ensure that the staff that are most affected by a policy are represented and have a way to provide input. The child support program also created workgroups to address special topics. Below is a description of the current WITs and workgroups, their area of interest, and current projects:

**Enforcement WIT:** The enforcement WIT (ENF-WIT) is responsible for making recommendations for enforcement policies. Currently it is studying the use of MiSupport to calculate child support. The ENF-WIT also advises the Program Leadership Group (PLG) with issues the WIT sees as a priority.

**Financials WIT:** The Financials WIT (FIN-WIT) is charged with developing recommendations for program and system enhancements to achieve the goals as outlined in the Strategic Plan. The FIN-WIT focuses on the financial perspective of providing child support services to families and children (e.g., assignment and priority issues); how the partners do the financial work and how to improve the financial and service delivery processes.

Most recently the FIN-WIT made recommendations to the PLG on system enhancements to allow MiCSES to receive payments from the MiSDU that otherwise must be locally entered into the system.

**Case Management WIT:** The Case Management WIT (CM-WIT) devotes its time to assisting the PLG on issues involving the day-to-day issues of maintaining a usable case file. Most recently the CM-WIT made several recommendations for case closure improvements. The work group also developed a list of recommendations to help implement the National Change of Address database.

**Intergovernmental WIT:** The Intergovernmental WIT (INT-WIT) identifies issues for cases involving more than one state or another country and recommends processes to improve intergovernmental work for the IV-D program. The INT-WIT developed a new financial report for outgoing intergovernmental registrations, made business process redesign recommendations, began analysis on international case processing, and developed three training sessions for the Michigan Family Support Counsel Fall conference.

**Establishment WIT:** The Establishment WIT (EST-WIT) was created to address issues involving establishing new cases. The EST-WIT's two recent primary activities are streamlining DNA tests to make them a routine part of the paternity process and looking into the best way to incorporate parenting time into all orders. The EST-WIT is looking at parenting time policies and plans from across Michigan and some other states to see how all offices can most easily adopt routine parenting time orders. The EST-WIT hopes to have recommendations by the end of the year.

**Customer Service Workgroup:** The Customer Service Workgroup was revived in June of 2014. The goal of the Workgroup is to improve the quality and efficiency of customer service, with an emphasis on delivering services to the public in an engaging, effective and accessible manner. The workgroup will be analyzing accessibility, timeliness, fairness, and quality of services to our child support customers, and will facilitate greater understanding between the public and IV-D staff.

Child support professionals serve on WITs and workgroups for terms of three years with a maximum of two terms when other child support professionals are available to take their place. If you are a child support professional who is interested in serving on a WIT or workgroup, please have your office director contact the PLG with your name and contact information.

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## *Michigan Child Support Formula Upcoming Four-Year Review*

Federal law requires each state to review its child support guideline at least once every four years. Michigan's next review is set to begin early in 2015. The State Court Administrative Office (SCAO) was tasked with the creation of the Michigan Child Support Formula (MCSF).

William Bartels, Senior Management Analyst at the Friend of the Court Bureau, oversees MCSF revisions and publication. Bartels explained that the goal of the review is to make the formula work better.

The State Court Administrator appoints the review committee, and includes representatives who regularly use and understand how the formula works. The review committee evaluates recommendations from the public and legal community, as well as data from the Michigan Child Support Enforcement System (MiCSES). The committee also identifies when the Formula causes interpretive problems or deviations and seeks to find ways to remedy them. The review process includes economic updates to include changes in the Consumer Price Index and the Federal Poverty Guidelines to account for changes in the cost of living. Although the length of the review process is unknown, past committees have taken around six months to complete their work. Ultimately, the committee will make recommendations to the State Court Administrator, who will decide whether to approve the changes.



**Bill Bartels**

"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," said Bartels. "Some of the best changes made to the manual over the last fifteen years started with an idea or concern raised by a judge, family law attorney, or local court staff."

The committee wants information about specific or problematic scenarios that have been encountered by those who use the MCSF. Suggestions for changes to the MCSF should be submitted as soon as possible to ensure that the committee considers them. Send the Friend of the Court Bureau suggestions for the review committee at [mcsf@courts.mi.gov](mailto:mcsf@courts.mi.gov). Suggestions should (1) clearly and concisely state the issue, (2) refer to specific manual provisions or language, (3) suggest specific changes or language, (4) include examples or comparisons on the effect of the proposed change, and (5) include any related documentation or research.

Copies of the manual and information about submitting comments are on the formula's webpage: <http://courts.mi.gov/administration/scao/officesprograms/foc/pages/child-support-formula.aspx>.

**Michigan Child Support Formula review will begin early in 2015. Please submit comments and suggestions to [mcsf@courts.mi.gov](mailto:mcsf@courts.mi.gov).**

**All issues of The Pundit can be accessed online at <http://courts.mi.gov/administration/scao/officesprograms/foc/pages/pundit.aspx>**

## *In re Sanders: Overview and Practical Implications for Domestic Relations Matters*

For 70 years, Michigan law has allowed a court to take jurisdiction over a child based on findings that one parent committed an act covered by the child protection law. The Court of Appeals<sup>1</sup> approved this *one-parent doctrine* based on statute.<sup>2</sup> This doctrine allowed a court to enter orders that affect both parent's rights based on the adjudication of only one parent.<sup>3</sup> However, in *In re Sanders*, the Michigan Supreme Court held that the one-parent doctrine is unconstitutional when it interfered with a parent's fundamental right to control the care, custody, and control of his or her children and when the court had not made any finding that the parent had engaged in conduct covered by the statute.<sup>4</sup>

Michigan divides child-protective proceedings into an adjudicative phase and a dispositional phase. In the adjudicative phase, the state petitions the family court to take jurisdiction over a child. In this phase, there are numerous procedural safeguards in place for parents; the family court may even hold a jury trial to determine whether the facts support the petition. Once the court takes jurisdiction over the child, it enters orders to ensure the child's well-being in the dispositional phase including orders that could affect custody, parenting time, or child support.

In *In re Sanders*,<sup>5</sup> the Department of Human Services (DHS) initiated child-protective proceedings when Tammy Sanders and Lance Laird's youngest son was born with drugs in his system. The court removed the baby from Sanders's custody and placed him with Laird, who also had custody of the couple's other child. Later, DHS amended its petition with allegations against Laird. At the preliminary hearing, the court removed both children from Laird's custody, and DHS placed them with their aunt. Laird contested the allegations, requesting a hearing on the facts. Sanders, meanwhile, pleaded no contest. Laird refused to enter a plea and again requested his own adjudication. He further requested that his children be placed with their grandmother, with whom he lived, instead of their aunt. Weeks later, after DHS dismissed the allegations against Laird, his hearing was cancelled. But at a review hearing, the court ordered Laird to comply with a service plan that included parenting classes, substance-abuse assessment, and psychological counseling and evaluation. Further, his contact with his children was limited and supervised while they remained in their aunt's custody.

Laird moved to place the children back in his custody, arguing that the court had no authority to order him to comply with a service plan when he was never adjudicated as an unfit parent. The court, relying on the one-parent doctrine, denied his motion. But on appeal, the Michigan Supreme Court held that the one-parent doctrine impermissibly infringed the fundamental rights of unadjudicated parents and was therefore unconstitutional under the fourteenth amendment. The Court vacated the case and remanded it for further proceedings.

The decision impacts how courts and FOCs address domestic relations matters when there is also a child-protective proceeding based on findings against only one parent. Courts and their staffs involved in each proceeding need to communicate and determine the best way to reduce the procedural hurdles that these situations may create.

Although there are obvious implications for child-protective proceedings, family courts and FOC staff will also need to consider the implications in domestic-relations matters. There are several court rules that courts and FOC staff should consider, including MCR 3.205, *Prior and Subsequent Orders and Judgments Affecting Minors*; MCR 3.927, *Prior Court Orders*; MCR 3.961, *Initiating Child Protective Proceedings*; and MCR 3.212, *Postjudgment Transfer of Domestic Relation Cases*.

For example, there could be an ongoing custody case in one court when child-protective proceedings are initiated in another court. Clearly, and most importantly, these courts should be communicating. At a minimum, the petition for the child-protective proceeding should include information about the court presiding over the custody matter.<sup>6</sup> And the petitioner in the child-protective matter would need to notify the court with jurisdiction over the custody matter.<sup>7</sup>

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<sup>1</sup> *In re CR*, 250 Mich App 185; 646 NW2d 506 (2002).

<sup>2</sup> See *In re Sanders*, 495 Mich 394, 461 (2014) (Markman, J., dissenting), referencing MCL 712A.6.

<sup>3</sup> See MCR 3.973(A). Before *In re Sanders*, the court had the authority to enter dispositional orders against *any* adult, including unadjudicated parents. (Emphasis added).

<sup>4</sup> *In re Sanders*, 495 Mich 394, 422 (2014).

<sup>5</sup> See generally *In re Sanders*, n. 1 *supra*.

<sup>6</sup> MCR 3.961(B)(2)(d).

<sup>7</sup> MCR 3.927, MCR 3.205(B)(2). See also, DHS Recommendations for Coordination Between Friends of the Court and Department of Human Services Children's Protective Services, available at <http://citeseerx.ist.psu.edu/viewdoc/download?sessionid=A9714054AA461F5E3B146278BB12459B?doi=10.1.1.182.1035&rep=rep1&type=pdf>

## *Noncustodial Parents in Kansas Benefit from College Savings Program*

BY MELISSA JOHNSON, KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES  
CHILD SUPPORT SERVICES



**ED. NOTE: The following article appeared in the September 2014 OCSE Child Support Report. This article highlights a promising practice to encourage arrearage payments. This college savings program is funded through grants by the Kellogg and Casey Foundations. The program improves customer service and customer relations, and uses an enhanced business process and technology. This article has been reprinted with permission from OCSE.**

See <http://www.acf.hhs.gov/programs/css/news/september-2014-child-support-report>.

In June 2013, Kansas began to offer some noncustodial parents an incentive to pay back-owed child support through its Child Support Savings Initiative (CSSI). CSSI is a joint effort between the Kansas Department for Children and Families and the Kansas State Treasurer's office. Noncustodial parents with child support debt have the opportunity to pay \$25 or more to open a CSSI 529 account (college savings plan), and for every \$1 paid into that account, the state will forgive \$2 of state-owed debt. Leveraging state debt write-off creates incentives to the obligor parent while supporting the child's future in a tangible way, making this a truly family-centered strategy.

The noncustodial parents in the program may owe debt both to the custodial parent and the state (if the custodial parent is receiving assistance). The program will still require the noncustodial parents to meet his or her monthly obligation to the custodial parent. The noncustodial parents may use the funds toward any college or university, including a community college or technical college that is accredited to receive financial aid. Since the program's start, Kansas has set up 45 accounts with deposits of roughly \$22,000 into the Kansas Learning Quest Accounts and has forgiven more than \$37,500 of state-owed arrears.

Studies show that not only are child support education savings accounts helpful to pay for school, but they also help promote a positive relationship between children and their noncustodial parent.

As the CSSI enters its second year, the Kellogg Foundation is helping to further incentivize parents to invest in their children's future with a \$600,000 grant. This grant creates a public-private partnership to strengthen families and help children succeed. For every \$1 invested in the 529 accounts, the Kellogg Foundation will match that amount up to \$500 per child. The Kellogg Foundation funds will go to the custodial parent to pay down the noncustodial parent's child support debt.

The Annie E. Casey Foundation is giving \$50,000 for a statewide ad campaign to promote the program. Kansas will air television and radio ads. The Kansas Department for Children and Families will also work with its community partners to spread the word about this effort.

Department Secretary Phyllis Gilmore issued a press release July 15 to announce the program by saying, "The program is a win-win-win; the noncustodial parent who owes child support will have arrears reduced, the parent who has custody of the child will have the money he or she is owed, and the child will know that money is available when it's time to start college or a technical program."

In the coming weeks, noncustodial parents who are eligible to participate will receive a mailer about the program that invites them to join.

Learn more on the Kansas website for the Child Support Savings Initiative.

# Where Do They Live? New Opportunities for Getting Better Addresses



More returned mail. There's already a stack of those envelopes with the yellow sticker on them waiting to be logged and updated. Those envelopes remind you that there is yet another case that needs more work; yet another case where the party is not receiving the information and not able to be a successful participant in this system. Although state law requires individuals to notify the FOC of a change of address, it does not always happen. And that stack of envelopes with the yellow stickers proves it.

**The Program Leadership Group recognized that address problems have been an issue for staff and has taken a step to solve this problem.**

The Program Leadership Group recognized that address problems have been an issue for staff and has taken a step to solve this problem. The Case Management Workgroup was tasked to work on several different fixes to reduce "undeliverable" mail. As of September 5, 2014, the Michigan IV-D Program uses the United States Postal Service's (USPS) address database, which is known as the National Change of Address (NCOA) to improve accurate addresses.

NCOA contains 156 million records. It is a complete list of everyone who has filed a permanent change of address notice with the USPS during the previous 48 months. The NCOA files include the old "moved from" address and the new "moved to" address. The Federal Case Registry allows state IV-D programs to check their participants' names and addresses against the NCOA database.

Now, the Michigan IV-D program regularly submits addresses stored in MiCSES to the USPS database. In return, MiCSES receives address verification and correction information. MiCSES then updates address information by identifying if an address is verified or is no longer valid. Michigan IV-D Child Support Manual Section 3.15 has been updated to describe this process.

Workers now can confirm addresses with this new tool in MiCSES. MiCSES uses NCOA information to change mailing addresses and confirm residential addresses. IV-D staff can also manually update mailing and residential addresses based on NCOA information. At this time NCOA can be used on a limited basis to change a legal address. [Administrative Memorandum 2004-15](#) "Friend of the Court Guidelines for Determining, Changing, or Suppressing Addresses of Parties and Nonparties" requires FOC offices to change a party's address on its own initiative when the address of record results in mail being returned as undeliverable and the FOC becomes aware of another address.

With NCOA, FOCs can currently change legal addresses when a new mailing address is brought into MiCSES from the NCOA and marked Y (confirmed/verified good) and the FOC office has received returned mail from the current L (confirmed/verified bad) legal address in MiCSES. The FOC office can then update the known bad L address to the NCOA verified mailing address if the bad legal address was the same as the prior mailing address. However, the L address cannot be changed using the updated mailing address if the FOC office has not received mail returned from the legal address or the prior mailing address was different than the bad legal address.

The Program Leadership recognizes that this is only a first step. More will be done to address this issue. Currently, the Program is seeking legislation to make this practice more uniform and to reduce the number of envelopes with the yellow "undeliverable" sticker.



If FOC staff has any questions about changing legal addresses, please contact Timothy Cole at 517-373-9663 or [colet@courts.mi.gov](mailto:colet@courts.mi.gov). Additional questions about the NCOA process or IV-D policy may be directed to Joseph Hyaduck at 517-241-5036 or [hyaduckj@michigan.gov](mailto:hyaduckj@michigan.gov).

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## *Supreme Court Changes Rules for Access to Friend of the Court Records*

The Supreme Court updated the rule for accessing records Michigan Court Rule (MCR) 3.218 effective January 1, 2014. The high Court acted on the request of the State Court Administrative Office (SCAO), Friend of the Court Bureau (FOCB) to create more specific guidelines governing both the type of information an individual can access and the specific standing of an individual to access that information. The FOCB made its request to accommodate several changes in the type of information it maintains as well the many new people and entities with whom it interacts.

***“These proposed amendments would codify state and federal statutory and regulation revisions that have occurred in the last decade, and would add specificity and detail to the existing language in MCR 3.218.”***

***-State Bar of Michigan***

MCR 3.218 is titled “Friend of the Court Records; Access.” In a nutshell, MCR 3.218 informs citizens, government agencies, and FOC officials on who is permitted to gain access to FOC case-specific information.

The new rule strikes a balance between the need to protect parties’ private information, and needs of the parties and other agencies to have access to FOC information to do what they need to do in connection to the case. For instance, the rule now recognizes that an officer in the Judge Advocate General’s office in the United States military may need to access records to assist military personnel on active duty. The rule also recognizes that corrections offices or probation officers may need to access records to access a payer’s compliance with a term of probation or parole. Similarly, the rule permits government agencies to access FOC records to determine eligibility for government benefits such as public housing.

The rule does not expand access to FOC records without limit. The rule also takes into account the burden on the FOC in searching for and providing information when that same information is available elsewhere – in particular with the agency that created the original document. In such cases, the FOC may refuse to provide copies of information in its files.

Other Michigan agencies and offices are pleased with the changes to MCR 3.218. The Board of Commissioners of the State Bar of Michigan gave its full support in favor of the changes. The State Bar believed “these proposed amendments would codify state and federal statutory and regulation revisions that have occurred in the last decade, and would add specificity and detail to the existing language in MCR 3.218.”

The rule changes go into effect January 1, 2014. Only those specifically listed in the rule will be allowed access to FOC records. The rule is the exclusive means to access FOC records. The rule specifically prohibits individuals from attempting to access information by way of a subpoena which many offices characterize as “fishing” for information. The FOC, as part of the judiciary, is exempt from the Freedom of Information Act. Under the amended rule, there will be no mistake as to what information the FOC is permitted to release or to whom it may be released.



## Customer Service Workgroup in Full Swing

The Program Leadership Group (PLG) resurrected the Customer Service Workgroup (CSWG) earlier this year after it held a workshop to prioritize the Michigan Child Support Program Strategic Plan's main goals. The Michigan Child Support Program Strategic Plan is a five-year plan (2013- 2017) that includes a vision for child support staff to engage parents to improve children's lives.



The CSWG's purpose is to coordinate and enhance customer service as it relates to the strategic plan goals and mission. The workgroup will facilitate greater understanding between the public and IV-D staff to improve the quality and efficiency of customer service, with an emphasis on delivering services to the public in an engaging, effective, and accessible manner. Detailed objectives include removing communication barriers and establishing acceptable response times throughout the program. The CSWG will also gather information to better understand the child support population and use the information to develop effective customer services. In order to do this, the CSWG will analyze accessibility, fairness, and quality of services to families. The CSWG will also develop outreach and education strategies to reach parents and custodians and help them understand and navigate the child support program.

The CSWG meets regularly, typically once a month, to discuss current projects. Program partners make up the group membership in an effort to gain partner input. The group will make decisions by consensus. If necessary, the group may invite a subject matter expert for informational purposes specific to a meeting. The CSWG generally will not require the approval of PLG, except when activities require considerable resources or needs cooperation of other agencies.

The CSWG has already had several meetings and is hard at work on the first assignment. The group is developing an interactive voice response card to be used throughout Michigan, based on a similar project in Van Buren County. The purpose of this card is to have a convenient resource that easily fits into a wallet for child support payers and recipients containing all phone numbers and websites of each agency they will need during their child support process. Van Buren County has received positive feedback with these cards and the group is working hard to make a card that all families who need child support services will find useful.

The IVR card is just one of the many ideas the CSWG will be working on in the future to make changes that to help families get through the child support system.

### *In re Sanders: Overview and Practical Implications for Domestic Relations Matters*

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Because the child-protective proceeding could impact the custody matter, processing the cases together could save time and resources.<sup>8</sup> This would allow the court to adjudicate one or both parents and continue the custody matter as it moves on to the dispositional phase of the child-protective proceedings.

The Michigan Supreme Court's decision in *In re Sanders* changes the landscape in child welfare. This change has the potential to make proceedings involving two or more actions more difficult, but it also presents an opportunity to break down silos that duplicate effort and could result in disparate results. Now, more than ever, it is important for family courts and FOC staff to work together and determine the best procedures for the benefit of both parents and children.

<sup>8</sup> See MCR 3.205(C)(2) (prohibiting a subsequent court from entering orders that are contrary or inconsistent with prior court orders).



## THE LEGAL CORNER

A summary of recent Michigan Supreme Court and Michigan Court of Appeals decisions.

MICHIGAN SUPREME COURT AND COURT OF APPEALS DECISIONS – SEE [HTTP://COURTS.MI.GOV/OPINIONS\\_ORDERS/OPINIONS\\_ORDERS/PAGES/DEFAULT.ASPX](http://courts.mi.gov/opinions_orders/opinions_orders/pages/default.aspx)

## COURT OF APPEALS

**Kubicki v Sharpe**, published opinion per curiam, released August 28, 2014 (Docket No. 317614). A court commits reversible error in a child custody dispute when it fails to give some weight to the preference of a child of an appropriate age, even though the parents do not want the child interviewed.

**Kimball v Crowley**, unpublished per curiam, released August 12, 2014. (Docket No. 320139). In order to approve an agreement regarding custody and parenting time, the court must not only satisfy itself that the agreement is in the best interests of the children, but also that the agreement is sufficient to satisfy the burden of proof for changing custody when an established custodial environment exists with one of the parties.

**Brock v Brock**, unpublished opinion per curiam, released August 26, 2014 (Docket No. 314628). Where a party's income is derived from a corporation, the court cannot rely on an unsubstantiated number, rather the court must clearly explain how it arrives at the income figure; it is even more important that the court follow the mandates of MCL 552.605(2) and specifically state the amount as determined by the Formula, how the support order deviates, value of property or other support, and reasons why the formula would be unjust or inappropriate.

**Miller v Miller**, unpublished opinion per curiam, released September 2, 2014 (Docket No. 320238). It was reasonable for a trial court to require that the parent show a change of circumstances exists through the completion of therapy, psychological treatment, or otherwise before it would consider parenting time.

**Vollmer v Brooks**, unpublished per curiam, released September 9, 2014 (Docket No. 321358). Although a change of domicile may have a negative impact on a parent-child relationship, the change may be allowed where the move provides economic security and where there exists a realistic opportunity to preserve the relationship through the use of extended visitation and video technology.

**Benavides v Benavides**, unpublished per curiam, released September 9, 2014. (Docket No. 317146).

After the death of a parent, the other parent's constitutional right to raise his child and deny grandparent visitation may be overcome where a preponderance of the evidence exists that the denial would create a substantial risk of harm to the child's mental, physical, or emotional health and the court finds that grandparent time is in the child's best interests.

**Ross v Ross**, unpublished per curiam, released September 16, 2014. (Docket No. 319576). Where a change in custody arrangement does not alter the established custodial environment, the moving party for that change does not need to meet the increased burden of clear and convincing evidence.

**Smith v Jagnow**, unpublished per curiam, released September 16, 2014. (Docket No. 320205). Where an established custodial environment exists with both parents, clear and convincing evidence must be presented to show modification is in the child's best interest.

**Zoma v Zoma**, unpublished per curiam, released September 16, 2014. (Docket No. 321039). When petition for change of custody failed to allege specific new allegations of proper cause and merely alleged the existence of such allegations, the court did not commit error in refusing to hold evidentiary hearing on change of custody.

**Langan v Richardson**, unpublished per curiam, released September 16, 2014. (Docket No. 320959). The trial court committed clear legal error by not first determining whether an established custodial environment existed before addressing custody.

**Frazier v Kirkland**, unpublished per curiam, released September 16, 2014. (Docket No. 319225). The court should apply a parental presumption so that clear and convincing evidence will be required to overcome the parental presumption in MCL 722.25(1). The court may apply the presumption in considering each factor or at the aggregate level.

**Erdman v Forster**, unpublished per curiam, released October 16, 2014. (Docket No. 319702). Although income disparity alone does not control the finding under Factor B (the capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any)—evidenced by plaintiff's continued employment with the same company for 14 years, and defendant's general inability to keep and maintain employment, as well as pay her own rent without the child support payments—the factor supported the plaintiff.

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**Peterson v Peterson**, unpublished per curiam, released October 16, 2014. (Docket No. [319938](#)). Even when a parent believes the other parent will block access, the parent's failure to maintain a relationship with the child(ren) through birthday cards, letters, or phone calls, for example, or attempting to financially support them, the court may properly find that that the parent has abandoned his/her children.

#### **MICHIGAN IV-D MEMORANDUM (OFFICE OF CHILD SUPPORT)**

##### **2014-016 (July 15, 2014) Updates to the Noncooperation Notice (OCS1252)**

This IV-D Memorandum explains a minor change to the *Noncooperation Notice* (OCS1252) that is generated by PA staff. This change will be effective in the Michigan Child Support Enforcement System (MiCSES) on July 18, 2014.

##### **2014-017 (June 17, 2014) Implementation of the Intergovernmental Reference Guide (IRG) Application on the State Services Portal (SSP)**

This IV-D Memorandum announces the implementation of the IRG application on the SSP.1 The IRG, which is currently available only on the federal Office of Child Support Enforcement (OCSE) website, will be available on the SSP on June 23, 2014.

This IV-D Memorandum includes a brief overview of the SSP and the implementation of the IRG on the SSP. This memorandum also explains how IV-D workers in Michigan will access the IRG after June 23, 2014.

##### **2014-018 (August 20, 2014) Updates to Expiration Dates on the Federally Approved Standard Intergovernmental Forms**

The federal Office of Child Support Enforcement (OCSE) recently announced that the expiration date has been changed to February 28, 2017 on the federally approved standard intergovernmental forms. These forms will be updated with the new expiration date in the Michigan Child Support Enforcement System (MiCSES) on August 22, 2014.

##### **2014-019 (September 4, 2014) Online Search Tool for Unclaimed Child Support Funds and Revisions to Section 5.65, "Escheatment," of the Michigan IV-D Child Support Manual**

This IV-D Memorandum discusses the online search tool that allows child support customers to search for unclaimed child support funds. This tool, which has been available on the Department of Human Services (DHS) child support website, will be removed from that website on September 9, 2014 at 6 p.m. The search tool will be implemented on the MiCase portal in the future.

This memorandum also announces revisions to Section 5.65, "Escheatment," of the *Michigan IV-D Child Support Manual*. All references to the online search tool in this manual section have been deleted. Also, the dates for identifying funds for possible escheatment and for transmitting escheated funds have been changed.

##### **2014-020 (August 29, 2014) Transition of the State Directory of New Hires (SDNH) From the Data Warehouse to the Michigan Child Support Enforcement System (MiCSES)**

This IV-D Memorandum announces operational changes to Michigan's SDNH. The SDNH interfaces with the National Directory of New Hires (NDNH) and with other agencies that provide new hire, quarterly wage, and unemployment insurance information to Michigan's IV-D program. The Data Warehouse has been housing and performing the functions of the SDNH. Effective with the MiCSES 8.9 Release (September 5, 2014), MiCSES will house and perform these functions.

##### **2014-021 (August 29, 2014) Updates to Michigan IV-D Child Support Manual Section 3.15, "Addresses" Regarding Automated National Change of Address (NCOA) Address Verification**

This IV-D Memorandum explains updates to Section 3.15, "Addresses," of the *Michigan IV-D Child Support Manual*. Section 3.15 now describes an automated process that the Michigan Child Support Enforcement System (MiCSES) will use to transmit addresses for certain custodial parties (CPs) and non-custodial parents (NCPs) to the Federal Case Registry (FCR) for updates and verifications through the NCOA. The automated NCOA process will begin with the MiCSES 8.9 Release (September 5, 2014).

##### **2014-022 (August 29, 2014) Michigan Child Support Enforcement System (MiCSES) Automatic Processing of Good Cause End Dates Received From Bridges**

This IV-D Memorandum discusses updated policy in *Michigan IV-D Child Support Manual* Section 2.15, "Cooperation/Noncooperation/Good Cause." Beginning with the MiCSES 8.9 Release (September 5, 2014), MiCSES will automatically process end dates for good cause received from Bridges. OCS has updated Section 2.15 to explain this process and other minor changes to MiCSES good cause functionality.

**THE LEGAL CORNER**

A summary of recent Michigan Supreme Court , Michigan Court of Appeals decisions, and a summary of recent Michigan IV-D memoranda.

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**2014-024 (August 12, 2014) Improvements in Case Closure Processes for Inactive and Duplicate Cases in the Michigan Child Support Enforcement System (MiCSES)**

This IV-D Memorandum explains improvements in the inactive and duplicate case closure processes in the MiCSES 8.8 Release (June 6, 2014), statistics regarding the generation of case closure notices, and case closure notices sent for inactive cases after the release.

**2014-028 (September 29, 2014) Revisions to the Affidavit of Parentage (AOP) and the Office of Child Support Publication List (DHS-1454), and Announcement Regarding Child Support Publications on the Department of Human Services (DHS) Website**

This IV-D Memorandum announces revisions to the *Affidavit of Parentage* (AOP) and its accompanying instructions. The revised AOP, which is currently available on the Michigan Department of Community Health (MDCH) website, will be uploaded in the Michigan Child Support Enforcement System (MiCSES) after 5 p.m. on October 3, 2014.

This memorandum also explains changes to the DHS-1454 and provides information on child support publications found on the DHS website.