



State Court Administrative Office

FRIEND OF THE COURT MANDATORY SERVICES INVENTORY



INDEPENDENCE · ACCESSIBILITY · ENGAGEMENT · EFFICIENCY -

OVERVIEW

The Friend of the Court Mandatory Services Inventory (Inventory) is designed for FOC offices to confirm that legal requirements are met and to provide necessary services during the COVID-19 outbreak; this document also helps identify issues for offices to address to resume operations while meeting mandatory duties.

The Inventory is not intended to be an exhaustive list of required FOC duties. Rather it is a high-level list of functions FOCs must perform to comply with statutes, court rules, and contractual funding obligations. Therefore, if an FOC can check a box as meeting a function, it may still have to meet additional requirements to fully perform the function the law requires.

1.0 ADMINISTRATION, STATUTORY AND CONTRACTUAL DUTIES, AND CUSTOMER SERVICE

1.1. MANDATED DUTIES

The FOC must comply with the statutory requirements of the following acts (specific tasks follow in the check boxes below):

- [Friend of the Court Act](#), MCL 552.501 *et. seq.*
- [Support and Parenting Time Enforcement Act](#), MCL 552.601 *et. seq.*
- [Office of Child Support Act](#), MCL 400.231 *et. seq.*
- [Child Custody Act of 1970](#), MCL 722.21 *et. seq.*
- [Status of Minors and Child Support Act](#), MCL 722.1 *et. seq.*
- [The Paternity Act](#), MCL 722.711 *et. seq.*
- [Uniform Interstate Family Support Act](#), MCL 552.2101 *et. seq.*
- [Uniform Child Custody Jurisdiction and Enforcement Act](#), MCL 722.1101 *et. seq.*
- [Collection of Alimony or Support and Maintenance](#), MCL 552.151 *et. seq.*

The FOC must comply with Friend of the Court Bureau (FOCB) [policies](#) and procedures.

The FOC must comply with its contract with the Office of Child Support (OCS) to sustain funding.

- File Quarterly Reports.
- Comply with OCS policies.

1.2. PUBLIC INFORMATION AND ACCESS TO THE FRIEND OF THE COURT

The court must establish FOC hours.

2.0 FRIEND OF THE COURT ADMINISTRATION

2.1. FOC OFFICE MANAGEMENT

FOC employees must carry out their responsibilities in compliance with the Michigan Judicial Institute's (MJJI) [Model Code of Conduct for Court Employees](#).

2.2. BUDGETING

The office should be sufficiently staffed to be able to maintain its incentive funding levels based on the five performance factors:

- The percentage of cases with paternity established.
- The number of cases with support ordered.
- The percentage of current support collected.
- The percentage of cases with an arrears payment collected.
- The programs' cost effectiveness (\$5 support collected per dollar spent).

2.3. GRIEVANCE RESPONSE

The FOC must receive, process, and track grievances.

3.0 CASE MANAGEMENT

3.1. OPENING AND MAINTAINING A CASE

The FOC must open and maintain an FOC case for every domestic relations case filed with the circuit court where the parties have not opted out ([MCL 552.505a](#)), including:

- Receiving and maintaining a case file to store required records;
- Screening the FOC case for domestic violence using the SCAO approved form [FOC 124](#);
- Opening and maintaining its cases using Michigan Child Support Enforcement System (MiCSES);
- Putting an FOC case on MICSES within 20 calendar days;
- Establishing and maintaining addresses sufficient to provide legal service for each party in accordance with legal requirements ([SCAO Administrative Memorandum 2019-01; AO 2020-9](#)).

3.2. CASE CLOSURE

The FOC must close and inactivate IV-D and FOC cases ([Friend of the Court Bureau Memorandum on Case Closure](#)).

3.3. RECORDS MANAGEMENT

The FOC must maintain records necessary to be in compliance with:

- SCAO's [Case File Management Standards \(CFMS\)](#), [AO 1999-4](#);
- [Records Management Services](#) within the Michigan Department of Technology, Management and Budget (MDTMB);
- [Michigan Trial Court Guidelines and Standards for Digital Imaging](#);
- [Case Flow Management Guide](#);
- IV-D recordkeeping requirements. [45 CFR 303.11](#).

4.0 FINANCIALS

4.1. GENERAL ACCOUNTING

The FOC must maintain financial records on a current basis and balance them monthly.

4.2. ALLOCATION, DISTRIBUTION, ACCOUNTS, AND AUDITS

The FOC must either not accept payments; or, if it accepts payments, it must meet the following requirements:

- Accept support paid by cash, cashier's checks, or money orders in person or by drop-box. [MCL 552.509\(1\)](#);
- If the FOC receives a payment, it must be transmitted to the Michigan State Disbursement Unit (MiSDU) by depositing and *pushing* payment to MiSDU on the same day the office receipts the payment;
- The FOC must make large deposits at least every two days, and in situations where the deposit will be less than \$1,000, at least weekly.

The FOC must process a *special instruction payment*, which requires special receipting and specific case intervention to ensure staff follow the written instructions. [MCR 3.208\(C\)](#).

The FOC must help the MiSDU resolve support and receipt disbursement problems related to inadequate identifying information. [MCL 552.509\(2\)](#).

4.3. CREDITS, ABATEMENTS, AND REDIRECTIONS

The FOC must maintain records that document the basis of every credit and adjustment for auditing and accounting purposes.

- The FOC must monitor that the credit has been given.
- The FOC must have institutional controls so that certain credits cannot be applied without supervision.

4.4. ORDER MAINTENANCE

The FOC must maintain support orders and account records necessary to enforce support orders and to record obligations, support and fee receipt and disbursement, and related payments [MCL 552.509\(2\)](#).

- The FOC must [end orders](#) due to emancipation, death of a party or child, or by terms of the order.
- The FOC must enter orders into the MiCSES.
 - Employees must have access to orders (paper files, EDMS).
 - Employees must have access to MiCSES.

5.0 CUSTODY AND PARENTING TIME

5.1. GENERAL

The FOC must assist the court with custody and parenting time investigations when ordered. [MCL 552.505\(1\)\(G\)](#).

- The investigation must be completed in time to hold a hearing within 56 days of the date the custody case was filed. [MCR 3.210\(C\)\(1\)](#).
- The FOC must produce a report based on the [12 Best Interest Factors](#) sufficient to allow the court to consider it as evidence. [MRE 1101\(b\)\(9\)](#).
- The FOC must gather relevant evidence including domestic violence and child abuse and neglect information.
- The FOC must interview parties.
- The FOC must interview the child(ren).
- The FOC must provide a copy of each report, recommendation, supporting documents, or summaries of supporting documents to the attorney for each party and to each of the parties before the court takes any action on a recommendation. [MCL 552.505\(1\)\(G\)](#).

The FOC must initiate custody and parenting time enforcement actions.

- The office must send a copy of the complaint within 14 days after it receives a complaint to the parent who denied parenting time. [MCL 552.511b](#);
- The FOC must enforce the custody or parenting time order by selecting one of the following enforcement procedures:
 - Apply a makeup parenting time policy. [MCL 552.642](#);
 - Commence civil contempt proceedings. [MCL 552.544](#);
 - File a motion with the court, for a modification of existing parenting time provisions. [MCL 552.517d](#);
 - Schedule mediation. [MCL 552.513](#);
 - Schedule a joint meeting. [MCL 552.642a](#).

6.0 SUPPORT DETERMINATIONS

The FOC must enter support orders (child and spousal) using the most recent Uniform Support Order. [FOC 10](#) and [MCR 3.211\(D\)](#).

- The FOC must provide a copy of each recommendation and any supporting documents, or a summary of supporting documents, to each of the parties and their attorneys before the court takes any action on the recommendation. [MCL 552.507a\(1\)](#).
- The FOC must access MiCSES CALC.

The FOC must make a written report and recommendation regarding child support in accordance with the [Michigan Child Support Formula](#). [MCL 552.505\(1\)\(h\)](#) and [MCL 552.517\(4\)](#).

The FOC must initiate a child support review when the FOC case is open and a statutory condition in [MCL 552.517](#) triggers the review.

- The FOC must process requests and make a determination on whether to review within 14 days of receiving the request.
- The FOC must complete a requested review within 180 days.
- The FOC must gather income information from each of the parties.
- The FOC must recommend deviations and provide the information necessary to do so. [MCL 552.505\(1\)\(h\)](#) and [MCL 552.605\(2\)](#).

If Michigan does not have jurisdiction to modify the support obligation, but the case meets a condition listed in [MCL 552.517](#), the FOC must request that the other state review the support obligation. [MCL 552.517\(c\)](#).

- Within 20 days of determining that the payer is in another state, the FOC must refer a modification request to that state. [45 CR 303.7\(c\)](#).

7.0 SUPPORT ENFORCEMENT

7.1. GENERAL

The FOC must enforce all support cases, including spousal support only cases, unless the parties opt out or refuse to cooperate in obtaining available funding. [MCL 552.502a](#) and [MCL 552.602](#).

- The FOC must initiate enforcement using either mandatory or discretionary tools when arrears meet statutory standards. [MCL 552.511\(1\)](#);

- Discretionary enforcement: Show Cause – Civil; Liens; Payment Plans; Performance Bonds; Alternative Contempt; Arrears Management; Administrative Offsets; Commitment; Community Corrections; FOC Supervision; License Suspension; Liens (FIDM/ICDM, Inheritance, Property);
- Required Support Enforcement: Locate, Income Withholding, Tax Refund Offset, Consumer Credit Reporting.

FOCs must suspend some enforcement when a party has filed for bankruptcy to avoid sanctions.

The FOC assists the court in processing bench warrants. [MCL 552.631-632](#), [SCAO AM 2004-01](#).

- The FOC must process warrants in LEIN.
- The FOC must reconcile LEIN reports.

7.2. HEALTH CARE

The FOC must enforce Health Care.

- When a parent fails to obtain or maintain court-ordered health care coverage for a child, the office must initiate enforcement and send notices (NMSNs). [MCL 552.511\(1\)\(b\)](#).
 - The FOC is required to send NMSNs and handle the responses to ensure children are covered.
- If a parent fails to obtain court-ordered health care coverage, the office must either petition for an order to show cause or send a notice of noncompliance to the parent.

Additional Medical Expenses

- Under MCL [552.511\(1\)\(c\)](#), the FOC must initiate enforcement when a person legally responsible for the child incurs an uninsured health care expense and submits a written complaint.

8.0 REFEREES

8.1. GENERAL

[MCL 552.507](#) authorizes the use of referees in domestic relations matters and defines their responsibilities, while [MCR 3.215](#) governs referee qualifications, procedural requirements, conduct, powers, and referrals from the court.

The referee must conduct the hearing safely in accordance with court rules or Supreme Court Order through:

- Remote hearings;
- A properly outfitted hearing room with appropriate social distancing measures and security.

The referee must make an electronic or stenographic record of each referee hearing complying with [Michigan Trial Court Standards for Courtroom Technology](#).

Referees must create a recommendation within 21 days of holding a hearing.

9.0 ALTERNATIVE DISPUTE RESOLUTION

The FOC must provide alternative dispute resolution (ADR) services as required by its Friend of the Court (FOC) ADR Plan. [MCL 552.513](#) and [MCR 3.224](#).

The FOC must screen cases for domestic violence using the SCAO approved form [FOC 124](#) before the ADR process begins. [MCR 3.224](#).

The FOC must offer mediation directly or by contract.

- The mediator must meet with the parties. [MCL 552.513](#), [MCR 3.224](#).
- The FOC must ensure that communications during FOC mediation will remain confidential. [MCL 552.513](#), [MCR 3.224](#).
- The FOC must prepare ADR mediation reports as required in [MCR 3.224\(G\)\(1\)\(d\)](#) and [MCR 3.224\(G\)\(1\)\(e\)](#).
- The office must prepare consent orders after mediation as required in [MCR 3.224\(G\)\(1\)\(d\)](#).

10.0 FACILITIES

The FOC office must easily be accessible to the public.

- If there are physical limitations, there must be other methods of communication with the office (e-mail, MiChildSupport 2-Way Communication, phone, U.S. mail, and facsimile).

The FOC should have other safety measures in effect:

- The FOC must have areas where people can be spaced six feet apart.
- Furnishings must be durable and easy to maintain and disinfect by cleaning staff.
- The office should have hand sanitizing dispensers and sanitizer for staff and public use.

- The FOC should provide gloves for staff handling money and paperwork.
- The office should have access to daily cleaning staff who can adequately clean and disinfect office surfaces.
- If the FOC has private offices for meetings, the FOC should have:
 - the ability to accommodate one or two visitors with each being able to remain six feet apart;
 - alternate meeting space available in the building where staff can have in-person meetings while maintaining the six feet of physical distance from the customer;
 - offices located in areas removed from the noise and traffic of the main office.

The FOC must provide face masks under EO 2020-59.

Office space must meet The Americans with Disabilities Act (ADA) requirements for government offices to be reasonably accessible to those with disabilities.

For more information, see [The Michigan Courthouse: A Planning and Design Guide for Trial Court Facilities](#).

11.0 SECURITY

FOC office areas must sustain adequate social distancing in compliance with federal, state and Supreme Court directives.

The FOC office must comply with local and state mandated health screening procedures for employees and the public entering the building.

12.0 TECHNOLOGY

On-Site Technology Needs

Staff should have access to equipment necessary to process the caseload, including:

- access to a telephone, paper shredder, facsimile machine, network server, photocopier, printer, and worktable;
- access to a computer with a monitor, printer, and scanner;
- the ability to safely open and, if applicable, image incoming mail;
- the ability to mail out or serve electronically necessary documents, either through the local office or through Central Print services.

Remote Technology Needs

☐ FOC staff should have access to equipment and facilities necessary to process the caseload, including:

- a dedicated workspace at home to use for office functions;
- reliable internet service at home (cable, Ethernet, phone/modem, etc.);
- the ability to access MiCSES remotely under OCS Policy (IV-D Memorandum 2016-013, *Remote Access for County IV-D Offices*);
- access to the office network in a secure manner from home;
- an office-supplied computer to use at home (not using personal devices);
- the ability to log into the office phone line or access their individual voice-mail;
- access to office e-mail from home.

☐ Staff should be 100 percent electronic if working from home; however, if staff intends on printing work documents out at home (on their own personal devices), they must have the ability to store confidential documents at home until the documents can be returned to the office for confidential record destruction.