

MICHIGAN PRISONER SUPPORT ADJUSTMENT PROJECT: FINAL REPORT

Michigan Supreme Court
State Court Administrative Office
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Background

In typical domestic relations cases involving children, the court enters an order requiring one parent (the payer) to make monthly child support payments through the State's child support program to the child's custodian. Due to a statutory bar on retroactive modification of support, once a payer falls behind on support payments, that parent remains liable for the accrued arrearage in addition to the ongoing current support obligation. Michigan adds a semiannual surcharge to unpaid support arrearages, making the debt grow faster than the rate of missed support obligation payments.¹ The law requires Michigan's local friend of the court (FOC) offices to initiate enforcement remedies and collect unpaid support. Thus, it is imperative that indigent payers obtain relief from their support obligations to avoid unnecessary enforcement.

By normal economic standards, most prisoners qualify as indigent; few have sufficient assets from which to pay support. Many prisoners incorrectly assume that their incarceration automatically stops their child support obligation. Few prisoners know how to represent their own interests and petition for a modification, arrange for a court appearance, ask the court to waive court fees, or arrange to enter a modification order after a hearing. Physical restraints prevent them from earning sufficient income to pay support or hiring legal representation and from going to the courthouse to represent their own interests. Therefore, unless some intervention occurs, indigent prisoners continue building impossible-to-pay arrearages.²

Historically, support enforcement agencies have taken few affirmative steps to change prisoner support obligations. Some equated incarceration with a voluntarily reduction in income and therefore believed that prisoners were not entitled to relief. Earlier Michigan case law allowed retroactive adjustment of a prisoner's support obligation, and to assure an accurate credit, many FOC offices waited until the inmate's release to adjust a prisoner's accounts. Despite newer case law that equates those adjustments with impermissible retroactive modification, some staff members continue to hold the erroneous belief that prisoners may receive retroactive child support credit for time served. Under the former review and

¹ Pursuant to MCL 552.603a, Surcharge accrues at the same rate as judgment interest and is assessed semi-annually on January 1 and July 1. Starting 7/1/2004, the surcharge accrued at the respective semiannual rates of 4.357%, 4.529%, 4.845%, and 5.221%.

² Through August 31, 2003, Michigan's Office of Child Support estimated that prisoner-payer cases had an accrued arrearage of \$329,030,297 (an average of \$27,823 per prisoner).

modification statutes, others in FOC offices believed that they could not intervene, or were not obliged to seek modification unless an incarcerated prisoner specifically requested a support review.

Irrespective of the reason why modification was not pursued, allowing indigent prisoner obligations to continue accruing makes no sense. While imprisoned, support payers have no possibility of generating a sufficient income to meet their support obligations, and when released, most do not possess the economic ability to repay any sizeable debt.

Upon release, ex-prisoners learn that their obligation was not automatically suspended and that they cannot retroactively modify their debt. Oftentimes, these former prisoners then face both a continuing current support obligation and an impossibly large debt to repay. Their situation becomes hopeless. Once arrears grow to a certain point, the impossibility of ever paying it off becomes a disincentive for ex-prisoners to cooperate and pay their current support, and further serves as a barrier to reestablishing contact with or supporting their children.

Aside from the negative impacts in the lives of prisoners and their children, accruing prisoner support arrearages negatively affects the State's child support program. First, Michigan wastes limited resources in the pointless pursuit of largely uncollectible debt. Second, these cases reduce federal incentive payments that the state receives because they lower the state's cost-effectiveness rating, decrease the percentage of current support charges that are collected, and reduce the number of cases with a past-due support collection. Finally, the arrearage impugns Michigan's child support program's reputation both nationally and in the eyes of our citizens and taxpayers.

In August 2004, the federal Office of Child Support Enforcement awarded the Michigan State Court Administrative Office's Friend of the Court Bureau a Special Improvement Project grant for \$100,000 to implement a PRISONER SUPPORT ADJUSTMENT PROJECT. The project's goals were to improve judicial processing of child support cases involving indigent parents incarcerated by the Michigan Department of Corrections and to help prisoners overcome procedural barriers to accessing support modification proceedings.

Please direct any questions regarding the Prisoner Support Adjustment Project to William J. Bartels at 517-373-5975 or bartelsb@courts.mi.gov.

Program Overview

The Prisoner Support Adjustment Project sought to improve judicial processing of child support cases involving indigent incarcerated parents and to overcome procedural barriers to support modification proceedings especially the need to physically access the courthouse.

The Michigan State Court Administrative Office (SCAO) identified procedures to rectify known problems by using technology and innovative practices to overcome the barriers that prisoners face when seeking support modification or attending child support proceedings. The project included four principal goals.

- Overcome procedural barriers related to court access and case processing for prisoners needing a reduction in their support obligation.
- Significantly improve collection percentages (Social Security Act Title IV-D program performance improvement).
- Improve customer service to the underserved incarcerated indigent parent population.
- Reduce transportation and security costs associated with arranging for the prisoner's physical presence in court.

To meet its goals, the project sought to implement a series of objectives.

- Improve early identification of prisoners' child support cases.
- Encourage courts to utilize electronic (audio/video) conferencing to allow prisoners to participate in child support proceedings without leaving their prison, and to evaluate the hearings and the technology's effectiveness in removing the necessity of an individual's physical attendance at child support proceedings.
- Create and compare practices that improve access and remove barriers related to filing pleadings, participating in hearings, and gaining access to legal counsel.
- Evaluate different means to initiate requests for child support modification.
- Enhance prisoner access to legal information and court forms. Provide indigent prisoners access to legal information through simplified materials and forms, and in limited cases, access to legal representation.

Program Design

The Prisoner Support Adjustment Project's design centered on the practices and processes utilized in child support modification and their application in cases involving indigent incarcerated parents. The project sought to compare several alternative support review and adjustment processes, compare the effectiveness of technology that allows prisoner participation, and obtain both appropriate support obligations for the remainder of the payer's incarceration and prospective post-incarceration support orders. One important measurement focused on whether the method of identifying prisoner cases for local friend of the court offices affected modification rates. Another important measurement checked whether the method of initiating modification requests affected modification rates. The ability to file pleadings, access legal representation and advice, and participate in the hearing were other factors that the project measured.

Service Providers

Looking past current practices, the State Court Administrative Office (SCAO) sought to foster cooperation and collaborative partnerships to remove procedural barriers that impede incarcerated parents' access to child support services. This project extended beyond "traditional" Title IV-D child support enforcement program partnerships.

The SCAO provided grant oversight, facilitated partnerships, created standards, provided assistance to judges and court staff, and evaluated project effectiveness. The office responded as needed when legal or procedural issues arose. It also developed simplified materials and procedural instructions for use in prisoner cases.

The Michigan Office of Child Support (OCS), Michigan's Title IV-D agency, through the Michigan Child Support Enforcement System's (MiCSES) Data Warehouse provided the SCAO with monthly data-match reports on child support cases in the State Case Registry and prisoner records in the Department of Corrections' Data Warehouse. OCS also contracts with local circuit courts for friend of the court (FOC) offices to provide Title IV-D support enforcement and review services.

The Michigan Department of Corrections (MDOC) central office provided technical specifications for electronic appearances,³ helped the project communicate with its prisons, assisted in developing prisoner-friendly materials, and helped design uniform practices suitable for statewide use. MDOC personnel helped to disseminate materials to prisoners, helped coordinate prisoners' electronic appearances at hearings, and provided local courts with requested prisoner information.

Local circuit courts supplied facilities, equipment, and staff to fulfill support modification and judicial duties. Local judges or referees held modification hearings, reviewed proposals, and entered orders. State law requires that FOC offices provide child support and visitation related services in domestic relations cases involving children. This project utilized existing FOC staff to apply generally required child support review and modification procedures to prisoner cases.

Four local courts agreed to serve as sites to pilot various methods of initiating and handling modification proceedings.⁴ In addition to routine judicial functions and FOC services, pilot county court staff reviewed pleadings, scheduled hearings, maintained records, and coordinated electronic appearances.

The SCAO contracted with law clinics at the Michigan State University and the Wayne State University Law Schools to accept prisoner requests for assistance in modifying their support obligations in assigned cases. The law clinics provided a licensed attorney to supervise and assist law students in representing incarcerated parents in support modification proceedings.⁵

³ The Michigan Department of Corrections utilizes interactive video technology (IVT) compatible with ISDN-BRI or ISDN-PRI connections.

⁴ The following county circuit courts agreed to serve as pilot sites: Ingham County, Kent County, Saginaw County, and Wayne County. Pilot county offices were selected based on their proximity to law school legal clinics, ability to use teleconferencing or ISDN compatible interactive video conferencing equipment, and having more than 100 cases involving Michigan Department of Corrections inmates as child support payers.

⁵ Law clinic representation was not funded by this federal grant.

Program Services

Typically, to modify a support obligation, a party to a case either requests that the FOC office initiate a statutorily required review,⁶ or initiates a hearing by directly filing a petition with the court, with or without the assistance of an attorney. Alternatively, an FOC office may start a review on its own initiative if it learns of changes in either party's circumstances. In order to measure the effectiveness of those different means of initiating and handling support modification proceedings in prisoner cases, the project divided cases identified in MiCSES/DOC monthly data-matches into several categories.

In the four pilot counties, as demonstrated in Figure 1, the project collected data and placed cases into one of three groups: (1) local FOC review, (2) law clinic representation, and (3) self-representation. In all the remaining counties, the project categorized cases as either (1) local FOC review or (2) control sample. For evaluation purposes, ten counties that were not pilot sites were randomly selected as a representative sample for analyzing statewide cases.⁷

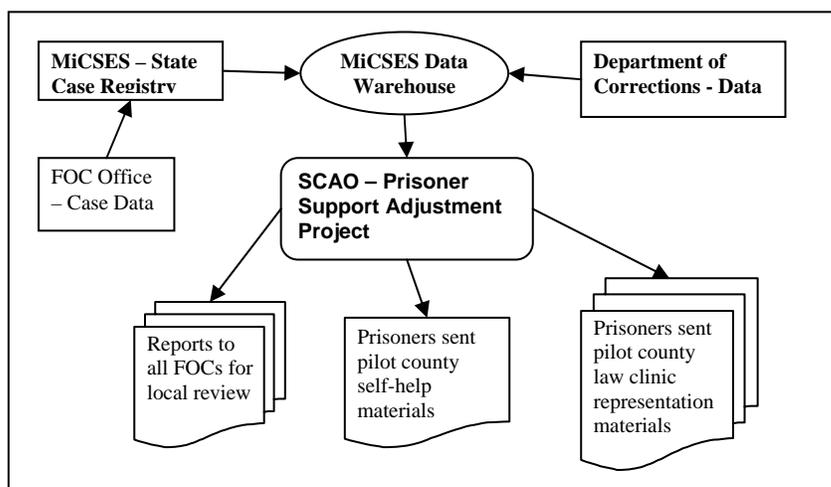


Figure 1: Division of Information

⁶ MCL 552.517 requires that an office conduct a child support review if the party has not requested and received one within the last 36 months.

⁷ The ten representative counties included five large (more than 100 prisoner cases) and five small (fewer than 100 prisoner cases).

The SCAO sent lists of prisoner cases in the Local FOC Review Group to all FOC offices. Control Sample Group cases were not included on the lists provided to local FOC offices. Using the lists to identify prisoners, local FOC offices could, as Figure 2 demonstrates, apply existing processes to conduct reviews and, when appropriate, initiate modification proceedings.

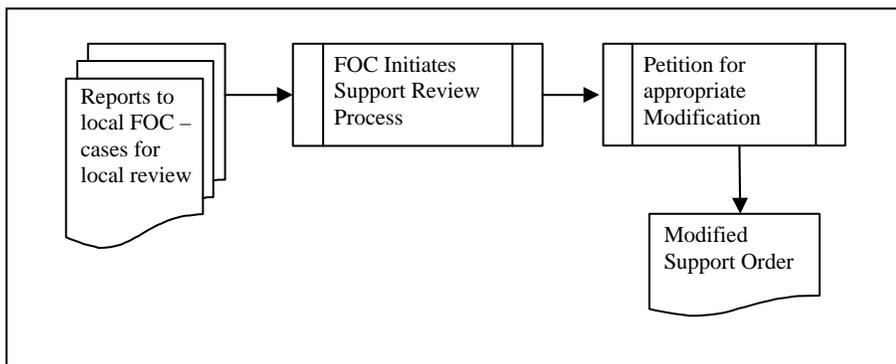


Figure 2: Local Review Process

In addition to local FOC review and control sample cases, the four pilot sites had cases allocated to two additional groups. The project sent an easy-to-understand letter to prisoners whose cases were assigned to the Law Clinic Representation Group. The letters informed the prisoners that their cases were selected as part of a special project. The letter offered free legal representation to help them modify their support obligation, if they completed (signed) a simple request form and returned it to an assigned law clinic in a pre-addressed return envelope. [See Attachment 1: Law Clinic Package on page 31].

In cases assigned to the Self-Representation Group, the project sent those prisoners a letter with simplified materials. This letter included easy-to-understand instructions and simplified forms for initiating and representing themselves [See Attachment 2: Self Representation package on page 35].

Finally, in two pilot counties, some prisoner cases assigned for local FOC review were sent a letter and a form that they could use to request that the FOC office conduct a review. For those cases, FOC offices agreed to wait until they received a prisoner's request before they initiated a support review [See Attachment 3: Request Support Review Package on page 43].

The four local courts that agreed to serve as pilot sites entered a local administrative order (LAO) to facilitate participation in the project [See Attachment 4: Model Local

Administrative Order on page 47]. The LAO served to reduce variations in local practice, resolve potential issues, and provide direction regarding completion of certain tasks. Under the LAO, the court established either ISDN compatible two-way interactive video or telephonic teleconference as the preferred means of accepting electronic testimony from incarcerated parents. In addition to accepting electronic testimony, the pilot courts had to verify that they could clearly record the electronically transmitted testimony. The standardized LAO also approved the appearance of law students from the participating law school clinics to represent incarcerated parents. It also outlined processes for scheduling hearings and communicating with MDOC. Through the LAO, the court accepted the project's forms as sufficient to initiate a modification proceeding and agreed not to require additional local forms. The pilot county courts agreed to presume prisoners indigent and to suspend the payment of filing fees until after the hearing and a determination of whether the prisoner actually was indigent. The LAO required court staff to make and distribute copies of pleadings, and prepare orders after hearing following unrepresented prisoner motions.

Implementation Issues, Solutions, and Outcomes

The project identified multiple concerns and attempted to design procedures to address each. Addressing one issue sometimes exposed others. The following chart lists the concern, attempted solution and outcome.

Concern / Issue	Attempted Solution	Outcome
Local Forms Required.	Pilot county courts ordered use of standardized project forms without additional local forms.	No special local forms were used, and the project forms were accepted in all participating jurisdictions.
Standard forms and instructions difficult for prisoners to understand.	Created simplified instructions and forms, and removed unnecessary information.	Most returned forms were completed, some were incomplete.
Prisoner inability to access court forms and addresses.	<p>Make prisoner forms and court address information available through the Internet.</p> <p>Provide the prisoners with court forms and address information.</p>	<p>DOC does not provide or allow Internet access.</p> <p>Prisoners were sent forms that included court information, and were provided with the court's return address.</p>

Concern / Issue	Attempted Solution	Outcome
Prisoner communication with Law Clinic students without travel or face-to-face meetings.	Establish toll free phone number for direct calls to law clinics.	DOC rules prohibit inmates using toll free numbers and DOC bills inmates for long distance charges. Worked with DOC to change the rule. Ultimately, the toll free number was not used.
	Lawyers could call prisoners by appointment.	Some law clinic communication was by telephone appointment. Most correspondence with prisoners was via US Mail.
Lawyers prohibited from soliciting clients. ⁸	Instead of the law clinics initiating prisoner contact, the project sent letters to prisoners; those wanting representation contacted the law clinics.	Law clinics did not solicit cases from prisoners or the project.
Prisoner moved to another prison between scheduling and hearing date.	Agreement with DOC. Notice of hearing form requested that a prisoner not be moved until after hearing.	Most prisoners were not moved while a hearing was pending; only a few relocations were reported.
Prisoners having difficulty following precise legal processes: scheduling, filing, providing multiple copies, and order entry.	Pilot courts modified local processes through an LAO ⁹ so prisoners only had to return the forms. The court handled scheduling, copying, notices, and order preparation and entry.	No prisoner initiated petitions were rejected due to scheduling errors, insufficient copies, or notice problems. All the required orders were entered following each hearing.

⁸ Michigan Rules of Professional Conduct (MRPC) 7.3

⁹ See Attachment 4: Model Local Administrative Order on page 43.

Concern / Issue	Attempted Solution	Outcome
<p>Incomplete or flawed prisoner motions.</p>	<p>Rather than providing blank forms, information (case number, names, amounts, etc.) was imported into the motions. The prisoner had only to sign and return the motion.</p> <p>A court designee reviewed the forms for completeness, worked with the prisoner on remedying errors, and when the forms were properly completed, scheduled a hearing.</p> <p>Other missing information (e.g., assets, offense, sentence, etc.) could be gathered at hearing.</p>	<p>Any forms that were returned incomplete were remedied and a hearing was held.</p>
<p>Indigent prisoners unable to pay filing fees. Court clerks rejecting prisoner initiated motions without filing fees.</p>	<p>Self-representation forms included a motion to waive filing fees. LAO created presumption of indigence, but left the court with discretion to assess fees after the hearing.¹⁰</p>	<p>No motions were rejected based on lack of filing fees.</p>
<p>Prisoner cases improperly routed and rejected by “routine” processes.</p>	<p>Print all forms that prisoners return to the Court or FOC on colored paper.</p>	<p>Based on pilot courts’ use of other colors and clarity of photocopies, all prisoner forms were printed on light green paper.</p>
<p>Prisoners not knowing addresses or location of other parties.</p>	<p>The court designee scheduling the hearing inserted the addresses needed for proper legal service.</p>	<p>No motions were denied due to improper legal service or lack of notice.</p>

¹⁰ See Prisoner Affidavit and Order for Suspension of Fees/Costs form in the Self-Representation Forms Package in Attachment 2: Self-Representation Package on page 31 and Attachment 4: Model Local Administrative Order on page 43.

Concern / Issue	Attempted Solution	Outcome
Self represented and law clinic cases needing access to address for service in cases involving family violence.	<p>Prior to assigning cases to a category, the potential self represented and law clinic cases were screened for family violence indicators noted in MiCSES and for crimes against family member.</p> <p>Information Addendum form sent to prisoner included questions about convictions for crimes against the child or custodian. If the prisoner indicated either was true, case was diverted to FOC review process.</p>	<p>Few referrals involved family violence.</p> <p>No family addresses were disclosed to prisoners where family violence was indicated.</p> <p>The law clinics identified a few such cases when the prisoner returned the Information Addendum but before signing a retainer agreement. These cases were reassigned to the FOC review category.</p>
Large numbers of support recipients opposing modification.	Assure all processes provided recipients with notice and an opportunity for hearing; if a recipient objected to a proposed order, the court held a hearing to determine whether to grant relief.	All recipients received due process.
Prisoner exhibiting disruptive behavior during the hearing.	Agreed with Courts and MDOC to deal with this on a case by case basis. Remedies were available through MDOC processes and contempt of court proceedings.	No prisoner disruptions were reported.

Demographics

Based on each inmate's conviction with the longest minimum sentence, MDOC reports that the offenses for which its inmates are incarcerated include 24% for sex crimes, 44% for other violent crimes, 9% for drug crimes, and 23% for other nonviolent crimes. Over 62% of the inmates are serving their first prison term. For MDOC prisoners, the average cumulative minimum sentence is 8.2 years. Approximately 35% of all MDOC prisoners are serving sentences of 10 years or more, including 10% (4,843) serving life sentences.¹¹

¹¹ MI DOC Prisoner Population demographics found in this section were taken from http://www.michigan.gov/documents/05-01-06_-_MPRI_Monthly_Report_157448_7.pdf

Table 1 lists the estimated minimum time remaining for prisoners with cases in the Representative Sample Group (described in the next section). Over 75% of prisoners with support cases included in the project’s representative sample have less than 5 years remaining on their sentence, and 15% have over 10 years remaining.

Table 2 provides the age ranges and number of MDOC prisoners qualifying for this project. According to MDOC across the entire prison population, prisoner ages range from 15 to 92, and the average age is 36. The average age of prisoners with cases included in this project was 36.

Status	Prisoners	%Total
Under 1 Year	349	41%
1-5 Years	294	35%
5-10 Years	81	10%
10 -20 Years	57	7%
Over 20 Years	36	4%
Life	33	4%

Table 1: Sample Case Sentence Remaining

Prisoner Age Range	Number
<20	4
20-29	3,116
30-39	6,269
40-49	3,852
50-59	666
>60	63
Average Age	36 yrs

Table 2: Project Prisoner Ages

MDOC reports the racial composition of its total inmate population as 52% Black, 45% White, 2% Hispanic, and less than 1% Asian, American Indian, or Other. 96% of inmates are male and 4% are female. The project did not receive or maintain racial or gender data on prisoners subject to support orders.

Findings

The Michigan Department of Corrections' prison system (MDOC) currently holds 49,377 prisoners, of which 28.5% (14,079 prisoners) have court ordered support obligations for minor children. Out of 437,320 court cases statewide with current support orders for minor children, 5% (21,148 cases) involve prisoners held by MDOC.

Representative Sample

A representative sample was established by selecting cases come from fourteen counties, five randomly selected large counties (having more than 100 prisoner cases), five randomly selected small counties (having fewer than 100 prisoner cases), and four pilot sites.¹² The representative sample included 990 incarcerated-parent cases¹³ that were randomly selected. They included 504 pilot county cases, 347 large county cases and 139 small county cases. This sample produces results with an accuracy of $\pm 3\%$.

N=990	0 at start	New Case No Charge	Cannot Modify	Modified	Not Modified
Sample	392	37	81	269	211
	40%	4%	8%	27%	21%

Table 3 Representative Sample

Table 3 (above) and Figure 3 (below) both demonstrate the initial modifiability of the sample cases. Over half of the sample cases (52%) did not require modification because the support order was modified to \$0 before the project started, was unmodifiable, or was established during the project without a support charge. Cases without a current support charge made up 40% of the entire sample. Some reasons that cases did not have a support charge before this project included: (1) reserved support obligations (not set in a specific amount and set for determination after release), (2) obligations established at \$0, or (3) obligations already suspended during incarceration.

¹² Large counties were Berrien, Calhoun, Genesee, Muskegon, and Oakland. Small counties were Barry, Clinton, Lake, Lapeer, and Shiawassee. Pilot counties were Ingham, Kent, Saginaw, and Wayne.

¹³ The 990 sample cases involve 887 Prisoners. Originally, the randomly selected sample included 994 cases; however, four were removed from the sample because prisoners were mismatched with payers with similar match criteria (e.g., same last names, first initials and similar year of birth).

Another 8% of sample cases were unmodifiable because all children had become emancipated; the parent was paroled or discharged, and the child had been adopted or the prisoner’s parental rights were terminated. Unmodifiable cases also included 4% of the sample in which zero-support (null) initial obligations were established during the project.

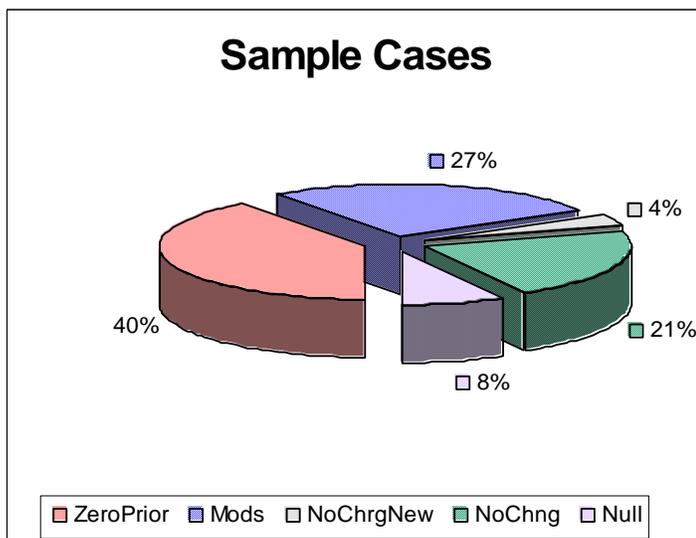


Figure 3: Modifiability Status of Sample Cases

The remaining 48% of the sample were potentially modifiable; 27% were modified (Mods), while 21% were not (NoChng).

Sample Group		Modification Not Required	Modified	Not Modified
Sample	N=990	52%	27%	21%
Pilot	N=504	51%	32%	17%
Small	N=139	57%	22%	22%
Large	N=347	50%	23%	27%

Table 4: Sample Comparison by Group

Table 4 compares the sample and groups within the sample. In comparing the pilot county, small county, and large county groups, small counties had fewer cases requiring modification, mainly due to cases that were not modifiable. Pilot counties achieved higher rates of modification, and left fewer cases with obligations unmodified. Large counties had a higher percentage needing modification and modified fewer than half, while half of small county and nearly two-thirds of pilot county sample cases potentially needing modification were modified.

Whether counties had previously dealt with prisoner cases did not seem to have any bearing on the number of cases remaining unmodified at the conclusion of the project. At the

beginning of the project in November 2004, four counties had fewer than 30% of their sample cases without a support charge. One of the two small counties with previously low modification rates modified 94% of sample cases needing modification, while the other small county modified less than 10%. The large county with a low modification rate modified less than 20% of the sample cases needing modification. The pilot county with a prior low modification rate modified 60% of the sample needing modification. On the other hand, at the conclusion of the project, four counties had 10% or less of their cases remaining as potentially needing modification.

Pilot Counties

The project used pilot counties to test differences between means of initiating modification. The means of initiating modification that were tested included: access to legal representation, prisoners filing *pro per*¹⁴ forms, and FOC reviews initiated by project direction or prisoner requests.

The project sent an easy-to-understand letter to 838 cases assigned to the Law Clinic Representation Group [See Attachment 1: Law Clinic Package on page 31]. It offered free legal representation to modify those prisoners' support obligations, if they returned a form to the assigned clinic and signed the clinic's retainer agreement. Law Clinics received signed retainer agreements in 208 cases (25%). In 83 additional cases, the prisoner returned the form requesting representation but subsequently failed to return the retainer agreement. Five prisoners contacted the law clinic or SCAO and declined participation. Three quarters of the prisoners assigned to the Law Clinic Group failed to respond and therefore the clinic was unable to act on their behalf.

For prisoners who retained a law clinic to represent them, the clinics filed motions in 193 cases which modified support in 186 cases (96%). They were unable to get modification in only 7, usually due to the prisoner having adequate resources to pay support. In 6 modified cases, the law clinic was able to point out an error to the friend of the court and have support charges beyond emancipation stopped without the need for formal court action.

The project sent an easy-to-understand letter with simplified *pro per* forms and instructions to 933 cases assigned to the Self-Representation Group [See Attachment 2: Self-

¹⁴ *In propria persona* "in one's own person" or *pro se* "in his own behalf," meaning appearing for oneself without retaining a lawyer, self-representation.

Representation Package on page 35]. Courts reported that prisoners utilized these forms in 186 cases, a 20% response rate.

Type	Sent To	Sent	Action	Rate
Law Clinic	Prisoner	838	208	25%
Self-Representation	Prisoner	933	186	20%
FOC Reviews	FOC and/or Prisoner	1,488	797	54%

Table 5: Case Type Action Rate

In order to compare different means of initiating FOC reviews, the pilot counties initiated FOC reviews from project-provided lists of prisoner cases, prisoner requests, or both. Two pilot county FOC offices only received lists that identified prisoner cases for review. In the other two pilot counties, letters sent to the prisoners included a form that they could return to request that the FOC office conduct a review [See Attachment 3: Request Support Review Package on page 43].. Of the latter two pilot counties, one FOC office’s list of cases to review included the cases in which letters were sent to prisoners; the other county’s list did not include cases sent letters.

The FOC offices that received lists of prisoner cases to review modified 60% of the cases identified. Only 24% of the letter-to-prisoner-only cases were modified.

COUNTY	Initiation Means	Sent	Modification	Rate
Pilot 1	List & letter	198	130	66%
Pilot 2	List only	417	281	67%
Pilot 3	Letter only	272	66	24%
Pilot 4	List only	601	320	53%
TOTAL	All	1,488	797	54%
	Lists Total	1,216	731	60%

Table 6: FOC Initiated Reviews and Means of Initiation

Table 6 and Table 7 (below) show that prisoners responded to Law Clinic Representation letters at a 25% rate, to Self-representation letters at a 20% rate, and to letters with forms to request an FOC initiated review at a 24% rate. These low response rates show that relying on prisoners to initiate support modification will miss at least 75% of cases needing modification, even when the prisoners are prompted to act and provided with materials.

Prisoner Letter Type	Sent	Responses	Rate
Law Clinic	838	208	25%
Self-Representation	933	186	20%
Request FOC Review	272	66	24%

Table 7: Prisoner Response Rates

Hearings

The project used pilot counties to test different methods by which prisoners could appear at hearings by electronic means. Pilot counties provided reports on 367 hearings.

In comparing petitioners, only 9 hearings were FOC initiated, 228 were prisoner initiated, and 130 were law clinic initiated. The low FOC number of hearings represents administrative review and modification processes at work.¹⁵ Despite modifying nearly 900 orders, only about 1% received an objection by a party, and initiated a hearing.

N=367	FOC	Prisoner	Law Clinic
Hearings	9	228	130

Table 8: Hearing Petitioner

Figure 4 (below) demonstrates the frequency of various hearing outcomes. Hearings resulted in modification 93% of the time. Petitions were denied or dismissed 5% of the time.¹⁶ Because the FOC only scheduled hearings when modification was contested, a higher percentage of FOC cases were denied (2 of 9, or 22%).¹⁷ The denial rate for prisoner and law clinic petitions was between 4% - 5%.

¹⁵ Administrative review and modification process per MCL 552.517b. Following notice of a review and request for information, the friend of the court prepares a recommendation and sends it to the parties. If no one objects within 21 days, the FOC submits an order with the proposed change to the court for entry. If a party objects, the FOC schedules a hearing for the court to determine support.

¹⁶ Of 367 hearings, 341 were Modified, 15 were Denied, 2 were Dismissed, 1 was Adjourned, and in 8 cases ("n/a" in figure 4) there was no need for disposition since no current support obligation existed to modify because the FOC previously modified support or the only charge was accruing confinement (birth) expense repayment installments.

¹⁷ Anecdotally, one friend of the court reported that most support recipients who requested hearings did not contest modification on the grounds that the prisoner had the ability to pay support, but rather felt that the prisoner should be held responsible for support at the pre-incarceration rate and to pay them upon release.

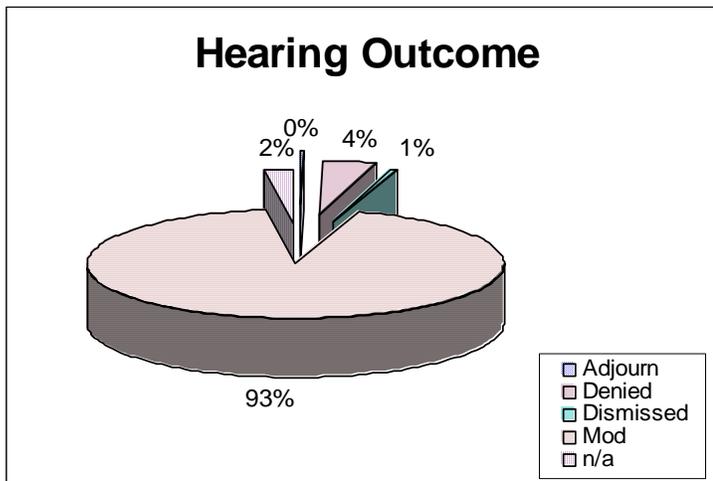


Figure 4: Hearing Outcome

Several reports included an explanation for denial. Four denials were due to the prisoner having adequate resources to pay support.¹⁸ Two other denials were a lack of change in circumstances since the order was set. One petitioner had been recently paroled.

For a prisoner to appear at a hearing by electronic means, both the court and the prison needed to coordinate the connection. Of 367 hearings, 81 (22%) did not start on time. Courts reported a variety of reasons for the delays. Reports identified that 44% of the delays were caused by the unavailability or tardiness of prisoners.¹⁹ The reports identified court schedule overruns (late to begin hearing) as the cause for 32% of delays. Technical problems caused only 18% of the delays.²⁰ About half of the delays resulted from issues at the court, while the other half resulted from issues at the MDOC facility.

¹⁸ Several prisoners were found to have adequate sources of income including: a pension, a trust, real property, and lawsuit settlements.

¹⁹ Prisoner availability was delayed or prevented because of lockdowns, time to segregate higher risk prisoners, delays in transporting from housing areas, etc.

²⁰ Several technical delays resulted from court recording equipment and computers. The conferencing equipment and connection used to facilitate the prisoner's appearance only was identified once.

Cause For Delay	N = 68	Rate
Prisoner Unavailable	18	26%
Prisoner Late	12	18%
Docket Delay	22	32%
Technical Problem	12	18%
Prison Contact Person	2	3%
Other	2	3%

Table 9: Hearing Delay Reasons

Of the hearing reports that contained information on inmate conduct, only one conveyed negative conduct.²¹ As demonstrated in Figure 5, inmates conducted themselves favorably in 97% of the reports.

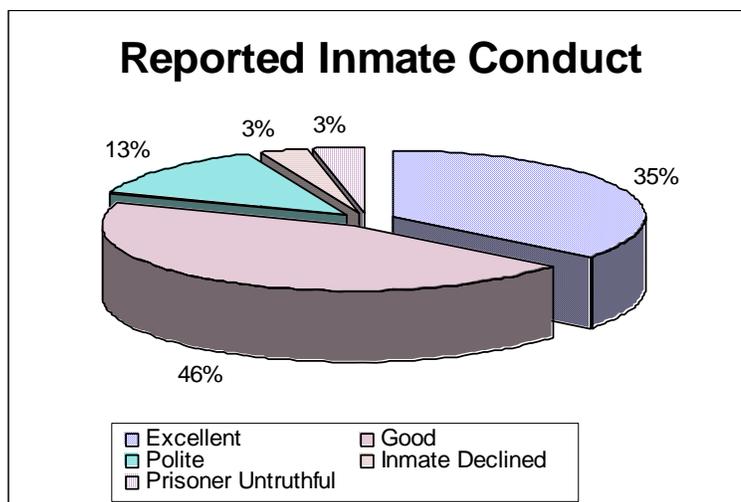


Figure 5: Inmate Conduct

Electronic Connections

The pilot counties provided information to compare the electronic means used to facilitate the inmate's remote appearance at hearings. Despite three of the four pilot courts having ISDN compatible two-way interactive video teleconference capability, prisoners appeared via telephone conferencing at 89% of the hearings.²²

²¹ Of 31 Comments on Prisoner Conduct, 11 were excellent, 14 were good, 4 were polite, one inmate declined participating, and one was reported as untruthful.

²² Courts indicated that individual MDOC facilities stated video teleconference equipment was unavailable, or wanted the court to initiate the connection and bear the cost because the facility did not want to expend its budget. Those facilities would initiate phone calls for teleconferences despite MDOC central office direction to use video teleconference.

Courts did not report any problems when the video teleconference equipment was used, and, when transmission quality was reported, it was always rated as good. Only one report rated the telephone conferencing audio quality as poor; otherwise, when reported, telephone transmission quality was rated as good and the audio quality rated as good or excellent. Both interactive video and telephone conferencing were reliable means of allowing prisoner testimony.

Evaluation

The project developed a database to track changes in current and past-due support amounts, project related events, prisoners, and children. A majority of that data was from monthly reports provided to the SCAO by MiCSES Data Warehouse, which matched data between child support case information in the State Case Registry and the Department of Corrections' Data Warehouse information.

In order to compare existing support modification processes to new procedures, four local courts were selected to serve as pilots to test new procedures, and the remaining jurisdictions were to continue using existing processes. In pilot counties, the project varied methods of initiating and handling modification proceedings to measure differences. Pilot counties were selected based on their proximity to a law school legal clinic, ability to use teleconferencing or ISDN compatible interactive video conferencing equipment, and having more than 100 cases involving Michigan Department of Corrections inmates as child support payers.

Given the need to closely examine differences in cases statewide, a representative sample was drawn from cases in the four pilot counties, five randomly selected large counties (having more than 100 prisoner cases), and five randomly selected small counties (having fewer than 100 prisoner cases).²³ Project staff reviewed MiCSES statewide system data to gather information not reported contained in State Case Registry (modification dates, case notes, reasons for modification, etc.).

To gather case and hearing data, pilot counties provided a report on every modification hearing involving an incarcerated parent. Those hearing reports contained information regarding the case, petitioner, IVT and telephone conferencing, timeliness, and disposition.

To gather information on Law Clinic Representation Group cases, participating law school clinics provided regular reports. Law Clinic reports contained information on prisoner responses, retainer agreements, motions filed, hearings held, and orders issued.

²³ The representative sample consists of 990 randomly selected incarcerated parent cases, which produces results with an accuracy of $\pm 3\%$.

Accomplishments

Statewide, support orders were modified in 3,370 prisoner cases. The total initial charges in modified cases were \$738,898 per month. Following modification the total charges were reduced to \$64,810. On average, modifications reduced monthly charges from \$220 per month to \$19. Over the next year, these modifications prevent the accumulation of over \$8,150,000 in uncollectible past-due support and surcharge.

In pilot counties, 367 hearings were conducted where the prisoner appeared by telephone conferencing or interactive video teleconferencing technology. MDOC estimates that its department saves at least \$170 per hearing when prisoners “attend” without the need for transport. The remote participation in pilot county hearings saved the State over \$60,000 in transportation and prisoner escort costs.

The project offered prisoners free legal representation to modify support obligations in 838 cases by having prisoners request assistance from law clinics at Michigan State University Law School and Wayne State University Law School. Supervised by a licensed attorney, law students gained valuable experience in preparing cases and representing clients.

The project developed prisoner-friendly materials for inmates to use to modify their support obligations without the need to hire an attorney.²⁴ The materials included easy-to-understand instructions with simplified *pro per* forms. These forms and instructions were sent to 933 cases for prisoners to use to initiate and represent themselves at legal proceedings.

The project established new working relationships between MDOC, SCAO, and OCS. The agencies have begun working together on child support issues related to planning for prisoners re-entering society following release from incarceration.

²⁴ The self-representation forms include: Prisoner Motion to Modify Support *In Pro Per*, Prisoner Affidavit and Order For Suspension Of Fees/Costs *In Pro Per*, Notice Of Hearing And Request For Prisoner Participation In Court Proceedings, and Information Addendum. See Attachment 2: Self-Representation Package on page 28.

Recommendations/Lessons Learned

This project identified several important issues, as well as a number of recommendations to consider when designing and implementing processes related to prisoners and child support modification.

The three most important lessons that this project identified are: (1) to the extent possible, do not rely on prisoner communication or responses to initiate review and modification of an incarcerated parent's support obligation; (2) utilizing administrative processes to review and holding hearings only when a party objects to a proposed outcome modifies orders faster and reduces the number of support modification hearings; (3) in large part, success of any incarcerated-parent related project depends on the cooperation and assistance from corrections officials.

In setting up and running this project, the SCAO recommends considering several issues when implementing a similar program.

Because they manage physical control over and communication with inmates, as well as having extensive knowledge of their population, corrections agencies can be invaluable in establishing any processes or procedures involving prisoners.

More and more frequently, many organizations rely on citizens accessing information and forms using the Internet. The reasoning goes that even if people do not personally have access in their home, they will have Internet access at work or available at a public library. Whether for security concerns, avoiding potential abuses, or due to costs, most prisoners do not have access to the Internet. A prisoner-related program should check with corrections officials before relying on inmates accessing the Internet to acquire forms or information, or to find agency addresses, etc.

Correctional agencies also likely have policies related to prisoner access to a telephone. Prisoners do not usually have direct access to a phone, and likely will need to make special arrangements to place or receive a call. We also learned that prisoners were not allowed to call toll-free phone numbers.

Correctional agencies also have policies and restrictions regarding receiving and sending mail. To reduce the screening time and speed the handling of mail, MDOC suggested not using

staples, paperclips, envelopes with metal clasps, etc. To move legal pleadings or notices through an expedited screening process, MDOC requires the envelope be clearly labeled as “Legal Mail”. If a communication anticipates a reply, response rates improved by including a pre-addressed return envelope; however, per MDOC return envelopes should not include postage stamps.

Given the restrictions on access to information and communications, and prisoners’ constrained ability to respond quickly, to the extent possible, minimize what the prisoner must complete. For instance, a prisoner may have difficulty completing a blank form because he may not know and does not have easy access to find case identification information (case number, caption, etc), an agency’s or individual’s address, or determine which person is a plaintiff or defendant. When possible include required information when communicating with a prisoner, preferably by merging the case and address information into the appropriate fields on a form, pre-addressing a reply envelope, etc.

Although a majority of prisoners are, not every prisoner is indigent. To prevent the rejection of a motion due to missing filing fees, presume indigence until a determination can be made. If the prisoner is not indigent, assess the fees following the hearing. At a minimum, forms packages can include a motion to have fees waived. To prevent an incarcerated parent with the ability to pay child support from stopping his support obligation, or to prevent a prisoner without the ability from having to pay a support obligation, each prisoner’s obligation needs to be based on his actual assets or income.²⁵

When identifying which electronic means of accepting remote testimony from a prisoner to use, consider the technical specifications and availability of equipment in the correctional facilities and courtrooms, as well as the court’s ability to create a legal record of the proceedings.

²⁵ During this project a small number of prisoners were found owning assets or real property, or receiving regular payments from pensions, trusts, and lawsuit settlements

Attachments

Note: Attachments 1-3 do not contain real case information. The individual names and other pieces identifying information are fictitious

Attachment 1: Law Clinic Package

Law Clinic Cover Letter



Michigan Supreme Court
State Court Administrative Office
Prisoner Support Adjustment Project
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909

March 25, 2005

SANDERSON, JOEL Q # 5182266
LAKE SANDERS MEN'S CORRECTIONAL FACILITY
141 First Street
Coldwell, MI 49991

You have been chosen, as one of a limited number, to participate in a special project called the Prisoner Support Adjustment Project. Under a grant administered by our office, we are sending you two forms to fill out to help you get legal representation in changing your child support order.

It is important that you request a change in your support order. If you change your support order now, you may owe less money when you are released.

Reducing your support may not mean that you will owe nothing. Your support will be set based on your current circumstances.

You need to fill out these forms to start the process. We have provided some information, but you need to follow the instructions and finish filling out the forms as best as you can:

- Request for Law Clinic Services
- Prisoner Information Addendum

You need to send the completed forms and a prisoner account statement to:

MSU Child Welfare Law Clinic
541 E. Grand River Avenue
East Lansing, Michigan 48823

Thank you for your participation in this project.

Prisoner Request for Law Clinic Services

If you would like the MSU Child Welfare Law Clinic to assist you in adjusting your child support order, you must:

1. Fill out your Name
2. Fill out your Offender Number
3. Fill out the Correctional Facility’s Name and Address
4. Fill out the County Name where you were ordered to pay support
5. Fill out the Case Number related to your child support case
6. Sign and date this form
7. Complete the enclosed Prisoner Information Addendum
8. **Return this Form and the filled out Prisoner Information Addendum to:**

MSU Child Welfare Law Clinic
541 E. Grand River Avenue
East Lansing, Michigan 48823

- ***Do not send any paperwork to the law clinic that is unrelated to your child support case.***

1. Prisoner Name SANDERSON, JOEL Q	2. Offender Number # 5182266
3. Correctional Facility Name and Address	
4. County that Ordered Child Support Kent	5. Case No. 2002010101-DP

I request MSU Child Welfare Law Clinic’s services, which may include representation, to assist me in changing my child support order.

Date

Prisoner Signature

Law Clinic – Prisoner Information Addendum

Approved for use in pilot, SCAO

Original - Court
Copy - Friend of the Court

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PRISONER INFORMATION ADDENDUM	CASE NO.
--	--------------------------------------	-----------------

Plaintiff's name	v	Defendant's name
Attorney:		Attorney:

GENERAL INFORMATION

Full name (last, first)	Date of birth	Offender number	Sex (optional) <input type="checkbox"/> M <input type="checkbox"/> F	Race (optional)
Last address before incarceration				
Date current sentence started	Earliest release date	Contacted the friend of the court to modify child support during this period of my incarceration. <input type="checkbox"/> Yes Date of contact: _____ <input type="checkbox"/> No		
Dependent children in this case (name(s) and date(s) of birth) Also check whether incarcerated for a crime against any of your children. <input type="checkbox"/> Yes <input type="checkbox"/> No				
1.				
2.				
3.				
4.				

INCOME/ASSET, WORK, AND EXPENSE INFORMATION

Employed by _____ Name of employer	
<input type="checkbox"/> Prison at \$ _____ week	<input type="checkbox"/> _____ at \$ _____ hour for _____ hours per pay period
Other income sources:	
\$ _____ profit sharing	\$ _____ interest
\$ _____ annuities	\$ _____ pension
\$ _____ trust fund	\$ _____ rental income
\$ _____ dividends	\$ _____ deferred compensation
\$ _____ royalties	\$ _____ Individual retirement account
Bank accounts	
\$ _____ checking	\$ _____ savings
Land (estimated value of all land) \$ _____	
Vehicles (estimated value and type of vehicle) \$ _____ \$ _____	

Name and address of last employer	
Dates of employed by above employer from: _____ to: _____	Reason for leaving above employer
Earnings paid by above employer each pay period before taxes \$ _____ every _____	Medical conditions that affect ability to work (specify)
Educational level <input type="checkbox"/> Less than high school <input type="checkbox"/> High school graduate/GED <input type="checkbox"/> Trade school <input type="checkbox"/> Associate degree <input type="checkbox"/> Bachelor degree <input type="checkbox"/> Graduate degree	
Child/Spousal support orders from other cases	Case number City County State
\$ _____ every _____	_____
Rent \$ _____ every _____	Vehicle payment \$ _____ every _____
Mortgage payment \$ _____ every _____	Other \$ _____ every _____

INFORMATION AS TO CHILD'S CUSTODIAN (if known)

Full name of custodian (last, first)	Date of birth of custodian
Last known address of custodian	Last known telephone number of custodian
The child's custodian has a "no contact" or personal protection order against me <input type="checkbox"/> Yes <input type="checkbox"/> No	I was convicted of domestic violence or sexual assault related crimes against this child's custodian <input type="checkbox"/> Yes <input type="checkbox"/> No

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date _____ Signature _____

Attachment 2: Self-Representation Package
Self-Representation Cover Letter



Michigan Supreme Court
State Court Administrative Office
Prisoner Support Adjustment Project
Michigan Hall of Justice
P.O. Box 30048
Lansing, MI 48909

March 28, 2005

WALTER, LEO # 1153288
NEWBERG CORRECTIONAL FACILITY
3001 Newberry Avenue
Newberg, MI 49868

You have been chosen, as one of a limited number, to participate in a special project called the Prisoner Support Adjustment Project. Under a grant administered by our office, we are sending you forms that should help you change your child support order.

It is important that you request a change in your support order. If you change your support order now, you may owe less money when you are released. Reducing your support may not mean that you will owe nothing. Your support will be set based on your current circumstances.

You need to fill out these three (3) forms to start the process. We have provided some information, but you need follow the instructions and finish filling out the forms as best as you can:

- Prisoner Motion to Modify Support
- Prisoner Affidavit and Order for Suspension of Fees/Costs
- Prisoner Information Addendum
- * **DO NOT write on the** Notice of Hearing and Request for Prisoner Participation. **This form will be filled out by the court.**

In one envelope, you need to mail the filled out 1) Prisoner Motion to Modify Support, 2) Prisoner Information Addendum, & 3) Prisoner Affidavit for Suspension of Fees/Costs; also include in this envelope the 4) Notice of Hearing and Request for Prisoner Participation form AND a prisoner account statement. Mail to:

Clerk of the Court
Saginaw County Courthouse
111 S. Michigan Ave.
Saginaw, MI 48602

Thank you for your participation in this project.

PRISONER MOTION TO MODIFY SUPPORT

Complete this form by filling out all the following information. Use your court papers from your child support case to complete the top half of the form.

If you don't have your court papers, you may request the information you need to complete this form by writing to either the Friend of the Court in the county where your case was originally filed or to the Central Functions Unit, Office of Child Support, P.O. Box 30478, Lansing, MI 48909. Make sure you ask for the plaintiff and defendant names, the court case number, the name of the court, the court address, and the court telephone number.

Starting in the left-hand corner of the form:

- Write in the judicial circuit number and the county name.
- If you are filing the forms without the help of an attorney, check the "In Pro Per" box under the title of the form.
- Write in the case number.
- Write in the court address and telephone number.
- Write in the plaintiff name and defendant name only. Just because you are requesting a change does not make you the plaintiff. The person that started the original case is the plaintiff.
- Since you are requesting the change in your child support, check the box that says "moving party" next to your name.
- Do not fill in the plaintiff or defendant addresses- the court will do this.
- In item 1, write in the **total** amount you were ordered to pay (add together the current support, child care, and health care amounts) and how often you were to pay it. (every week or every monthly). Write "unknown" in each blank for which you don't know the information requested.
- Check box 5a if you and the other party do not both agree to a change in child support. If you check this box, DO NOT check box 5b.
- Check box 5b and write in the name of the other party if you and the other party have both agreed to a change in child support and the **Uniform Child Support Order** (form FOC 10/52) has been completed and signed by both of you. Make sure order is filled in properly, especially the listing of the child support amount agreed upon by you and the other party. Attach the completed and signed Uniform Child Support Order to this motion.
- Date and sign this form.
- File this form with the court along with the \$20.00 motion fee. If you cannot afford the motion fee, complete the Prisoner Affidavit and Order for Suspension of Fees/Costs (form FOC 111) and attach it to this form.

Attach a completed **Prisoner Information Addendum** (form FOC 110) and a copy of your prisoner account statement.

Prisoner Motion To Modify Support In Pro Per

Approved for use in pilot, SCAO

Original- Court
1st copy- Plaintiff
2nd copy- Defendant
3rd Copy- Friend of the Court

<p>STATE OF MICHIGAN 10th Circuit Court Saginaw County</p>	<p>PRISONER MOTION TO MODIFY SUPPORT IN PRO PER</p>	<p>CASE NO. 1985-121910-DP</p>
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Court Address:
Courthouse 111 S. Michigan Ave. Saginaw, MI 48602

Court telephone no.

Plaintiff's name, address and telephone no. _____ Moving Party
WILSON, CASSIDY

V

Defendant's name, address and telephone no. _____ Moving Party
WALTER, LEO

Third Party's name, address and telephone no.

1. The most recent court order for child support is dated 12/29/1997.
Month, day, and year
2. I am ordered to pay \$ 271.00 every month.
3. Conditions as to the child support have changed, and due to my incarceration, I cannot pay the amount ordered.
4. Attached are a complete Prisoner Information Addendum and a prisoner account statement listing my income and assets.

5. I REQUEST that the court enter

- a. an order that changes my child support to an appropriate amount based on my ability to pay while I am in prison as well as after my release. I also request that the court allow my participation in the hearing on this motion by telephone or other electronically reliable means as permitted by MCR 3.210(A)(4) of 3.215(D)(3).
- b. the attached Uniform Child Support Order agreed to by me and _____
Name of other party

_____ Date

_____ Signature

NOTE: If you are the non-moving party, you can respond to this motion without and attorney by completing form FOC 51 and filing it with the court. Contact the Friend of the Court office to request the form.

Instructions to Suspend Fees and Costs

PRISONER AFFIDAVIT AND ORDER FOR SUSPENSION OF FEES/COSTS

Complete this form by filling in all the following information. Use your court papers from your child support case to complete the top half of the form.

If you don't have your court papers, you may request the information you need to complete this form by writing to either the Friend of the Court in the county where your case was originally filed or to the Central Functions Unit, Office of Child Support, P.O. Box 30478, Lansing, MI 48909. Make sure you ask for the plaintiff and defendant names, the court case number, the name of the court, the court address, and the court telephone number.

Starting in the left-hand corner of the form:

- Write in the judicial circuit number and the county name.
- If you are filing the forms without the help of an attorney, check the "In Pro Per" box under the title of the form.
- Write in the case number.
- Write in the court address and telephone number.
- Write in the plaintiff name and defendant name only. Just because you are requesting a change does not make you the plaintiff. The person that started the original case is the plaintiff.
- Do not fill in the plaintiff or defendant addresses- the court will do this.
- Under the **Affidavit**, write in your name and your prisoner offender number.
- In item 1, check the box that applies to you- check only one box.
- Take this form to a notary public so that the notary can see you sign the form. Your counselor or ARUM can assist you with this.
- After the notary takes your oath, sign the form. After you sign the form, the notary will date and sign under your name.
- Attach this form to your **Prisoner Motion to Modify Support** (form FOC 109).

The court will complete the **Order**.

Affidavit and Order to Suspend Fees and Costs

Approved for use in pilot, SCAO

Original- Court
1st copy- Plaintiff
2nd copy- Defendant
3rd Copy- Friend of the Court

STATE OF MICHIGAN
10th Circuit Court
Saginaw County

**PRISONER AFFIDAVIT AND ORDER FOR
SUSPENSION OF FEES/COSTS
IN PRO PER**

CASE NO.
1985-121910-DP

Court Address:
Courthouse, 111 S. Michigan Ave., Saginaw, MI 48602

Court telephone no.

Plaintiff's name, address and telephone no.
WILSON, CASSIDY

V

Defendant's name, address and telephone no.
WALTER, LEO

AFFIDAVIT

I, WALTER, LEO, # 1153288 state:

1. I am currently incarcerated and ___ have no income ___ have a reduced income and a limited ability to earn income.
2. I am unable to pay the fees and costs of this action because of indigence and ask the court to suspend them.
3. I understand that the court may order me to repay the fees and costs if the reason for the waiver or suspension no longer exists.

(You must sign the affidavit in the presence of a notary)

Prisoner signature

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Notary Public

Notary Public, State of Michigan, County of _____

(The Order is completed by the court)

ORDER

IT IS ORDERED:

- ___ 4. The fees and costs required in this action are waived/suspended until further order of the court.
- ___ 5. This application is denied.

Date

Judge

Bar no.

Notice / Request for Prisoner Participation in Hearing

Approved for use in pilot, SCAO

Original- Court
1st copy- Plaintiff
2nd copy- Defendant
3rd Copy- Friend of the Court

<p>STATE OF MICHIGAN 10th Circuit Court Saginaw County</p>	<p>NOTICE OF HEARING AND REQUEST FOR PRISONER PARTICIPATION IN COURT PROCEEDINGS</p>	<p>CASE NO. 1985-121910-DP</p>
---	---	---

Court Address:
Courthouse 111 S. Michigan Ave. Saginaw, MI 48602

Court telephone no.

Plaintiff's name
WILSON, CASSIDY

Attorney:

V

Defendant's name
WALTER, LEO

Attorney:

Facility name, address, and telephone no.

A hearing will be held on a motion filed by WALTER, LEO, # 1153288:

Date: _____

Time: _____

Place: _____

Judge/Referee: _____ Bar no. _____ Referee

TO: The warden or supervisor of the facility where the prisoner is presently located.

1. You are requested to place a hold on the prisoner until the conclusion of this hearing.
2. You are requested to allow this prisoner to participate with the court in this hearing through telephone or video-conference.
3. The court will contact you on the specific date and time to initiate this hearing.
4. After receiving the court's contact call, the Department of Corrections is requesting to facilitate the hearing by contacting

_____ at _____
Name of contact Telephone number

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this notice of hearing and the Prisoner to Modify Support to the parties by first class mail addressed to their last known addresses as defined by MCR 3.203 and to the warden or supervisor at the facility where the prisoner is incarcerated.

_____ Date

_____ Signature

Prisoner Information Addendum

Approved for use in pilot, SCAO

Original - Court
Copy - Friend of the Court

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PRISONER INFORMATION ADDENDUM	CASE NO.
--	--------------------------------------	-----------------

Plaintiff's name	v	Defendant's name
Attorney:		Attorney:

GENERAL INFORMATION				
Full name (last, first)	Date of birth	Offender number	Sex (optional) <input type="checkbox"/> M <input type="checkbox"/> F	Race (optional)
Last address before incarceration				
Date current sentence started	Earliest release date	Contacted the friend of the court to modify child support during this period of my incarceration. <input type="checkbox"/> Yes Date of contact: _____ <input type="checkbox"/> No		
Dependent children in this case (name(s) and date(s) of birth) Also check whether incarcerated for a crime against any of your children. <input type="checkbox"/> Yes <input type="checkbox"/> No				
1. _____				
2. _____				
3. _____				
4. _____				

INCOME/ASSET, WORK, AND EXPENSE INFORMATION				
Employed by		Name of employer		
<input type="checkbox"/> Prison at \$ _____ week	<input type="checkbox"/> _____ at \$ _____ hour for _____ hours per pay period			
Other income sources:				
\$ _____ profit sharing	\$ _____ interest	\$ _____ dividends	\$ _____ royalties	
\$ _____ annuities	\$ _____ pension	\$ _____ deferred compensation	\$ _____	
\$ _____ trust fund	\$ _____ rental income	\$ _____ Individual retirement account	\$ _____	
Bank accounts			Land (estimated value of all land)	
\$ _____ checking	\$ _____ savings	\$ _____	\$ _____	
Vehicles (estimated value and type of vehicle)				
\$ _____ \$ _____ \$ _____				
Name and address of last employer				

Dates of employed by above employer		Reason for leaving above employer		
from: _____ to: _____				
Earnings paid by above employer each pay period before taxes		Medical conditions that affect ability to work (specify)		
\$ _____ every _____				
Educational level				
<input type="checkbox"/> Less than high school <input type="checkbox"/> High school graduate/GED <input type="checkbox"/> Trade school <input type="checkbox"/> Associate degree <input type="checkbox"/> Bachelor degree <input type="checkbox"/> Graduate degree				
Child/Spousal support orders from other cases		Case number	City	County State
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
Rent	Vehicle payment	Mortgage payment	Other	
\$ _____ every _____	\$ _____ every _____	\$ _____ every _____	\$ _____ every _____	

INFORMATION AS TO CHILD'S CUSTODIAN (if known)	
Full name of custodian (last, first)	Date of birth of custodian
Last known address of custodian	Last known telephone number of custodian
The child's custodian has a "no contact" or personal protection order against me <input type="checkbox"/> Yes <input type="checkbox"/> No	I was convicted of domestic violence or sexual assault related crimes against this child's custodian <input type="checkbox"/> Yes <input type="checkbox"/> No

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date _____ Signature _____

Attachment 3: Request Support Review Package
Request FOC Review Cover Letter



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-5975

February 28, 2005

ROBBINS, OTIS L. # 1310055
HIAWATHA FOREST CORR. FACILITY
4533 Industrial Parkway
Kinchwell, MI 49986-0001

Under a grant administered by our office, we are sending you two forms to fill out that will allow you to request a review of your child support order(s).

It is important that you request a change in your support order. If your support order is changed now, you may owe less money when you are released.

Reducing your support may not mean that you will owe nothing. Your support will be set based on your current circumstances.

You need to fill out the enclosed forms to request a Friend of the Court statutory review. You need to follow the instructions and complete the forms as best as you can.

- Prisoner Request for Friend of the Court Review of Child Support Order
- Prisoner Information Addendum

You need to send the completed forms and a prisoner account statement to:

Ingham County Friend of the Court
P O BOX 40097, 303 W. Kalamazoo
Lansing, MI 48901-7971

Thank you for your participation in this project.

Request for FOC Support Review Form

Request for Friend of the Court Review of Child Support Order

If you would like the Ingham County Friend of the Court to review your Ingham County child support order, you must:

1. Verify your Name
2. Verify your Offender Number
3. Fill out the Correctional Facility's Name and Address
4. Verify the County name where you were ordered to pay support
5. Verify or add any Case Number(s) related to your Ingham County child support cases
6. Sign and Date this form
7. Complete the enclosed Prisoner Information Addendum
8. **Return this form and the filled out Prisoner Information Addendum and a copy of your prisoner account statement to:**

Ingham County Friend of the Court
P O BOX 40097, 303 W. Kalamazoo
Lansing, MI 48901-7971

- ***Do not send any paperwork to the Friend of the Court that is unrelated to your child support case.***

1. Prisoner Name ROBBINS, OTIS L	2. Offender Number # 1310055
3. Correctional Facility Name and Address	
4. County that Ordered Child Support Ingham County	5. Case No. 1997-179684-DP

I request that the Ingham County Friend of the Court conduct a review of my child support order(s).

Date

Prisoner Signature

Prisoner Information Addendum

Approved for use in pilot, SCAO

Original - Court
Copy - Friend of the Court

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PRISONER INFORMATION ADDENDUM	CASE NO.
--	--------------------------------------	-----------------

Plaintiff's name	v	Defendant's name
Attorney:		Attorney:

GENERAL INFORMATION				
Full name (last, first)	Date of birth	Offender number	Sex (optional) <input type="checkbox"/> M <input type="checkbox"/> F	Race (optional)
Last address before incarceration				
Date current sentence started	Earliest release date	Contacted the friend of the court to modify child support during this period of my incarceration. <input type="checkbox"/> Yes Date of contact: _____ <input type="checkbox"/> No		
Dependent children in this case (name(s) and date(s) of birth) Also check whether incarcerated for a crime against any of your children. <input type="checkbox"/> Yes <input type="checkbox"/> No				
1. _____				
2. _____				
3. _____				
4. _____				

INCOME/ASSET, WORK, AND EXPENSE INFORMATION				
Employed by		Name of employer		
<input type="checkbox"/> Prison at \$ _____ week	<input type="checkbox"/> _____ at \$ _____ hour for _____ hours per pay period			
Other income sources:				
\$ _____ profit sharing	\$ _____ interest	\$ _____ dividends	\$ _____ royalties	
\$ _____ annuities	\$ _____ pension	\$ _____ deferred compensation	\$ _____	
\$ _____ trust fund	\$ _____ rental income	\$ _____ Individual retirement account	\$ _____	
Bank accounts				Land (estimated value of all land)
\$ _____ checking	\$ _____ savings	\$ _____	\$ _____	
Vehicles (estimated value and type of vehicle)				
\$ _____ \$ _____ \$ _____				
Name and address of last employer				

Dates of employed by above employer from: _____ to: _____		Reason for leaving above employer		
Earnings paid by above employer each pay period before taxes \$ _____ every _____		Medical conditions that affect ability to work (specify)		
Educational level				
<input type="checkbox"/> Less than high school <input type="checkbox"/> High school graduate/GED <input type="checkbox"/> Trade school <input type="checkbox"/> Associate degree <input type="checkbox"/> Bachelor degree <input type="checkbox"/> Graduate degree				
Child/Spousal support orders from other cases		Case number	City	County State
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
\$ _____ every _____				
Rent \$ _____ every _____	Vehicle payment \$ _____ every _____	Mortgage payment \$ _____ every _____	Other \$ _____ every _____	

INFORMATION AS TO CHILD'S CUSTODIAN (if known)	
Full name of custodian (last, first)	Date of birth of custodian
Last known address of custodian	Last known telephone number of custodian
The child's custodian has a "no contact" or personal protection order against me <input type="checkbox"/> Yes <input type="checkbox"/> No	I was convicted of domestic violence or sexual assault related crimes against this child's custodian <input type="checkbox"/> Yes <input type="checkbox"/> No

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date _____ Signature _____

Attachment 4: Model Local Administrative Order

State Court Administrative Office (rev. 12/04)
Model Local Administrative Order 25 - Prisoner Support Adjustment Project

[LOCAL COURT LETTERHEAD]

Administrative Order [year]-[number]

Participation in the Prisoner Support Adjustment Project

The State Court Administrative Office (SCAO) received a federal grant to conduct a study of ways to overcome procedural barriers related to court access and case processing for prisoners needing a reduction in child support. As part of the study, the SCAO has developed new methods, procedures, and forms for processing support-related motions by prisoners.

This court agrees to participate in the Prisoner Support Adjustment Project (PSAP) and adopts this order to facilitate its participation.

IT IS ORDERED:

Scope and Applicability of Order

1. **Duration of Project.** Beginning on [insert date], and in effect until [insert date], or as further ordered, [insert local court number] will participate as a pilot court in the PSAP.
2. **Actions to which this Order Applies.** This order applies to support modification proceedings involving support payers incarcerated by the Michigan Department of Corrections during this court's participation in this project.
3. **Use of Electronic and Video Communications.**
 - a. In the interest of safety and expense, this court adopts [ISDN compatible two-way interactive video OR telephonic teleconference] as the preferred electronic means of accepting testimony under MCR 3.210(A)(4) and MCR 3.215(D)(3) from an incarcerated parent in support modification or establishment proceedings.
 - b. To the extent possible, this court will accept an incarcerated parent's electronic testimony from correctional facilities in proceedings, including but not limited to, those resulting from:
 - i. motions initiated by prisoner parent-payers to modify support during the period of incarceration,
 - ii. a friend of the court initiated review, or
 - iii. motions initiated by an approved law clinic to represent prisoners in these proceedings.
4. **Authorization for Law Students to Appear in PSAP Actions.** This court, under MCR 8.120(D)(3), approves the appearance of law students from the [Michigan State University or Wayne State University] law school clinic to represent incarcerated parents in PSAP actions.
5. **Scheduling Hearings.** All hearings on support actions involving persons incarcerated under the Michigan Department of Corrections shall be scheduled as follows:

- a. Only hearing rooms containing equipment approved by the SCAO for this project shall be used for hearings.
 - b. Notwithstanding any previous case assignment, all prisoner hearings shall be assigned to a hearing officer who is familiar with the use of interactive video or telephonic or teleconferencing equipment and who has been through an orientation concerning this project.
 - c. All hearings shall be held during dedicated blocks of time for hearing prisoner-parent support modification matters, and conclude by 4:00 p.m.
6. **SCAO Forms Sufficient to Initiate Action.** This court accepts the SCAO approved motion and forms as sufficient to initiate prisoner support modification proceedings and does not require any additional local forms.
7. **Waiver of Filing Fees and Order Entry Fees.** The court presumes that all incarcerated parents participating in this project are indigent. The court suspends all fees associated with filing motions and entering orders by an incarcerated parent until after entry of the order. At the hearing, the court may order the fees paid.
8. **Providing Information.** Court and friend of the court staff shall provide information to the SCAO and law clinics involved in the project as follows:
- a. Upon request, the friend of the court office shall provide the law clinic representing a prisoner with information, including the parties' addresses for service, as allowed by MCR 3.218.
 - b. The friend of the court office shall assist the SCAO in obtaining information concerning PSAP cases, including compiling data necessary for evaluation of the project and providing access to confidential records and information necessary to conduct and assess it.
9. **Processing Prisoner Pro Per Pleadings**
- a. When the clerk of the court receives SCAO approved motions from prisoners representing themselves, the clerk shall file the pleadings and forward copies to the [court's designee]
 - b. The [court's designee] shall review the prisoner's forms and assure that all necessary forms have been received, and
 - i. if the prisoner has submitted the required forms, review the pleadings for completeness;
 - ii. if the prisoner fails to file a motion or fails to provide sufficient information to identify a specific case, contact the prisoner with an explanation of why the forms cannot be processed and provide a copy of the explanation to the clerk's office for filing; and
 - iii. if the forms are adequately completed, schedule the support hearing.
10. **Scheduling Prisoner Pro Per Hearings.** The [court's designee] shall schedule the hearing and process the pleadings by doing the following:
- a. Coordinate hearings involving prisoners in the same facility:
 - i. verify the prisoner's current correctional facility by accessing OTIS;

- ii. group the hearings for prisoners housed in the same facility to be heard consecutively - maximum size 10 prisoners per group; and
 - iii. complete the notice of hearing section of the form.
 - b. Insert each party's mailing address for service of the forms:
 - i. utilize OTIS to find which facility currently houses the prisoner, and use the prisoner's name, inmate number, and current facility's name and address as the prisoner's mailing address for service;
 - ii. for other parties, utilize the address consistent with MCR 3.203(C);
 - iii. determine whether the prisoner party shall have access to custodial parent's address based on the family violence indicators already assessed for the original support order; and
 - iv. confidential addresses per MCR 3.218 will not be included on copy sent to parties or in other documents contained within the court file.
 - c. In a manner consistent with MCR 3.203, mail copies of all the forms to all parties and their current attorneys, if appropriate, and to the warden or supervisor of the facility where the prisoner resides.
11. **Law Clinic Cases.** Upon request by the law school clinic, the [court's designee] shall provide a hearing date and time scheduled during the times reserved for prisoner support modification hearings. To the extent practicable, law school clinic prisoner cases should be grouped with hearings of prisoners from the same facility.
12. **Docket Coordination with MDOC.**
- a. If the court schedules multiple hearings at the same time, any hearings involving an incarcerated party shall be heard first.
 - b. If hearings are running behind schedule, [court's designee] shall contact the facility within ten minutes of the scheduled time to provide notice of the delay.
 - c. Shortly before the time that the court will hear matters involving prisoners at a particular facility, [person/role] shall call the [IVT contact] for that facility and request that the DOC [initiate the connection to the courtroom's IVT, or place a call to the courtroom's teleconference line]. Upon being contacted by the court, the DOC shall initiate the electronic communication.
13. **Entry and Service of the Order.** The [referee or court designee] shall prepare the proposed order or referee findings and recommendations

Effective Date: _____

Date: _____ Chief Judge Signature: _____