

## The Judicial Data Warehouse

The Judicial Data Warehouse (JDW) is a repository containing case and party information gathered from nearly all the Michigan trial courts. Friends of the court (FOCs) have free access to the database, which can help locate parties in a case, identify a person's case/court history, and identify incarcerated parties, among other things.

In 2002, the Michigan Child Support Enforcement System (MiCSES) began operating statewide, providing a single resource where FOC staff can find information about cases across the state. This means that if an FOC working on a case in Monroe County has a parent in common with the FOC in Gogebic County (over 600 miles to the northwest), both offices can easily share information about that parent. Having all the data about people involved in FOC cases in one place is a valuable tool.

But while each of Michigan's more than 240 courts must use a case management system to track cases, there is no single statewide system used by each circuit, district, and probate court. This is where the JDW comes into play.

The JDW is not the same thing as the data warehouse currently accessed by FOC staff through the business objects program. Rather, the JDW is a judicial database that records information about all Michigan circuit, district, and probate court filings – information that does not exist in the data warehouse.

JDW information includes:

- case information, including case number, type of case, case filing date, disposition, judge, and court of jurisdiction.
- party demographic information, including address history and party type.
- offense, including the statutory violation and police agency where applicable.
- sentencing details, including confinement location.
- financial information if available, including the amount ordered to be paid (fines, costs, restitution – but usually not amounts due on domestic relations cases), how much has been paid, and how much is still owed.

The data in the JDW is maintained exactly as the data is entered by the trial court, so variances in recording information from one court to another are something a user must consider when analyzing large amounts of data. However, the JDW is able to match recognizable

information (i.e., name, date of birth, social security number, etc.) with information provided by the Secretary of State, Department of Corrections, and Department of Human Services. Data-sharing agreements allow the JDW to show driver's license information, inmate and parole information, and some staff can also see out-of-home placement information. There is currently no data-sharing agreement between the JDW and MiCSES, which means that information on FOC cases is usually limited to the parents and the court-order number.

By using the matching capability of the JDW, FOCs can do the following.

- Locate parties in a case. Address history is maintained and listed by court case filing date. Parole and probation information is updated more frequently as well.
- Determine an individual's court history or see whether an individual has an open case in another court. This is not limited to criminal convictions and includes all criminal, civil, and probate filings. Even traffic tickets handled by the court are maintained for a period of time.
- Run a Bi Query report currently not available to FOCs.
- Compare parents of children in an abuse and neglect case with parents in an FOC case. Children in these cases are likely to be placed out of the home and an identification of these children may lead to more efficient notification about when a support obligation may need to be redirected.

- Identify incarcerated litigants. If a parent is incarcerated, the FOC may obtain this information if submitted by the original court and take appropriate action.

To relieve storage space congestion, the JDW only

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## The Judicial Data Warehouse

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maintains some information for a limited period of time. For example, infractions and parking tickets will only be loaded to the JDW if they have a case filing date within the past seven years. Civil, criminal, and traffic ticket cases will be loaded to the JDW if they have a case filing date within the past 50 years. Probate cases are loaded to the JDW if they have a case filing date within the past 150 years.

Because of confidentiality concerns, the JDW does not include data on adoptions, secret marriages, wills for safekeeping, witnesses, victims, expunged cases, and purged cases. Data not converted from a former case management system to a current case management system is also unavailable on the JDW.

To access the JDW, FOC staff should obtain a "JDW Security New User Account Form," which is available at <https://nsa.courts.michigan.gov>. Access to the JDW is available at no cost to FOC personnel.

For more information, contact Angel Sorrells at [angela.sorrells@optum.com](mailto:angela.sorrells@optum.com).

### 2012 Grant Opportunity Forecast

► **Parenting Time Opportunities for Children in the Child-Support Program:** This project will strive to develop, implement, and evaluate service delivery models to establish parenting-time orders along with child-support orders. The project period is four years with demonstration grant funds providing child-support agencies with the opportunity to plan and pilot strategies to establish parenting-time responsibilities and related access and visitation services in coordination with the child-support program and to fund thorough evaluation of the pilot program. Family violence safeguards will be required, as will coordination with the state access and visitation program.

More information can be found at [http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=38214](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=38214)

► **National Child Support Noncustodial Parent Employment Demonstration Project:** This project will develop and implement programs that provide employment services to noncustodial parents in the child-support system as part of a national demonstration framework. These child support-led employment programs will include the following components: 1) case management; 2) employment-oriented services that include job placement and retention services; 3) fatherhood/parenting activities using peer support; and 4) child-support order modification programs to reduce child-support debt owed to the state and help with parenting plans. Incentives to encourage noncustodial parents to work and pay child support are also of interest. The grant period is five years, with the first year being a planning year devoted to start-up and development of the program design, years two through four providing services, and year five being OCSE evaluation, close-out, and sustainability work.

More information can be found at [http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=38207](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=38207)

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

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## Enforcing State Child-Support Orders In Tribal Courts

BY INDIGENOUS LAW AND POLICY CENTER, MICHIGAN  
STATE UNIVERSITY COLLEGE OF LAW <sup>1</sup>

Ensuring payment of child support to protect children's needs is an important goal of everyone who works with children and families. This is no less true for children of Indian tribes in Michigan. In fact, the value of children to their tribes is immeasurable and, in some cases, children's rights are protected in their tribe's constitution. As Michigan tribes employ a significant and increasing percentage of the work force throughout the state, enforcing child-support orders involves friends of the court going to the tribes directly for wage garnishment and potential per capita garnishment.

In 1996, Michigan adopted the Uniform Interstate Family Support Act, MCL 552.1101 et seq., which allows for the enforcement of tribal orders in state court for child support in the same manner as out-of-state orders. (MCL 552.1104.) However, the enforcement of state orders in tribal court is a different matter. Much in the same way an Ohio court cannot order Michigan to garnish one of its state employee's wages, Michigan courts cannot order a tribe to garnish a tribal employee's wages. Because tribes are sovereign entities, they are not obligated to comply with a state court order, nor are they subject to state court jurisdiction. In order for a tribe to enforce a state court order, a party or the friend of the court (FOC) must seek recognition and enforcement of the order in accordance with tribal law and policy. There are 12 federally recognized tribes located in Michigan and each one has a separate and unique process for honoring state child-support orders.

Most tribes in Michigan require the state or a party to seek full faith and credit for the state court order through the tribal court. However, there are three exceptions: the Grand Traverse Band of Ottawa and Chippewa Indians, the Hannahville Potawatomi Indian Community, and the Sault Ste. Marie Tribe of Chippewa Indians. The Grand Traverse Band requires that copies of the state order be provided to the tribe's accounting department. To garnish wages, the state court order must be forwarded to the appropriate payroll department, either the tribal government, economic development corporation, or the resort. The tribe will garnish per capita distributions with orders regarding arrearages that have been reduced to lump-sum judgments. Although the Hannahville Indian Community does provide a per capita payment to its



membership, the tribe will only garnish wages. The tribe requires that a copy of the state court order be provided directly to the payroll department. Finally, the Sault Ste. Marie tribe does not provide a per capita payment, but will garnish wages. The tribe only requires that the petitioner provide a copy of the state court order to the accounting department.

The Bay Mills Indian Community, the Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Match-E-Be-Nash-She-Wish Band of Potawatomi Indians of Michigan (Gun Lake), and the Nottawaseppi Huron Band of Potawatomi all require the state or a party to seek full faith and credit of a support order through the tribal court before the tribe will enforce it. These tribes require that a copy of the state court order be sent to the tribal court and all four tribes have either an ordinance or court rules that govern the process. Access to the relevant portions of the Match-E-Be-Nash-She-Wish Band's website is limited to tribal citizens. If needed, copies of court rules and ordinances can be obtained through the court clerks or tribal attorneys' offices.

The remaining five tribes all have slightly different procedures in place to enforce the orders.

The Little Traverse Bay Bands of Odawa Indians does not require additional tribal court forms to be filed in order to seek enforcement. However, a copy of the state court order must be filed in the tribal court. The tribe provides its members a modest per capita distribution at the end of the year and, accordingly, imposes a November deadline for filing to seek garnishment of the distribution.

The Little River Band of Ottawa Indians requires a Registration of Foreign Support Judgment form to be filed in the tribal court with the state court order in order to garnish wages and per capita payments. The defendant is given 21 days to dispute the judgment.

The Saginaw Chippewa Indian Tribe requires that a Petition for a Show Cause Hearing for Enforcement of a Foreign Judgment and a Summons to Appear be filed with the tribal court in order to garnish wages or per capita distributions. The tribal court will then hear the matter and the party seeking enforcement is required to attend. Court forms are available on the tribe's website. The court rules and ordinances are available for purchase through the tribal court. The court also has a short instruction guide that is available upon request.

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## Military Families And Child Support

Many service members who have been ordered to pay child support are returning home after serving in Afghanistan, Iraq, and other countries. Recognizing this, the federal Office of Child Support Enforcement (OCSE) has developed a webpage dedicated to providing information to child-support professionals who work with military families.

In fact, OCSE devoted much of its December 2011 Child Support Report newsletter to child-support issues facing military families and veterans.

### THE STATISTICS

According to an OCSE's database comparison, veterans in the child-support program represent about 5 percent of the total number of noncustodial parents. OCSE also indicates that about half the states have more than 10,000 veterans in their child-support caseloads.

About half the veterans in the child-support caseload are more than 50 years of age, but only 14 percent of all noncustodial parents are over the age of 50. Michigan is one of the states with an especially high number of veterans over 50 years old.

Veterans who are noncustodial parents have a higher percentage of child-support orders than other noncustodial parents. Eighty-seven percent of veteran noncustodial parents have child-support orders, while 79 percent of all noncustodial parents have support orders. Nationwide, veterans owe more than \$7 billion of this country's total arrearage. Individual veterans also owe more child-support debt per person than other noncustodial parents. On average, veterans owe about \$24,500 in arrearage amounts compared to \$19,200 owed by all noncustodial parents.

### CHALLENGING WORK

Unique challenges arise when working with veterans who have child-support orders. For example, a disproportionate percentage of veterans do not live in the same state where the child support was ordered. Statistically, 44 percent of veterans who receive veterans' benefits have a child-support case in a state other than the state in which they currently reside.

Another issue encountered by veterans is their difficulty exercising custody and parenting time. In 2009, half of active duty personnel and 70 percent of Reserve and National Guard members were parents. And during the past 10 years, there has been an increase in divorce rates for military families. In



addition, an estimated 30,000 male soldiers will become unwed fathers each year.

Some of the many challenges that child-support professionals may face when working with military families, include:

- establishment of paternity and resolution of custody and parenting-time issues can be more difficult because of deployment and long separations.
- changes in military service members' pay because of deployment, reassignment, and release from active military duty.

The changes in pay seldom trigger automatic modifications to the child-support order.

- frequent moves by military personnel that often result in different supervising child-support agencies and courts, which can delay the ability to establish and enforce child-support orders.

### STATE ASSISTANCE

So what are state child-support programs doing to assist military members?

According to OCSE, some states are getting involved earlier and responding more quickly when a servicemember is a party to a case.

Some states, for which there is supporting legislation to implement these programs, provide the following types of innovative practices.

- Unmarried military parents are allowed to sign a paternity acknowledgment before the child's birth.
- Implementation of an expedited review process for military members who are about to be deployed.
- Completion by the servicemen of a release-of-information form. Once completed, the form allows the child-support agency to speak to a person designated to act in the member's absence.

Special debt forgiveness programs designed for veterans (particularly for state-owed arrears). Many of the debt-owed arrears programs are structured to assist homeless veterans.

OCSE's new veterans' services webpage includes a number of other publications about military members, veterans, and the child-support program. Courts and parties can find more information about federal veterans' services at [http://www.acf.hhs.gov/programs/cse/military\\_and\\_veteran](http://www.acf.hhs.gov/programs/cse/military_and_veteran).

The newsletter is found at <http://www.acf.hhs.gov/programs/cse/pubs/2011/csr/csr1112.pdf>.

If courts would like more information, contact Tim Cole, FOCB management analyst, at [colet@courts.mi.gov](mailto:colet@courts.mi.gov).

The Pundit can always be accessed online at  
<http://courts.michigan.gov/scaresources/publications/focbnewsletters/focbnews.htm>

## Specialty Courts Help Veterans With Support Obligations

In 2010, the United States Department of Health and Human Services (HHS) and the Department of Veterans Affairs (VA) launched a demonstration project designed to assist homeless and at-risk veterans handle child-support issues. The project has nine demonstration locations around the country, including sites in Chicago and Minneapolis/St. Paul.

Michigan also has court programs in place to assist veterans. Though not specific to the child-support caseload, Michigan is part of an emerging national trend in developing veterans' treatment courts.

Currently, there are several veterans' courts in Michigan located in Ingham, Ionia, Oakland, and Wayne counties. Several more of these types of courts are in the planning phases of program implementation.

Commonly known as "specialty courts," veterans' courts and other problem-solving courts work to address criminal behavior by treating underlying problems, such as drug addiction and alcohol abuse, post-traumatic stress disorder, and traumatic brain injury. Programs are planned so that they give at-risk participants a variety of services that include treatment, intensive supervision, frequent judicial review hearings, and graduated incentives and sanctions.

Because rehabilitation is the primary goal, problem-solving courts are often described as providing the participants with

"therapeutic jurisprudence." Participants are held accountable and face sanctions for noncompliance with program rules.

Studies indicate that these types of programs reduce recidivism and are less costly over the long term than incarceration.

Most of the funding for veterans' courts is provided through the VA. Programs also receive funding at the local level and often have local 501(c)(3) organizations that provide support.

In addition, the programs use many services provided by volunteer veteran mentors who work with the at-risk veterans participating in the specialty docket. Though no state funding is currently available, the Michigan House of Representatives is reviewing proposed legislation that

would create a standardized model and structure for veterans' courts in the state.

Courts throughout Michigan continue to explore the development of veterans' courts, particularly as more veterans return home after tours in Iraq and Afghanistan. The State Court Administrative Office provides services and resources to these courts to develop strong, effective, and stable programs that are designed to best serve America's service men and women.

For more information on veterans' treatment courts, contact Dana Graham, specialty courts management analyst, at [grahamd@courts.mi.gov](mailto:grahamd@courts.mi.gov).

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# Enforcing State Child-Support Orders In Tribal Courts

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The Pokagon Band of Potawatomi differentiates between garnishment of wages and garnishment of per capita payments. Upon submission of a state court order, the tribal court will enter an order granting immediate recognition and enforcement against wages. However, the tribe's laws only allow for garnishment of per capita payments for delinquent child support and will not enforce a current order of support by garnishing per capita payments. The tribal court requires that a petition requesting access to the per capita payment be filed, along with a copy of the state court order. The defendant is given the opportunity to object to the enforcement against the per capita payment and a hearing is held if an objection is filed.

Finally, the Keweenaw Bay Indian Community is the only tribe in Michigan that operates a comprehensive Title IV-D Child Support Program. The tribe requires that a state court order be filed with the tribal court before it can be enforced. The tribe has its own Child Support Ordinance and uses State Court Administrative Office (SCAO)-approved forms for seeking full faith and credit; the tribe also uses the SCAO Income Withholding Order form. Copies can be obtained through the tribal court or through the child-support program.

<sup>1</sup> The Indigenous Law and Policy Center (ILPC) is dedicated to the legal education of Native American students and others interested in American Indian law. The Center also provides services to tribes and tribal entities (though not individuals).

## TRIBAL COURTS AND CONTACTS

### Bay Mills Indian Community

12140 W. Lakeshore Drive  
Brimley, MI 49715  
906-248-3241  
www.baymills.org  
Tribal Court – 906-248-8121 / Tribal Attorney – 906-248-3241

### Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. W. Bayshore Drive  
Suttons Bay, MI 49682  
231-534-7103  
www.gtbindians.org  
Tribal Court – 231-534-7050 / Tribal Attorney – 231-534-7601  
Per Capita Distribution Contact: Christina Loucks, 231-534-7131 or Christina.Loucks@gtbindians.com

### Hannahville Potawatomi Indian Community

N-14911 Hannahville, B-1 Rd.  
Wilson, MI 49896-9717  
906-466-2932  
hannahville.net  
Tribal Court – 906-466-2933 / Tribal Attorney – 906-723-2610  
Contact: Wendy Miller, 906-723-2640

### Keweenaw Bay Indian Community

107 Beartown Rd.  
Baraga, MI 49908  
906-353-6623  
www.kbic-nsn.gov  
Tribal Court – 906-353-8124 / Tribal Attorney – 906-353-4107  
Contact: Kristin Belair, director

### Lac Vieux Desert Band of Lake Superior Chippewa Indians

PO Box 249, Choate Road  
Watersmeet, MI 49969  
906-358-4577  
lvtribal.com  
Tribal Court – 906-358-4577 / Tribal Attorney – 906-358-4577

### Little River Band of Ottawa Indians

375 River Street  
Manistee, MI 49660-2729  
888-723-8288  
www.lrboi-nsn.gov  
Tribal Court – 231-398-3406 / Tribal Attorney – 231-398-6821

### Little Traverse Bay Bands of Odawa Indians

Government Center, 7500 Odawa Circle  
Harbor Springs, MI 49740  
231-242-1402  
www.ltbbodawa-nsn.gov  
Tribal Court – 231-242-1462 / Tribal Attorney – 231-946-5241

### Match-E-Be-Nash-She-Wish Band of Potawatomi Indians of Michigan (Gun Lake)

1743 142<sup>nd</sup> Ave.  
Dorr, MI 49323  
616-681-8830  
www.mbpbi.org  
Tribal Court – 866-564-7429 / Tribal Attorney – 269-681-0697 ext 358

### Nottawaseppi Huron Band of Potawatomi

2221 1-1/2 Mile Road  
Fulton, MI 49052  
269-729-5151  
www.nhbpi.com  
Tribal Court – 269-729-5151 / Tribal Attorney – 231-233-2559

### Pokagon Band of Potawatomi

58620 Sink Road  
Dowagiac, MI 49047  
269-782-6323  
www.pokagonband-nsn.gov  
Tribal Court – 269-783-0505 / Tribal Attorney – 269-783-0970

### Saginaw Chippewa Indian Tribe

7070 E Broadway  
Mt. Pleasant, MI 48858  
989-775-4000  
www.sagchip.org  
Tribal Court – 989-775-4800 / Tribal Attorney – 989-775-4032

### Sault Ste. Marie Tribe of Chippewa Indians

523 Ashmun Street  
Sault Ste. Marie, MI 49783  
906-635-6050  
www.saulttribe.com  
Tribal Court – 906-635-4963 / Tribal Attorney – 906-635-6050  
Contact: Bill Connolly

## REACH Project Helps Establish 'Consistent' Payers

In recent years, a dramatic effort has been made by local Michigan child-support agencies to identify obstacles faced by noncustodial parents in becoming consistent payers of child support. Studies indicate that approximately \$105 billion is owed nationwide in past-due child support signifying that nonpayment of child support is an ever increasing problem.

According to the Children's Defense Fund's "2011 Annual Fact Sheet for States," Michigan saw 22.5 percent of its children living in poverty, with almost 11 percent of those children living in extreme poverty.

In an effort to reduce childhood poverty by creating reliable child-support payers, the Kent County Friend of the Court (FOC), in partnership with two local nonprofit agencies, implemented the Referral for Employment, Asset Development, Cooperation, and Hope (REACH) project.

The REACH project is financed by a federal Office of Child Support Enforcement 1115 grant and is scheduled to be in place for three years. REACH started admitting participants in May 2011, and currently has 72 pilot participants and 52 participants in the nonpilot project. The REACH project allows a maximum of 540 participants in the pilot project and 540 participants in the nonpilot project.

Potential participants must meet the following eligibility criteria in order to be considered for the project:

- resident of Kent County.
- custodial parent lives in Michigan.
- noncustodial parent (NCP) has no cases in other counties.
- children are under 14 years of age.
- noncustodial parent's annual salary is \$24,000 or less.

The ultimate goal of the REACH project is to empower struggling child-support payers who lack resources and the proper assistance, to overcome their individual barriers so they leave the project as consistent child-support payers.

### REACH SERVICES

The REACH project is accomplishing the goal of empowering payers by partnering the Kent County FOC with Hope Network (a local employment development project), and with Inner City Christian Federation (ICCF) an organization designed to provide financial education classes.

The Kent County FOC is providing each participant the following services.

- Modification of support payments to assist the parents' financial management efforts and business start-up efforts.
- Providing the availability of intensive judicial supervision to encourage participation.
- Working with families to develop voluntary agreements to compromise arrears commensurate with an asset management plan.

In order to provide these services, the Kent County FOC meets individually with participants to conduct their needs assessments, obtain intake baseline data, and provide continuing intensive case management. This intensive, in-depth case management works to address the individual's needs and unique concerns, and enables the Kent County FOC to refer participants to the proper community partner for further support services.

ICCF is a community partner that has a wealth of expertise in financial education. ICCF has developed classes for REACH participants on topics such as asset building, credit repair, the necessity of budgeting and how to create a household budget, and how child support fits into a person's financial portfolio.

Participants work with ICCF staff to establish regular savings deposit goals and, when applicable, create individual development accounts (IDAs), which can be utilized in the future to return to school or develop a start-up business. ICCF has additional federal funding that can be used to match \$2 for each \$1 a person places in a bank account to gain post-secondary education

or to fund a business start up, and ICCF will match \$3 to each \$1 a person saves for purchase of a home.

The project's other community partner, Hope Network, works to assist participants in building their fundamental work skills to increase their employability. Hope Network accomplishes this by providing services such as: resume building, work-skill development, and resources and education to improve participants' interviewing skills. In addition to these services, Hope Network assists participants so that they may obtain job skills assessments, have the ability to seek appropriate employment, and may offer transitional work experiences. Hope Network works with participants for 90 days, unless the participant is employed.

According to Suzy Crittenden, Friend of the Court Bureau management analyst, "A unique aspect of this project is the intensive case management by all partners. This type of investment in human capital goes toward building rapport and trust with the noncustodial parents, which is vitally important to get at the real root of some people's needs."

### PROJECT INCENTIVES

The Kent County FOC offers incentives as positive reinforcement to participants that achieve incremental project goals. These incentives include eligibility for repayment plans, arrearage forgiveness, professional leather portfolio (provided to participants upon acceptance into the project), license reinstatement, waiver of bench warrant fees, and potential recovery of half of a federal tax intercept on state-owed debt when placed into a qualifying IDA.

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## Community Outreach Programs: Keeping Parents Involved

Michigan friend of the court (FOC) offices have implemented a variety of community outreach programs to help parents to stay socially and financially involved in their children’s lives. Outreach programs have benefited parents from all social and economic backgrounds by improving cooperation between parents and their local FOC offices.

Unique outreach programs in various counties have proven especially effective in reaching otherwise difficult to reach populations.

### KENT COUNTY

In Kent County, the FOC has initiated multiple community outreach programs with neighborhoods, veterans’ organizations, a women’s shelter, the Kent County jail, and the Bellamy Creek Correctional Facility in Ionia. At the annual Veterans Stand Down event, which occurs at the Veterans’ Outreach Center in the Heartside District during the late summer, Kent County FOC employees were assigned office space at the center and reached out to indigent veterans by answering general questions from veterans and providing information and resources to those in need. While FOCs answered questions and provided information, they kept case managers on standby at the Kent County FOC office so that case specific information could be quickly and accurately looked up on MiCSES.

In addition, approximately five times a year the Kent County FOC holds neighborhood presentations across the county where FOC employees and local attorneys team up to answer questions in a cooperative and friendly atmosphere. Kent County FOC director Terry Novakoski explained that, by finding parents with existing needs rather than waiting for parents to find the FOC, outreach programs allow the FOC to collaborate with parents so that minor issues do not become major problems.

Moreover, FOC outreach programs have proven especially effective in reaching the homeless population. In Kent County, the FOC has allied with the Grand Rapids Area Coalition to End Homelessness by providing information at Project Homeless Connect, an event held at the Van Andel Arena. FOC employees set up a booth at the winter event to answer questions about arrearage amounts, payment amounts, last time paid, how to “right size” child-support orders, bench warrants, and how to stay out of trouble with the court. The event provides the homeless with access to doctors, lawyers, and social organizations that offer essential services. By working with local charities and organizations, the Kent County FOC has been able to reach many of the estimated

6,000 homeless living in the area. Most importantly, these efforts have helped the FOC establish cooperative relationships with parents that benefit children by improving the likelihood of parental involvement, both financially and socially.

### WAYNE COUNTY

In Wayne County, the FOC initiated two major outreach efforts in 2011.

The first, in early October, was a three-person panel chaired by the Honorable Maria L. Oxholm, the presiding judge of the 3<sup>rd</sup> Circuit Court, Domestic Relations-Family Division; Amy Roemer, an attorney with the William Booth Legal Aid Clinic; and Zenell Brown, director of the Wayne County FOC. The panel answered a variety of questions regarding child-support establishment and enforcement. The event involved

many community partners and was advertised by various organizations. Approximately 70 people attended the event, which was held at the Detroit Public Library.

A second Wayne County FOC outreach event was held in mid-October at Second Ebenezer Church in Detroit. Partnering organizations invited parents to have an individual sit-down conversation with the Wayne County FOC and William Booth Legal Aid Clinic to

discuss specific concerns. The church provided a safe-zone where parents could get needed information. Over 20 people attended the event to receive answers about child-support cases and learn about current FOC services.

### MUSKEGON COUNTY

Some FOC offices have initiated outreach programs to smooth the transition for parents leaving prison. Muskegon County’s partnership with the Michigan Prisoner Re-entry Initiative (MPRI) is a prime example.

The MPRI’s goal is to reduce recidivism and promote parenting success and involvement for those transitioning from prison back to the community. By partnering with the MPRI program, the Muskegon County FOC has been able to promote its “Parents for Life” philosophy, while providing soon-to-be released prisoners with guidance and an overview of FOC services and expectations. By individually meeting with inmates before they are released, the FOC has been able to establish payment plans for prisoners owing arrearages and set up child-support payment plans with realistic payment amounts based on the inmate’s post-prison employment prospects. Efforts made by the Muskegon FOC have provided support for hundreds of inmates so that they have a successful transition based on each inmate’s specific circum-

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## *REACH Project Helps Establish ‘Consistent’ Payers*

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Support arrearage forgiveness is handled through the Kent County FOC office. Parents and state officials develop a voluntary compromise agreement that more accurately reflects the noncustodial parent’s ability to pay. Participants can earn up to \$2,300 in credit towards forgiveness of state-owed arrearages for participating and continuing through the project, as well as hitting certain milestones within the project.

If participants fail to comply with the project and its requirements, they are subject to court action and an order to show cause for contempt of court.

### **POSITIVE REACTION**

The REACH project has been positively received by the participants.

“The participants are very pleased to learn more about the FOC and the court system,” said Terry Novakoski, Kent County FOC. “They appreciate the idea of trying to save assets for when they are without work. They are overcoming the stereotypes of the FOC, but understand that consequences exist if they are noncompliant.”

In addition, Novakoski said that participants are able to set “realistic” goals.

“They are encouraged by the ability to remit reliable payments,” he commented.

The project is focused on specific obstacles that noncustodial parents face when trying to comply with their child-support obligations. Many times noncustodial parents do not participate in the initial child-support order and, therefore, the support amounts do not reflect the noncustodial parent’s actual income. Additionally, with recent tough economic conditions, many noncustodial parents experiencing financial difficulties try to avoid paying their child-support obligations altogether. This may result in noncustodial parents retreating into the underground economy. Moreover, many noncustodial parents lack the skills and/or knowledge to find or maintain employment.

In a nutshell, the REACH project assists and helps alleviate all these financial obstacles that exist, so that noncustodial parents can comply with child-support obligations ... all for the well-being of the children.

*For more information, contact Terry Novakoski, Kent County FOC, at 616-632-6888 or Suzy Crittenden, FOCB management analyst, at 517-373-5975.*

## **Community Outreach Programs: Keeping Parents Involved**

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stance. According to Mary Crouse, a clinical supervisor with the Muskegon County Family Court, inmate responses to the efforts have generally been positive.

### **CREATIVE OUTREACH**

Through implementation of creative outreach programs, FOC offices across Michigan have helped increase parental involvement with their children, both socially and financially.

FOC offices, teaming up with attorneys, prisons, and charitable organizations have used outreach programs to provide

resources, create awareness, and generally assist people who may be re-entering the community. These types of outreach implementations are effective tools to both expand and improve outcomes with difficult-to-reach populations.

*If your office has information on an outreach program it would like to share, please contact the Friend of the Court Bureau at 517-373-5975.*

**THE PUNDIT can always be accessed online at**

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



**THE LEGAL CORNER** A summary of recent Michigan Supreme Court and Court of Appeals decisions, Michigan IV-D memoranda, and SCAO administrative memoranda.

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

**Weide v Weide**, unpublished opinion per curiam, issued September 20, 2011 (Docket No. 301943). A party's drinking problem can be considered when making a determination related to factors (b) and (g) of the best interest factors in a custody determination. Furthermore, the court has the discretion to institute time limits for each party when presenting evidence to the court.

**Gusmano v Gusmano**, unpublished opinion per curiam, issued September 22, 2011 (Docket No. 297211). The trial court erred by offsetting plaintiff's child-support obligation by the amount of Social Security Disability benefits received by the child as a result of defendant's disability because the Michigan Child Support Formula does not permit that type of credit to be granted.

**Ekdahl v Ekdahl**, unpublished opinion per curiam, issued September 22, 2011 (Docket No. 302029). One error on the best interest factors by the court does not require a case reversal when the remaining factors and finding are supported by the record and the law. However, the court must explain on the record its justification for physical and legal custody decisions, and the court must distinguish between the two.

**Taylor v Luna**, unpublished opinion per curiam, issued September 27, 2011 (Docket No. 303421). Under the Paternity Act, if a biological father wants to establish standing in a paternity hearing, there must be a prior court determination that the child was born out of wedlock.

**Naylor v Naylor**, unpublished opinion per curiam, issued September 27, 2011 (Docket No. 303937). To demonstrate a change of circumstances, the moving party must show that the conditions surrounding the child's custody have or could have a significant effect on the child's well-being and demonstrate something more than normal life changes.

**Pearson v Stewart**, unpublished opinion per curiam, issued October 4, 2011 (Docket No. 302499). A party seeking a change in child custody must demonstrate to the court proper cause or change of circumstances, and the grounds for seeking a custody change must have a significant effect on the child's well-being.

**Denewett v Rozanski**, unpublished opinion per curiam, issued October 18, 2011 (Docket No. 303673). A party leaving the child in the care of a third-party custodian for an extended period of time will change the custodial environment of the child, even if the party visits the child.

**Laffin v Laffin**, unpublished opinion per curiam, issued October 20, 2011 (Docket No. 298191). Cancellation of an arrearage amount is a deviation from the Michigan Child Support Formula and requires the court to find that the application of the formula is unjust in a particular case. A payer is compliant with a court order and in compliance with MCL 552.603a if payments were made as the court directed, regardless of the correctness of the court order.

**Bazzi v Macaulay**, unpublished opinion per curiam, issued November 1, 2011 (Docket No. 299239). Where a paternity suit is pending, it is reasonable for the court to appoint a guardian ad litem to ensure that the child's best interests are represented.

**Lasley v Miller**, unpublished opinion per curiam, issued November 3, 2011 (Docket No. 303060). A trial court cannot change custody absent clear and convincing evidence that the change would be in the child's best interests.

**D'itri v Bollinger**, unpublished opinion per curiam, issued November 22, 2011 (Docket No. 303472). The moving party requesting a change in custody has the burden of proof to establish proper cause or that a change in circumstances exists.

**Kessler v Kessler**, published opinion per curiam, issued December 6, 2011 (Docket No. 302492). A trial court is required to determine whether there was an established custodial environment with one or both parents before making any custody determination.

**People v Shepard**, unpublished opinion per curiam, issued December 15, 2011 (Docket No. 299933). For a criminal conviction for failure to pay child support there was an obligation to pay, notice of the obligation was given to the payer, and the payer failed to make the payments.

**People v Sliter**, unpublished opinion per curiam, issued December 15, 2011 (Docket No. 300293). The inability to pay is not a defense to a felony charge of failing to pay child support.