

■ *In 2005, Michigan collected and distributed \$382,253,410 in arrearage payments. This ranked fourth in the country.*

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Interview with Lynn Davidson, Macomb County Friend of the Court Director

*by Alice Newlin, State Court Administrative Office, Friend of the Court Bureau
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Lynn Davidson is the director of the Macomb County's Friend of the Court (FOC) Office. She recently met with *The Pundit* to answer questions about Macomb County's FOC Office operations.

Please briefly describe your office - how many employees, the number of cases, and how many family division judges you have?

There are four family court judges. We have 130 FOC employees who manage around 37,500 cases.

Besides the mandated services, are there other services that your office provides?

Yes. Our referees assist the judges to administer their dockets. For example, they conduct status conferences approximately eight weeks after an answer is filed. At that time, attorneys and parties come to court to make sure the case is on schedule to be completed in a timely manner. The referees inquire about custody, parenting time, support, and property issues. They also may assign a matter for investigation or other action, if necessary. Referees also assist the court with settlement conferences and provide arbitration if ordered.

What are some of the successes you have had in Macomb County that stand out in your mind?

The SMILE [Start Making It Livable for Everyone] program has been very successful here. The program provides information and helps to explain the divorce process to parents. It really helps parents focus on what is in their children's best interest.

Macomb has a bench warrant program. The sheriff has assigned four deputies to the FOC office. Two work the day shift and two work the afternoon shift. The judicial service officers work with the bench warrant team. This process has been effective and has reduced the number of unserved warrants.

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Wayne County Friend of the Court Office Project- Reducing Paternity Defaults with E's

by State Court Administrative Office, Friend of the Court Bureau Staff

The Wayne County Friend of the Court Office recently initiated its “Reducing Paternity Defaults with E’s” project. The goal of the project is to decrease the number of child support orders that are entered by default from about 70 percent to less than 35 percent. The project is funded with a federal Special Initiative Project (SIP) grant. The project’s two main innovations involve specialized training and development for process servers and “hotline” telephone representatives.

There are several specially trained process servers that explain the paternity process when they serve the defendants. The process servers explain the importance of appearing in court and encourage defendants to participate in the case. Each defendant will receive an answer form and be asked to complete it on the spot. The form allows the defendant to indicate whether or not he acknowledges being the father or wants genetic testing. The process server will also seek specific financial information from the defendant to be entered on the answer form. At the time of service, the process server also gives the defendant the Hotline office’s business card with telephone number and contact information.

Within two weeks after service of process, one of two hotline representatives will call the defendant to further explain, educate, and encourage the defendant to cooperate. The representative will try to verify or elicit the defendant’s financial information and offer community service provider assistance.

Some anticipated benefits of the project include:

- Fewer default orders entered.
- More accurate information for determining a means-appropriate child support order.
- More consent orders entered.
- Opportunity for defendants to receive job training and placement, parenting classes, and counseling.
- Greater compliance with support orders.

The SIP grant to the Wayne County Friend of the Court Office was approved for a two-year period. The first year will emphasize personal contacts between the process servers and paternity defendants. The second year will be devoted to evaluation of the program, such as collecting data from the first year and monitoring payments for comparison with cases not included in the project.

The Wayne County Friend of the Court Office has also developed brochures that help to explain the paternity establishment process and forms in foreign languages.

Office of Child Support: Central Operations

by Mike Kohl, Office of Child Support, Central Operations Unit

Within the Michigan Department of Human Services resides the Office of Child Support (OCS), including the Central Operations office. The mission of Central Operations is to assist other child support agencies (e.g., the friends of the court, the child support specialist staff, and the prosecuting attorneys) and the public with issues related to child support payments.

Central Operations is subdivided into three units: the Special Initiatives Unit, the Central Enforcement Unit, and the Central Functions Unit. The Special Initiatives Unit was established in September 2001 to field inquiries by phone and in writing, respond to customer and partner concerns, identify and determine solutions to complex financial questions, and refer some special cases to staff with the authority to correct case conditions. This unit is responsible for several data maintenance tables found within the Michigan Child Support Enforcement Computer System (MiCSES). This unit also commonly takes the lead role on various projects as a point of primary contact for partners and customers. It also handles inquiries directed to the office of the Governor.

The Central Enforcement Unit is responsible for collecting delinquent child support by utilizing the financial institution data match (FIDM) database. Staff specialists review financial data gathered from MiCSES, the FIDM database, and the state's data warehouse. The specialists then conduct research on individual cases to determine if the financial information meets the criteria for perfecting a lien against the obligor's financial assets. This unit also is a point of contact for both customers and financial institutions.

Finally, the Central Functions Unit has a variety of responsibilities, including federal and state tax offsets, passport releases, opting out (in those cases where a court order has been entered mandating that the friend of the court not be involved in a child support matter), case initiation for nonpublic assistance applicants, referrals to prosecuting attorneys for the initiation of court actions, and various central financial duties.

Together, these three units within OCS Central Operations perform a number of tasks vital to the functioning of Michigan's child support system.

"The mission of Central Operations is to assist . . . with issues related to child support payments."

A Summary of “Beyond Mediation: Dispute Resolution Methods Show Promise for CSE Program, Clients”

an article by Professor Cynthia Bryant, University of Texas School of Law

by Patricia Barnes, State Court Administrative Office, Friend of the Court Bureau
Customer Service Clerk

“ . . . parents who use ADR also are more likely to communicate effectively and less likely to pursue future litigation . . . ”

Michigan courts have a long history of using Alternative Dispute Resolution (ADR) processes to resolve domestic relations issues. Michigan’s Friend of the Court Act was amended in 1982 to require all friends of the court to offer mediation services to domestic relations litigants in order to help them resolve their custody or parenting time disputes without a judge’s direct involvement. Although ADR (usually mediation) is most frequently used to assist parents in resolving custody and parenting time disputes, Professor Cynthia Bryant, in her article, “Beyond Mediation: Dispute Resolution Methods Show Promise for CSE Program, Clients,” recognizes that ADR techniques can also help to resolve contested child support cases.

According to Professor Bryant, although few child support programs currently use ADR processes, the data shows a strong correlation between satisfied and complying parents and ADR services being offered. By offering ADR opportunities, IV-D child support programs can enhance satisfaction among parents who are going through a divorce and dealing with child support issues.

Professor Bryant suggests that in order to increase positive parental involvement, IV-D programs should create “negotiation rooms” at the child support office, invite parents to fully participate in making decisions, educate program employees about each family’s circumstances, and educate the families to create a child support agreement that both complies with the law and is in the best interest of the children and parents.

Thirty-eight states successfully use ADR to resolve parenting time disputes, but only a handful of states currently use ADR for child support issues. Professor Bryant writes that one of those exceptions is Delaware, which requires parties in all family law cases, including IV-D cases, to attempt to resolve legal proceedings to establish a child support order through mediation. In addition, Texas statute allows IV-D cases to be resolved through its child support review process, which includes an in-person negotiation conference at a child support office between the parents and agency staff.

According to Professor Bryant, ADR increases compliance because parents who understand the case, take an active role in the matter, and help create personal agreements are more apt to continue to be supportive and productive parents. Those parents who use ADR also are more likely to communicate effectively and less likely to pursue future litigation or hostile interactions.

Using the Uniform Support Order and Judgment Information Forms

by State Court Administrative Office, Friend of the Court Bureau Staff

Effective January 1, 2006, MCR 3.211 was amended to require that courts enter child support and spousal support orders on a Uniform Support Order form. The court rule also now requires the use of the Judgment Information form. There are four uniform support order forms and one judgment information form. All can be accessed, filled in, and printed from the SCAO website.

FOC 10 - Uniform Child Support Order (with friend of the court services)

<http://courts.michigan.gov/scao/courtforms/domesticrelations/support/foc10.pdf>

FOC 10a - Uniform Child Support Order (without friend of the court services)

<http://courts.michigan.gov/scao/courtforms/domesticrelations/support/foc10a.pdf>

FOC 10b - Uniform Spousal Support Order (with friend of the court services)

<http://courts.michigan.gov/scao/courtforms/domesticrelations/support/foc10b.pdf>

FOC-10c - Uniform Spousal Support Order (without friend of the court services)

<http://courts.michigan.gov/scao/courtforms/domesticrelations/support/foc10c.pdf>

Judgment Information

<http://www.courts.michigan.gov/scao/courtforms/domesticrelations/focgeneral/foc100.pdf>

The court rule requires that parties who represent themselves and parties who are represented by attorneys use the forms. Prosecuting attorneys are also required to use the forms when they can be generated by MiCSES. If the forms cannot be generated by MiCSES, required use begins January 1, 2007.

A number of questions have arisen concerning the new forms. Some friend of the court (FOC) offices have asked whether an attorney can sign the judgment information. Because MCR 2.117(B)(1) provides that “[u]nless a particular rule indicates otherwise, any act required to be performed by a party may be performed by the attorney representing the party,” attorneys may sign the form for their clients. Some attorneys are concerned that the uniform support order lacks a signature line for an attorney because MCR 2.114 states that, “every document of a party represented by an attorney shall be signed by at least one attorney of record.” The court rule requires that an attorney sign each document filed by a party. Because the court issues the uniform support order neither the attorneys nor their clients have to sign it. One exception would be when the parties consent to entry of the uniform support order. Then it would be necessary for an attorney to sign the order. In that case, there are three possible solutions: 1) an attorney can sign on behalf of his/her client without obtaining the party’s signature [see MCR 2.117(B)(1)], 2) an attorney can sign underneath or next to the party’s signature despite the lack of specific lines for attorney signatures, or 3) an attorney can sign (and attach) a separate stipulation asking the court to enter the order.

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Custody and Parenting Time Questions

by State Court Administrative Office, Friend of the Court Bureau Staff

Michigan is unique among the states because the same office that provides child support services also provides services related to custody and parenting time. Anecdotal evidence suggests that there is a strong link between custody and parenting time and the payment of support. The State Court Administrative Office website offers a variety of custody and parenting time publications to assist parties and attorneys. Here are brief descriptions of those publications.

Michigan Custody Guideline

The *Michigan Custody Guideline* addresses issues associated with establishing and modifying custody and describes the most common custody arrangements. This publication also provides general information about the child custody factors, friend of the court evaluations, the role of the judge, mediation, and how child custody orders are modified.

Michigan Parenting Time Guideline

The *Michigan Parenting Time Guideline* explains how parents, judges, and the friend of the court establish and maintain parenting time schedules. The guideline provides suggestions and recommendations about the three most common parenting time arrangements: standard parenting time, supervised parenting time, and joint custody. This publication is intended for use by friend of the court staff and by both custodial and non-custodial parents.

Parenting Time Website

What is parenting time and how can parents make the most of it? This website answers frequently asked questions. It also features useful links to other resources for those who want additional information about parenting time.

Custody and Parenting Time Investigation Manual

This manual lists and explains each child custody factor. The manual also addresses issues about established custodial environment, third party custody, and change of domicile, and includes summaries of published appellate court decisions. Its practice tips may help friend of the court investigators to gather information on the statutory factors. Although this manual was developed for court staff, it can help parents involved in a custody or parenting time dispute understand how the courts address custody and parenting time.

Model Friend of the Court Handbook

This handbook summarizes the friend of the court's duties and procedures, the parties' rights and responsibilities, and basic court procedure in domestic relations cases. Much of the information concerns custody and parenting time issues.

These and other SCAO publications can be viewed at:

<http://courts.michigan.gov/scao/services/focb/focb.htm>

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Felony nonsupport cases are carefully screened to ensure that we use aggressive enforcement only against those individuals who have demonstrated an unwillingness to support their minor children while having the ability to do so. This procedure is monitored by two special enforcement judicial service officers within the office. Those judicial service officers also review and investigate cases that are ripe for having liens imposed on property (real and personal).

We have tried to make the office accessible to the public. It's accessible on a walk-in basis daily, which is important. Telephone calls are accepted during all work hours.

When it's appropriate, we will prepare and file a petition for adjustment of child support. These are prepared when a noncustodial parent [NCP] is out of work [unemployed, medical, and incarcerations]. This provides temporary relief and allows a reduced amount of support to be paid. The benefits are: it encourages NCP's to appear and work with the friend of the court office; something rather than nothing is paid [assists with collections]; and it promotes a sense of fairness.

Have you received positive feedback on any particular facet of your office operations?

It's a source of pride for us that local bar members have said that they like practicing in Macomb because the office is cooperative and easy to work with. They like practicing here. That's great!

What brings you the most satisfaction in your job as the FOC director?

Compliments about the staff. They should be acknowledged for their work, and I always forward the comments to the chief judge. The nature of our work is contentious. We review and enforce orders regarding a litigant's finances and children, so when someone sends a letter saying that a staff member did a good job or resolved a difficult situation, and really made a difference, that acknowledgement should be noted.

Since I became friend of the court in 2000, the office has gone through a lot of changes. In a large office, it is difficult to manage change while maintaining services. However, Macomb has put its best foot forward to accomplish both. The updates for MiCSES have been challenging and our new imaging system works well and saves time.

What steps can parents or families take to make their interactions with you more streamlined and effective?

When they come in, they should always bring their basic information and write down what they seek to accomplish during this visit. A lot of times, they'll come in without a

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“If both parents move from Michigan, they may continue to pay and receive support from Michigan. ”

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solid idea of what they need. Also, it helps if they bring their written notice with them. On pro per motions, people need to fill the forms out completely. Often pro per motions provide no information about what the petitioner wants to accomplish so the motion is dismissed.

Attend the SMILE presentation. It is really useful.

When you first started as Macomb FOC, what surprised you the most about the job?

I came up through the ranks. I’ve been with the office for 36 years, but once I became the friend of the court, I realized what a great responsibility that is. I also found that in an office this size, there are many different types of personalities with their own unique qualities.

What are the priorities for you as FOC, and what will you be concentrating on in the future?

Funding. The federal cuts are going to hurt. It’s essential that we maintain personnel at a level sufficient to provide good service to the public and the court. We’ll be coping with the transition as it happens, meeting with the county financial officers, watching and working with the Legislature to keep services funded. A lot of agencies are striving for the same dollars.

What role does your office play in the child support system.

We do most of the enforcement work and do investigations for the court. We monitor and enforce other areas like parenting time and custody, and we provide information to the courts. We have to see the big picture, while other agencies are working on the child support only.

What do you think is the biggest challenge facing the FOCs?

Funding, maintaining services, and working with all the partnering agencies. We strive to work together, but with dollars being cut, it will be a difficult challenge for all. We will work on it because those partnerships should be a benefit to all.

*Using the Uniform Support Order and Judgment Information Forms,
continued from page 5*

An interesting question arises when the FOC has conducted an alternative dispute resolution (ADR) service (e.g., conciliation or mediation) and has prepared the temporary custody and parenting time order. The court rule requires the party who submits an order to prepare the judgment information, but the FOC is not a party. Because the Judgment Information is designed to provide sufficient information for the FOC to enforce the order, the court could dispense with this requirement in these circumstances because the FOC already has the information that the Judgment Information provides. In the alternative, the court could order a party who participated in the ADR service to provide the Judgment Information, or have the FOC prepare the Judgment Information if the FOC employees who enter orders on the computer would not otherwise receive the information.

Some recent questions concern how to prepare the orders in specific situations, such as accounting for uninsured medical expenses when there are multiple children, or whether two uniform support orders are necessary when there is both child support and spousal support obligations. The uninsured medical expenses paragraphs in the uniform support orders provide that all uninsured health care expenses exceeding the ordinary medical amount will be divided between the parties in specified percentages. The order concludes with this sentence: "The ordinary medical amount is \$ _____ year." When there is more than one child, the amount inserted in the blank can specify the number of children (e.g., \$289 for 1 child, \$578 for 2 children, \$ 867 for 3 children, etc.). Alternatively, the blank can be filled in with a per-child amount, so that the order states: "The ordinary medical amount is \$289 per child per year." If the amounts are entered in the latter format, the annual ordinary medical amount in the order will remain correct as the children emancipate without the need to modify the order. When both spousal and child support is ordered, two uniform support orders must be prepared and entered.

Before the effective date of the court rule amendment, the State Court Administrative Office (SCAO) published Administrative Memorandum 2005-09. That memorandum explained the importance of using the Uniform Support Order and Judgment Information forms. The administrative memorandum can be found at:

<http://courts.michigan.gov/scao/resources/other/scaoadm/2005/2005-09.pdf>

SCAO has also web-published Frequently Asked Questions (FAQ) about the Uniform Support Order and the Judgment Information forms. The FAQ can be found at:

<http://www.courts.mi.gov/scao/resources/publications/focbnewsletters/FAQ2005-02.pdf>

SCAO will provide additional information, including changes to each Uniform Support Order form and the Judgment Information form on its website.
