

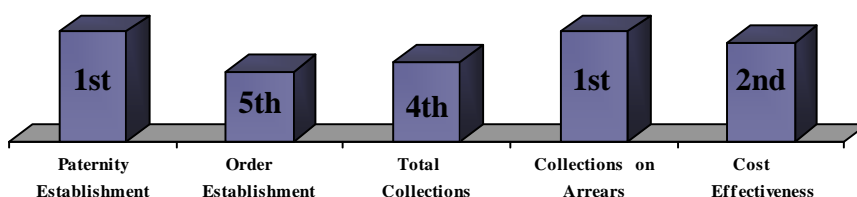
# KENT COUNTY FRIEND OF THE COURT 2008 ANNUAL REPORT

*MISSION: TO SERVE FAMILIES WITH FRIEND OF THE COURT CASES, AND THE KENT COUNTY COMMUNITY AT LARGE, IN A RESPECTFUL, FAIR AND EQUITABLE MANNER.*

## FRIEND OF THE COURT, JOHN R. COLE

As set forth in the 1998 Child Support Performance and Incentive Act, our performance is measured in five key areas. State child support enforcement programs across the country are measured in Paternity Establishment, Order Establishment, Total Collections, Collections on Arrears, and Cost Effectiveness. Kent measures itself against the eleven (11) largest counties in Michigan, excluding Wayne County. Kent's performance is notable and is depicted in the chart.

**Kent County Friend of the Court Performance for 2008**



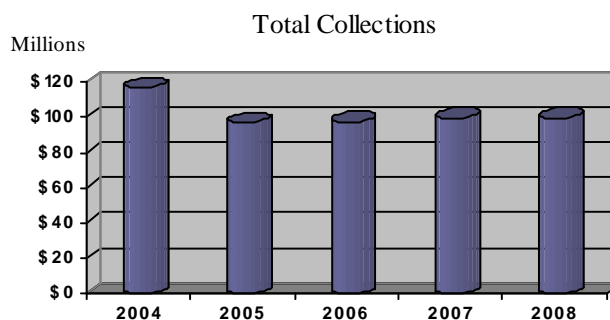
Additionally, a weighted aggregate performance analysis using 6 differently weighted aggregate scores for each factor, ranked Kent 1<sup>st</sup> in 5 of the analyses.

## ENFORCEMENT

The Friend of the Court office (FOC) has developed into an agency responsible for enforcing the orders of the Family Division of the Circuit Court and delivering services related to divorce, paternity actions, family support actions, and interstate actions. Enforcement of child support obligations has long been the most recognized service provided by the office.

### 2008 SUMMARY

- \$99,601,622 in child support was collected.
- Kent County was ranked as one of the top two large counties in Michigan in respect to cost effectiveness, collecting \$11.62 for every dollar spent.



## INCOME WITHHOLDING

With income withholding, payments are deducted directly from the payer's check and sent to the Michigan State Disbursement Unit (MiSDU) in Lansing, or in a small percentage of cases, directly to the FOC. When a payer changes jobs and/or fails to advise the FOC of new employment, the computer system checks the state Data Warehouse and automatically sends an Income Withholding Notice (IWN) to the source of income.

### 2008 SUMMARY

- There were 45,343 Income Withholding Notice and Order Modifications.

## **SHOW-CAUSE HEARINGS**

The most common enforcement remedy is to schedule a contempt hearing, where the payer must appear before the court to explain why the court order was not followed.

### **2008 SUMMARY**

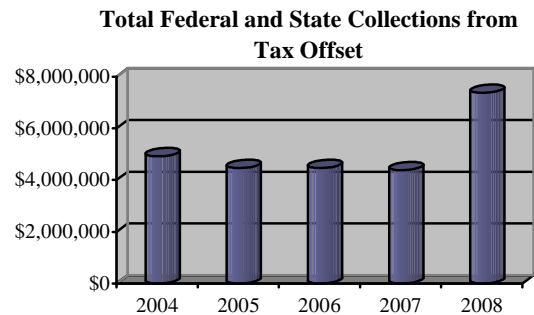
- 9,939 contempt hearings were scheduled.
- \$519,987 was collected at the hearings.
- 157 non-payers were sent to jail at the time of the hearing.

## **TAX OFFSET**

A commonly used enforcement remedy is the interception of a payer's state and federal tax refunds.

### **2008 SUMMARY**

- \$6,907,582 was collected from the Federal tax offset program.
- \$465,930 was collected from the State tax offset program.



## **LICENSE SUSPENSION**

The FOC may petition to suspend a payer's driver's, occupational, and/or recreational (hunting/fishing) license(s). Suspension of licenses results automatically if a payer fails to appear for a scheduled non-support hearing.

### **2008 SUMMARY**

- 2,937 license suspension orders were entered, along with 2,168 conditional orders.
- 1,646 payers whose licenses were suspended, contacted the FOC and made arrangements to pay.

## **LEINS AND GARNISHMENTS**

The law allows the FOC to place a lien against property owned by the payer of support when an arrearage has accrued. Garnishments may also be served against a delinquent payer's inheritance.

### **2008 SUMMARY**

- 13 liens were placed and \$3,853 was collected.
- \$4,488 was collected against a delinquent payer's inheritance.
- \$81,044 was collected against estates of delinquent payers who died.

## ASSET SEIZURE / VEHICLE BOOTING

The FOC is allowed to “boot” the vehicles and seize the property of delinquent payers. An immobilizing device is placed on the vehicle’s tire and a notice is attached to the driver’s window directing the payer to arrange for payment of a lump sum in exchange for removal of the device.

### 2008 SUMMARY

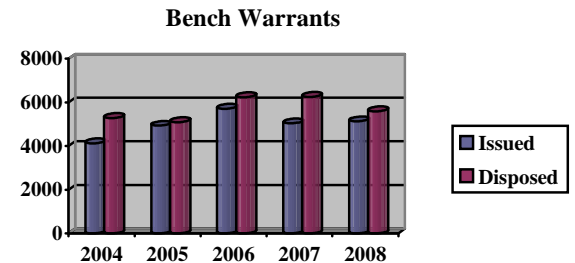
- 23 asset seizure orders were entered resulting in \$15,643 being collected.

## BENCH WARRANTS

If a non-custodial parent fails to appear at an order to show cause hearing for non-payment of support, the court may issue a bench warrant for the payer’s arrest. In addition, the court issues warrants for employers who fail to comply with income withholding orders, parents who fail to provide medical insurance, and parents who violate parenting time and custody orders. Bench warrants may be resolved by arrest or disposition of the order which may include payment, referral to the Non-Custodial Parent Program, or other arrangements.

### 2008 SUMMARY

- 5,135 bench warrants were issued.
- 5,598 bench warrants were disposed.



## FELONY WARRANTS

As an additional tool for the prosecution of certain non-payers of child support, the Michigan Attorney General assists with felony prosecution of non-payers.

### 2008 SUMMARY

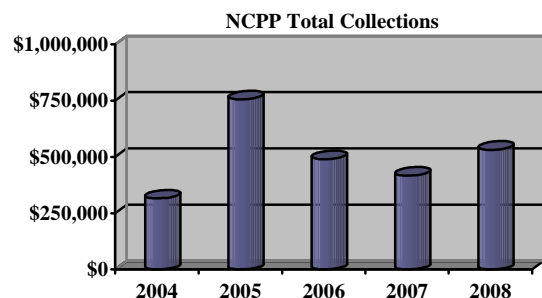
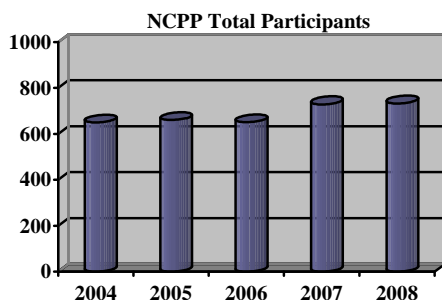
- Since 2003, \$7,547,080 has been collected on 603 cases.

## NON-CUSTODIAL PARENT PROGRAM

The Non-Custodial Parent Program (NCPP) was designed to assist unemployed or underemployed individuals in finding employment. The program also provides supportive services (such as transportation to work, funds for vehicle repairs) to those who are working more than 30 hours per week but need services to maintain their employment.

### 2008 SUMMARY

- There were 1,047 referrals to the program and 733 parents participated following their referral.
- Of those referred, 293 gained employment, generating \$531,888 in child support collections.



## INTERSTATE SUPPORT

When a non-custodial parent (NCP) leaves the State of Michigan and standard enforcement remedies are not effective, Michigan will initiate Interstate action by requesting the services of another state to register and enforce the support order against the NCP. Conversely, when a NCP leaves another state and comes to Michigan, the other state may request Michigan register the parent's order for enforcement and/or modifications.

### 2008 SUMMARY

- 1,644 cases were sent to another state for registration and enforcement.
- 492 cases were registered in Michigan at the request of another state.

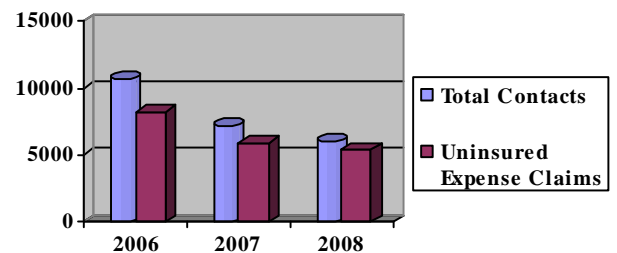
## HEALTH CARE

The FOC Health Care Unit has two main objectives. One is to enforce court orders in respect to the maintenance of health care insurance. The other is to enforce court orders in respect to the processing of uninsured health care expenses. In respect to the maintenance of health care insurance, the FOC utilizes the National Medical Support Notice, the federal form, for most enforcement processes. This form is automatically generated and sent to a client's employer whenever new employment is reported or downloaded into the MiCSES. For uninsured health care expenses, parents are required to first contact the other parent to request reimbursement for his/her share of the expense. If that is not successful, the parent can then contact the FOC for assistance.

### 2008 SUMMARY

- 6,045 clients or employers were contacted regarding the client's responsibility to maintain health care insurance.
- 5,392 uninsured health care expense claims were processed.

Health Care



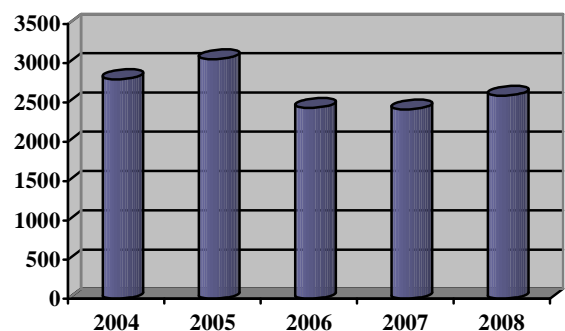
## PARENTING TIME

The FOC continues to manage the Access and Visitation Grant that allows payment for supervised parenting time and for therapeutic reintroduction on specific cases through the contract agencies. The primary function and statutory duty of the Parenting Time Unit is to secure compliance with parenting time and physical custody orders. This is accomplished through education, assisting parents with modification of their orders, or helping in other ways to prevent future violations from occurring.

### 2008 SUMMARY

- 2,583 formal written parenting time complaints were filed (34% were determined valid requiring further action).
- 63% were resolved by the FOC without additional court intervention.
- 106 hearings were scheduled before the court on parenting time violations.
- 8,245 total parenting time complaints, including telephone and letters.

Formal Parenting Time/Custody Complaints Processed



## **INCOME REVIEWS**

The FOC Income Review Department evaluates whether a court-ordered financial responsibility is being charged at the amount recommended by the Michigan Child Support Formula. If a change of more than 10% of the current obligation or \$50/month (whichever is greater) is recommended, FOC will petition the Circuit Court to modify the obligation. Another function of the FOC Income Review Department is to review those cases referred by the Circuit Court judges. Following the review of a court-ordered financial responsibility, FOC issues a detailed report and recommendation to the Judge/Referee, the attorneys, and each parent. The overall goal of the Income Review Department is to make sure that the financial responsibility is in line with the individual's ability to pay.

### **2008 SUMMARY**

- 3,279 support reviews were completed.
- 2,196 reviews were completed after a request for modification.
- 769 court ordered reports and recommendations were completed.

## **IN PRO PER**

Instead of the Circuit Court immediately scheduling a hearing when a parent files a "Pro Per" petition (motion without an attorney), the court reviews the paperwork and, if appropriate, refers the case to the FOC. FOC completes the review based upon information provided by the parents and issues a recommendation and proposal to modify the financial obligation.

### **2008 SUMMARY**

- 234 In Pro Per Reviews were completed.

## **ORIENTATION**

The FOC office began conducting orientation services for clients in 1989. The court mandates that both parents of newly filed paternity, family support actions and dissolution of marriage cases must attend the Focus Program, which includes an orientation as well as a four-hour Parent Awareness Class. Orientation is conducted by two FOC case managers and is a basic one and a half-hour overview of services provided by the FOC office.

### **2008 SUMMARY**

- 3,700 parents were scheduled for orientation.
- 44% of those scheduled actually attended orientation.

## **PARENT AWARENESS CLASS**

The FOC, in conjunction with Life Guidance Services, began providing the Parent Awareness Class (PAC) in 1996. The objective of this educational tool is to provide parents with ideas that may benefit them and their children in coping with the grief and pain of change and conflict that goes along with separation and/or dissolution of a marriage. At the conclusion of the PAC session, as with the orientation, parents are asked to complete a survey regarding the PAC presentation.

### **2008 SUMMARY**

- 1,499 parents signed up to attend the PAC.
- 53% of those who signed up to attend actually participated in these classes.

**ALTERNATIVE DISPUTE RESOLUTION:** The goal of the Alternative Dispute Resolution Unit is to educate and assist parents in finding alternative methods of handling their disputes surrounding the matters of parental time for their children, and arrive at a mutual resolution.

## PARENTAL TIME EVALUATIONS

Parenting Arrangement evaluations are initiated after a written order is received from the Court. The purpose of the evaluation is to gather information regarding the best interest of the children as defined in the (12) factors of the Michigan Child Custody Act. The parents participate in an initial interview together. The evaluator will either write a report and recommendation and submit a proposed order, or continue the evaluation process. The report and recommendation may be to terminate the investigation altogether or it may address limited issues in the case. If there is a proposed order attached, the parents may object within 21 days and request a hearing. If there is no objection, the court will enter the order after the 21 days has expired, as long as the proposed order comports with the Court's decision.

### **2008 SUMMARY**

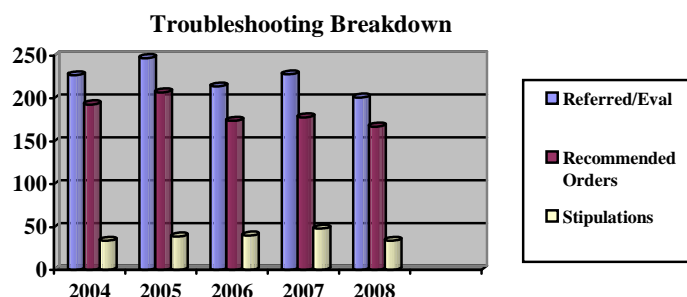
- There were 945 referrals from the Court requesting an evaluation.
- 801 assessment interviews were held.
- 120 stipulations were entered.
- 681 report and recommendations were submitted to the Court.
- 363 custody recommendations were completed.

## TROUBLESHOOTING

Troubleshooting is scheduled upon a direct referral from the Court, usually on motion day, and is an ADR process where both parents attend a meeting with a FOC mediator or evaluator. The goal is to gather information to assist the parents in settling the dispute by reaching an agreement. If an agreement is reached, the FOC representative will prepare a stipulation and order.

### **2008 SUMMARY**

- 201 troubleshoots referrals were scheduled.
- 167 report and recommendations were entered.
- 34 stipulations were made.



## MEDIATION

Mediation is a voluntary and confidential process. If one parent does not wish to mediate, other options are offered to the requesting parent. The objective of the mediator is to assist the parents in looking at alternatives, helping each person try to see the other person's position, focusing on the best interests of the child rather than on the adults' wants or desires, balancing the communication between the parents, and empowering them to make decisions for the benefit of their child. If the parents reach an agreement, a stipulation and order is prepared, approved and signed by both parents. If the parents do not reach an agreement, the mediator does not make a recommendation to the Court. The Kent County FOC offers two kinds of mediation services, **Statutory** and **Court Rule** mediation. Both types of mediation are confidential and involve a neutral third party who is trained to assist the parents in communicating about the issues. Statutory mediation, though, is voluntary, as opposed to mediation ordered by the Court. Court rule mediation is court-ordered, not voluntary, although it is still a confidential process.

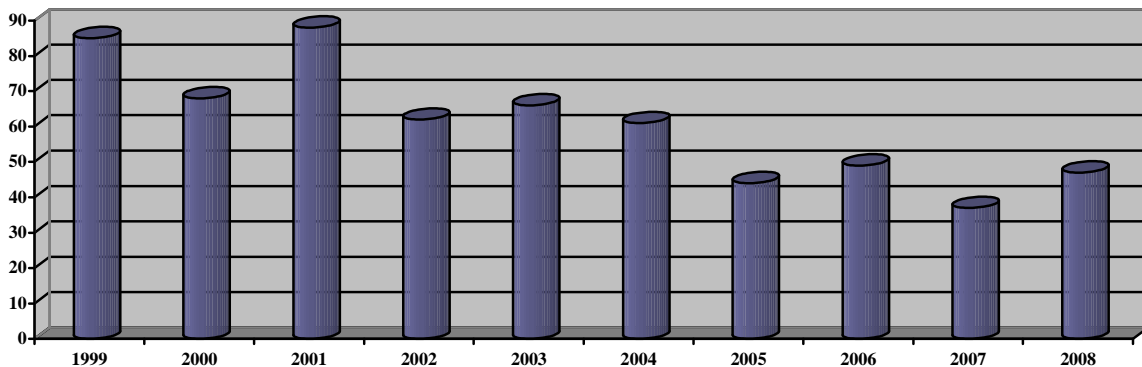
### **2008 SUMMARY**

- 286 statutory mediations were held.
- 174 statutory mediations resulted in stipulated agreements.
- There were 82 unsuccessful mediations and 30 no shows.

## GRIEVANCES

In an effort to assure that the FOC is responsive to the concerns of clients, the FOC Act provides a grievance procedure for complaints about FOC operations or employees. A grievance may not be used to change or object to a FOC recommendation, or to disagree with a referee's recommendation or a judge's decision. Once a grievance has been received, the FOC must investigate and respond or issue a statement explaining why a response is not possible within 30 days. The Kent County FOC has always been encouraging and receptive of these types of formal complaints. Rather than being considered a negative reflection of office performance, it is felt to be a good way to measure customer satisfaction and help improve services where necessary. There were 47 grievances in 2008.

**Grievances Filed**



## CITIZEN ADVISORY COMMITTEE

The Citizen Advisory Committee (CAC) was created by the legislature ten years ago to assist citizens and the FOC office with issues concerning office operations. Since then, only 30 of 83 counties ever formed committees, and only a handful are still active. Even though legislation eventually eliminated the mandate that required counties to have a CAC, in Kent County, the CAC stays fairly active, meeting five times in 2008. Minutes from its meetings were submitted to the County Board, while the sub-committees reviewed actual grievances. Four grievances were filed directly with the committee in 2008, while 16 other grievances were randomly selected by the FOC and forwarded to CAC for their review. The FOC views the relationship with the CAC as somewhat of a partnership, working together to try and achieve the Child Support Program goals and improve services to the families the FOC comes in contact with.