

# FRIEND OF THE COURT

FRIEND OF THE COURT— DAN FOJTIK

***MISSION: TO SERVE THE COURT AND THE FAMILIES OF KENT COUNTY TO ENSURE CHILDREN ARE SUPPORTED, BOTH FINANCIALLY AND EMOTIONALLY.***

As set forth in the 1998 Child Support Performance and Incentive Act, state child support enforcement programs are measured in five key areas: Collections on Arrears, Total Collections, Paternity Establishment, Cost Effectiveness and Order Establishment. The following rankings represent how the Kent County Friend of the Court measured in 2019 against the eleven (11) largest counties in Michigan, excluding Wayne County. Those factors, and Kent's rankings, are as follows:

	<u>KENT COUNTY RANKING</u>
• <b>COLECTIONS ON ARREARS</b>	<b>#1</b>
• <b>COLLECTIONS ON CURRENT</b>	<b>#2</b>
• <b>PATERNITY ESTABLISHMENT *</b>	<b>#2</b>
• <b>ORDER ESTABLISHMENT *</b>	<b>#6</b>

\* Performance in these two areas is not controlled by the Kent County Friend of the Court office.

## **COLLECTION ON CURRENT SUPPORT (Child, Spousal, Medical and Birthing Expenses):**

The Friend of the Court (FOC) employs a wide range of enforcement remedies and innovative strategies to improve the reliability of child support payments. Emphasis is placed on having realistic child support orders, reducing unpayable child support debt and intervening early when parents begin to struggle to make payments.

### **PERFORMANCE OBJECTIVE:**

- Collect 80% of total court ordered child support that was charged.

### **PERFORMANCE OUTCOME-2019:**

- 76% of court ordered child support charged was collected.

### **2019 SUMMARY:**

- \$77,661,800 (Total current support distributed)
- \$101,991,847 (Total support charged)
- \$100,664,787 (Total collections including current and arrears)

# FRIEND OF THE COURT

## INCOME WITHHOLDING

With income withholding, payments are deducted from the payer's check and sent to the Michigan State Disbursement Unit (MiSDU) in Lansing. 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.

### PERFORMANCE OBJECTIVE:

- Collect 75% of child support collections by withholding order.

### PERFORMANCE OUTCOME-2019:

- 75% was collected via income withholding order.

### 2019 SUMMARY:

- \$75,951,510 was collected via income withholding.

## SHOW-CAUSE HEARINGS AND BENCH WARRANTS

When payments are not made regularly and the payer does not work with us to make payments or remedy his or her inability to pay, we may schedule a show cause contempt hearing. At the hearing, case managers attempt to resolve the non-payment or present the case before the Court for a determination of contempt. If a person does not appear for the hearing, a Bench Warrant may issue.

### PERFORMANCE OBJECTIVE:

- 85% of those ordered to jail as a result of a contempt hearing will pay out within two weeks.
- 85% of the bench warrants handled by FOC deputies will be resolved without arrest.

### PERFORMANCE OUTCOME-2019:

- 62% of those who were ordered to jail as a result of a contempt hearing paid and were released within two weeks.
- 95% of the bench warrants handled by FOC deputies were resolved without arrest.

### 2019 SUMMARY:

- 111 payers were found in contempt and ordered to jail.
- 1,374 warrants were resolved without arrest.

## TAX OFFSET

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

### PERFORMANCE OBJECTIVE:

- 90% of cases qualifying for a tax offset are submitted.

### PERFORMANCE OUTCOME-2019:

- 100% of cases qualified for a tax intercept were submitted.

### 2019 SUMMARY:

- \$3,638,573 was collected from the Federal tax offset program.
- \$449,096 was collected from the State tax offset program.

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## LIENS 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.

### PERFORMANCE OBJECTIVE:

- 80% of cases submitted for a lien or garnishment are ordered or perfected.

### PERFORMANCE OUTCOME-2019:

- 100% of cases submitted for a lien or garnishment received one.

### 2019 SUMMARY:

- 10 real estate liens was placed for a potential future collection and \$37,106 was collected.
- 14 liens/garnishments were placed against inheritances and \$11,680 was collected.
- 2 liens were placed against settlements and \$45,647 was collected.

## HEALTH CARE

The Health Care Unit has two main objectives. One is to enforce court orders to maintain health care insurance. The other is to enforce court orders related to uninsured health care expenses.

### PERFORMANCE OBJECTIVES:

- 65% of cases have orders with health care provisions.
- 90% of cases with health care reimbursement accounts received payment.

### PERFORMANCE OUTCOMES-2019:

- 82% of cases with orders have health care provisions.
- 97% of cases with health care reimbursement accounts received payment.

### 2019 SUMMARY:

- 23,541 orders have a health care provision included.
- 477 cases with health care reimbursement accounts received payment.

## PARENTING TIME

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. Also, 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.

### PERFORMANCE OBJECTIVE:

- 90% of parenting time complaints resolved prior to a contempt hearing.

### PERFORMANCE OUTCOME-2019:

- 87% of parenting time complaints were resolved prior to a contempt hearing.

### 2019 SUMMARY:

- 2,088 formal written parenting time complaints were received.
- 69 hearings were scheduled on parenting time violations.
- 28 families were afforded parenting time through the Access and Visitation Grant.

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## SUPPORT REVIEW

Support reviews are commenced when a client submits a written request and is eligible for a review (every three years or if there has been a significant change in circumstances), by court order or upon FOC's own initiative. Friend of the Court is statutorily required to complete support reviews within 120 days after notice of the review is sent, but it is Kent County's goal to complete all support reviews within 90 days.

### **PERFORMANCE OBJECTIVE:**

- 90% of all support reviews will be completed within 90 days.

### **PERFORMANCE OUTCOME-2019:**

- 99% of all support reviews were completed in 90 days.

### **2019 SUMMARY:**

- 3,417 support reviews were completed.

## RESPONSIBLE PARENT PROGRAM

The Responsible Parent Program was established in 2016. Case managers in this program actively partner with potential employers and placement agencies to assist payers who need a job. They also conduct outreaches within the community to help payers who are often reluctant to engage with the Friend of the Court. Once a payer is referred to the program, the case manager schedules an appointment with the payer to identify any barriers that make it difficult to comply with the child support order. Once identified, the case manager can make appropriate referrals for job placements and searches, determine whether a case qualifies for a support review to ensure that charges are based on ability to pay, and/or provide information about parenting time issues and services.

### **PERFORMANCE OBJECTIVE:**

- 90% of the eligible payers who are referred to the program will be scheduled for a first appointment within 14 days.

### **PERFORMANCE OUTCOME-2019:**

- 99% were scheduled for a first appointment within 14 days of the referral.

### **2019 SUMMARY:**

- 310 payers were scheduled for a first appointment within 14 days of the referral.

# FRIEND OF THE COURT

## EARLY ENGAGEMENT PROGRAM

The Early Engagement Program was created in June of 2017. The goal of this program is to provide information about the Friend of the Court to clients who have not had contact with the office previously to:

- A. Break down barriers to communication.
- B. Provide accurate information and clarify expectations.
- C. Provide early access to the Responsible Parent Program.
- D. Provide information about the availability of facilitated parenting time when appropriate.
- E. Ensure that all provisions of the support order are understood.

We do this by reaching out to parents with a new case at the Friend of the Court by phone within two weeks of processing the initial order. We review the order prior to contacting them and answer any questions they may have about their order or the information that was included in the new case packet. If we are not able to reach the clients by phone, we send an email or letter providing information on ways to contact the Friend of the Court office to let them know we are available to answer questions they may have.

### PERFORMANCE OBJECTIVE:

- Make contact in 90% of new cases.

### PERFORMANCE OUTCOME-2019:

- Contact was made with one or both parties in 92% of the new cases.

### 2019 SUMMARY:

- Contact was made in 1,645 new cases.

## CLIENT COMMUNICATION

It is important that clients are able to communicate effectively with us. During 2019, we received 84,277 phone calls, of which 92% were resolved at first contact without transferring callers. We also received 95,441 letters, faxes and emails. The State of Michigan maintains a website that is easily accessed 24 hours a day by cell phone, computer or other device to find case information including payments and balances. Case managers are also available for walk-in clients, two days a week, as well as by appointment.

It is also important to provide clients with important case information and to anticipate questions. With this in mind, we email clients reminders about court dates, provide information about updated processes, and inform them of job opportunities and other events in the community.

## EDUCATION

We provide the parties in all new cases basic information about the Friend of the Court. This information includes contact information and general information about child support, parenting time and health care. We continuing to update and enhance a series of entertaining orientation videos to help our clients understand the Friend of the Court processes better. We also maintain forms and other information on our website and in our lobby.

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## CUSTODY/PARENTING TIME EVALUATIONS

Custody and parenting time evaluations are initiated after a written order is received from the Court. The purpose of an evaluation is to gather information regarding the best interests of the children as defined in the (12) best interest factors of the Michigan Child Custody Act and to complete a written report and recommendation for the Court.

### PERFORMANCE OBJECTIVE:

- 90% of all Court requested custody and parenting time evaluations will be completed within 90 days from the date the Court ordered the referral.

### PERFORMANCE OUTCOME-2019:

- 95% of all Court requested custody and parenting time evaluations were completed within 90 days of the date the Court ordered the referral.

### 2019 SUMMARY:

- 637 total evaluations completed in 2019.

## MEDIATION AND CONCILIATIONS

Mediations are conducted on request of the parties or by court order. The mediator assists the parents in reaching agreements on the issues of custody and parenting time. If the parties reach an agreement during mediation, they may sign an agreement prepared by the mediator, which is then entered as an order by the Court. Conciliations are conducted on the request of either party for the purpose of creating a temporary order regarding custody, parenting time and child support while a case is pending. If the parties reach an agreement regarding these issues, they may sign a stipulated order prepared by the conciliator. If the parties do not reach an agreement, the conciliator may issue a proposed order to the Court.

### PERFORMANCE OBJECTIVE:

- 90% of mediations and conciliations will be scheduled within 60 days of being requested.

### PERFORMANCE OUTCOME-2019:

- 99% of mediations and conciliations were scheduled within 60 days.

### 2019 SUMMARY:

- 232 mediations and conciliations scheduled in 2019. 148 of these were walk-in mediations

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## 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 within 30 days or issue a statement explaining why a response is not possible within that timeframe. The Kent County FOC has always been receptive of these types of formal complaints. Rather than being considered a negative reflection of office performance, it is a good way to measure customer satisfaction and help improve services where necessary.

### **2019 SUMMARY:**

- 4 grievances were received in 2019.
- 100% were responded to within 30 days of receipt.

## CITIZEN ADVISORY COMMITTEE

The Citizen Advisory Committee (CAC) was created by the legislature to assist citizens and the FOC office with issues concerning office operations and employees. Although having a CAC was initially mandatory, the legislature eliminated this requirement and currently only two counties statewide have one, Macomb and Kent. Minutes from its meetings are submitted to the County Board, while sub-committees review actual grievances. There were no grievances filed directly with the CAC in 2018; however, all 11 grievances received by the FOC were forwarded to the CAC for their review. Of note, the CAC agreed fully with the response of the FOC on 11 grievances.