

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 2016 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>
• COLECTIONS ON ARREARS	#1
• COLLECTIONS ON CURRENT	#2
• PATERNITY ESTABLISHMENT *	#2
• ORDER ESTABLISHMENT *	#8

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

The Friend of the Court (FOC) employs a 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

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

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-2016:

- 77% of court ordered child support charged was collected.

2016 SUMMARY:

- \$76,339,969 (Total current support distributed)
- \$98,741,906 (Total support charged)
- \$99,577,418 (Total collections including current and arrears)

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INCOME WITHHOLDING

With income withholding, payments are deducted 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.

PERFORMANCE OBJECTIVE:

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

PERFORMANCE OUTCOME-2016:

- 76% was collected via income withholding order.

2016 SUMMARY:

- \$75,759,421 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 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:

- 60% of cases will remit payment within 60 days of an order to show cause hearing.
- 70% of those ordered to jail as a result of a contempt hearing will pay out within two weeks.

PERFORMANCE OUTCOME-2016:

- 56% of cases remitted a payment within 60 days of an order to show cause hearing.
- 69% of those who were ordered to jail as a result of a contempt hearing paid and were released within two weeks.

2016 SUMMARY:

- 6,464 cases remitted a payment within 60 days of an order to show cause hearing.
- 2,230 cases remitted a payment within 45 days after dismissal of a bench warrant.

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-2016:

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

2016 SUMMARY:

- \$4,307,098 was collected from the Federal tax offset program.
- \$376,852 was collected from the State tax offset program.

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LICENSE SUSPENSION

The FOC may petition to suspend a payer's driver, occupational, and/or recreational (hunting/fishing) license(s). Suspension of driver license is automatic if a payer fails to appear for a scheduled show cause hearing. Our goal in suspending licenses is to encourage the payer of support to resolve the non-payment that led to the suspension, and to obtain a conditional order to encourage future payments.

PERFORMANCE OBJECTIVE:

- 75% of the court ordered amount will be collected on conditional license suspension orders.
- 55% of conditional license suspension orders will make payments.

PERFORMANCE OUTCOME-2016:

- 89% of the court ordered amount was collected on conditional license suspension orders.

2016 SUMMARY:

- \$20,175,210 was collected on cases with a conditional license suspension order.

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.

PERFORMANCE OBJECTIVE:

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

PERFORMANCE OUTCOME-2016:

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

2016 SUMMARY:

- 1 real estate lien was placed and \$41,509 was collected.
- 12 liens/garnishments were placed against inheritances and \$24,235 was collected.
- 8 claims were filed against decedent obligor's estate.

ASSET SEIZURE / VEHICLE BOOTING

The FOC is authorized to pursue asset seizure and/or vehicle booting when a payer is delinquent on child support.

PERFORMANCE OBJECTIVE:

- 50% of cases that have this remedy applied received a payment within 90 days due to the specific remedy.

PERFORMANCE OUTCOME-2016:

- 0% of cases received a payment within 90 days due to the specific remedy.

2016 SUMMARY:

- 1 asset seizure order was entered resulting in no collection.

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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-2016:

- 79% of cases with orders have health care provisions.
- 99% of cases with health care reimbursement accounts received payment.

2016 SUMMARY:

- 26,285 orders have a health care provision included.
- 4,388 requests for reimbursement for uninsured health care expense claims were processed.

The primary function and statutory duty of the Parenting Time Unit is to secure compliance with parenting time and

PARENTING TIME

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. 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-2016:

- 88% of parenting time complaints were resolved prior to a contempt hearing.

2016 SUMMARY:

- 2,493 formal written parenting time complaints were filed.
- 92 hearings were scheduled on parenting time violations.
- 31 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 must complete support reviews within 180 days according to statute, 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-2016:

- 91% of all support reviews were completed in 90 days.

2016 SUMMARY:

- 2,885 support reviews were completed within 90 days.
- 3,161 support reviews were completed.

It is important that clients are able to communicate effectively with us. During 2016, we received 112,436 phone calls,

CLIENT COMMUNICATION

of which 104,550 were resolved at first contact, without transferring callers. We also received 94,779 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 two days a week and by appointment to meet with clients that desire face to face communication.

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 and provide information about updated processes. We also email quarterly newsletters and inform our clients of job opportunities and other events in the community. In 2016, we emailed our newsletter to 21,470 clients and sent 85,009 other emails.

In order to avoid confusion and to help them navigate complicated processes, we provide the parties in all new cases

EDUCATION

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 maintain available forms and other information on our website as well as provide a series of brochures and forms in our lobby. In order to reach even more parents, we have partnered with Grand Valley State University to develop brief videos explaining Friend of the Court processes in a simple, entertaining way.

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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 the evaluation is to gather information regarding the best interests of the children as defined in the (12) 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-2016:

- 77% of all Court requested custody and parenting time evaluations were completed within 90 days of the date the Court ordered the referral.

2016 SUMMARY:

- 570 evaluations were completed within 90 days of the date the court ordered the referral.
- 736 total evaluations completed in 2016.



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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. 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:

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

PERFORMANCE OUTCOME-2016:

- 94% of mediations and conciliations were scheduled within 60 days.

2016 SUMMARY:

- 422 mediations and conciliations were scheduled within 60 days of being requested.
- 451 mediations and conciliations scheduled in 2016.

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 an 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 receptive of these types of formal complaints. Rather than being considered a negative reflection of office performance, it is good way to measure customer satisfaction and help improve services where necessary.

2016 SUMMARY:

- 20 grievances were received in 2016.
- 100% were responded to within 30 days of receipt of grievance.

The Citizen Advisory Committee (CAC) was created by the legislature 17 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

CITIZEN ADVISORY COMMITTEE

three are still active. Even though legislation eventually eliminated the mandate that required counties to have a CAC, Kent County and Oakland County still maintain a committee. Minutes from its meetings are submitted to the County Board, while sub-committees reviewed actual grievances. Zero grievances were filed directly with the committee in 2016, while all 20 grievances received by the FOC were forwarded to CAC for their review. Of note, the CAC agreed with 100% of the FOC's responses.