

**Friend of the Court - Kent County**

**Bench Warrant Enforcement  
Program**

**August 2016**

## ASSIGNMENT OF TWO SHERIFF DEPUTIES TO FOC

The Friend of the Court (FOC) has partnered with the Kent County Sheriff's Department to have two deputies assigned to the FOC to resolve bench warrants. The sole purpose of this is to secure more support owed to the approximately 6,000 children not receiving court-ordered support at this time. The FOC submits this plan, which includes oversight through the Citizen Advisory Committee, amnesty events, and a new program for qualified payers who desire to resolve their warrant without arrest through diligence in obtaining employment and following their court order for support.

**The Friend of the Court (FOC) is statutorily mandated to assist the Circuit Court enforce its orders.<sup>1</sup> A bench warrant for arrest, which is entered when a payer of support fails to appear for a show cause contempt hearing, is a court order that must be enforced.**

- The FOC does not establish the initial support order. This is done through the Prosecutor's Office, private divorces, and registration of interstate cases.
- The Kent County FOC has made significant efforts to "right-size" support orders to ensure they are based on ability to pay. The FOC conducts regular reviews of high charging cases, and frequently initiate reviews instead of relying on parents to request them.
- The FOC is sensitive to payers who face barriers and try to work with them. This is evidenced by the fact that we facilitated the waiver of \$45,381,287.99 in state-owed dollars for those payers who qualify since May 2012.
- When a person who is ordered to pay support fails to comply, FOC makes the following attempts to obtain compliance before a show cause contempt hearing is scheduled:
  - Check MiCSES case notes for at least the past year to see if there is any reason why a show cause hearing should not be scheduled
  - Call or e-mail payer if there is no response to an enforcement letter, a job search report is late, or medical documentation that was requested is not received
  - Call Probation or Parole if payments have stopped
  - Call the employer and payer if payments have stopped
  - Check Data Warehouse/Business Objects to locate income and/or address information
  - Check for receipt of state assistance
  - Check for incarceration (AccessKent, OTIS, Vine link, BOP)
  - Check for interstate registration if both parties reside out-of-state
  - If payer has multiple cases in other counties, see if monies are being applied to other cases
  - Check for license with Secretary of State, check for real estate
  - Should the case be considered for income review?
  - Should the case be considered for closure?

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<sup>1</sup> See Friend of the Court Act (MCL 552.459 et seq) and Support and Parenting Time Enforcement Act (MCL 552.535 et seq).

- If a show cause hearing is scheduled, the payer has adequate notice to appear at the hearing. All due process is given under court rule. If a payer has provided an e-mail address, the FOC goes beyond the court rule and try to e-mail notice to the payer both when a case is referred for a show cause hearing and then again 5 days before it is held. At the hearing, those payers who appear meet first with a case manager in an attempt to resolve the issues. Relatively few payers who appear are presented before the Judge. If a payer fails to appear, the Court will typically order a bench warrant for arrest. **Only those persons who have a bench warrant, signed by a judge, are subject to arrest.**
- Most like-sized counties in Michigan have at least two deputies assigned to their FOC (*see pages 5 and 6*). Kent County FOC has been without deputies since 2010. Currently, arrests are typically made only when a payer is stopped for a traffic offense or other violation and the FOC warrant appears on statewide LEIN (Law Enforcement Information Network). The ultimate goal of the deputies is to resolve child support warrants.

Having deputies assigned to the FOC enables the FOC to locate hard-to-find persons, affix vehicle boots as an alternative to arrest, and cooperate with other counties to transport arrestees back to Kent County. Two deputies have already been selected for assignment to the FOC. They have extensive experience and a background in community policing. Their primary function will be to resolve matters without arrest where possible, provide information to payers that will help them work with the office in the future, and bring information back to the office at large that may assist with order modification and other matters.

FOC Deputies will discuss certain issues in determining the ability to pay towards child support. The Michigan Supreme Court case of *Sword v Sword*, 399 Mich 367 (1976) instructs FOC to consider the following, which is not intended to be an exclusive list:

- Employment history, including reasons for any termination
- Education and skills
- Work opportunities available
- Diligence in trying to find work
- Payer's personal history, including present marital status and present means of support
- Real and personal assets and any transfer of assets to another
- Efforts to modify the decree if it is considered excessive under the circumstances
- Health and physical ability to obtain gainful employment
- Availability for work
- Payer's location since the judgment and reasons for moving, if applicable

**Outreach** – It is vital that the public be aware of the FOC's accessibility and willingness to speak with anyone who has a domestic case and needs assistance, especially persons who have bench warrants. The FOC has made significant efforts towards this by participating in the following outreach events: Strong Fathers (monthly), Salvation Army, eBus, KCCF, Guiding Light Mission (monthly), Unity in the Community, Kent County Health Department, Probation/Parole, Focus on Fathers, Kent County Resource Fair, Lutheran Social Services, Bates Place Ministries, Show Me the Money, DHHS, and

LINC. Recently, the FOC assisted Steepletown in its efforts to reach out to young men who qualify for their program.

**Enforcement** - Payers who are able but unwilling to pay their support obligation have top priority. Before these FOC deputies conduct enforcement in the inner city, the FOC intends to have the deputies first go out to the areas outside the City of Grand Rapids. The FOC also desires to initially hold an amnesty event in the inner city in an attempt to resolve many of those warrants. It is also anticipated that many payers from the inner city will be placed in our new Responsible Parent Program.

**Responsible Parent Program** The FOC is establishing a program known as Responsible Parent Program. It will be staffed by a full-time case manager to act as liaison between the FOC and the community. The case manager will partner with potential employers and placement agencies to assist payers who need a job, will conduct outreaches to the community, and be an essential contact for those facing potential arrest. Once in the program, the case manager will schedule an appointment with the participant to determine appropriate referrals for job placement and searches, whether a support review is necessary to ensure that charges are based on ability to pay, and assist with parenting time issues.

To ensure success, it is anticipated that groups such as Lifequest and Strong Fathers will provide a mentoring role for those engaged in the program and work closely with the case manager overseeing the program.

Payers with bench warrants have priority to enter into the program. Other criteria are as follows:

- No traditional employment
- Non-compliance with support order
- Able to work (and no substance or alcohol dependency)
- No pending child support related felony warrant

There will be a strong parenting time component to this program. In cases where a participant is interested in establishing a parenting time order or modifying one, the caseworker will screen to see whether the case is appropriate for mediation. This will often include contacting the custodial parent. If mediation is not appropriate, the participant will be given information on how to pursue facilitated parenting time or file a motion.

The anticipated measures of success are as follows:

- Job placements
- “Right-sizing” support orders
- Establishment or modification of parenting time orders
- License reinstatements
- Decrease in show cause contempt proceedings
- Compliance with the support orders

**Amnesty Event** -- The FOC will partner with Lifequest and Strong Fathers to hold an amnesty event at 1050 Fisk Street, Grand Rapids in August 2016. Persons with warrants can consult with a FOC case manager without fear of arrest. Certain agencies will be available to assist these payers find work.

Payers will be screened during this event to determine if they qualify for enrollment in the Responsible Parent Program. Where indicated, we will also initiate support reviews for those who are unable to comply with their support order.

During the month of August 2016, the FOC will also offer amnesty during its walk-in hours on Tuesday mornings from 8:00 a.m. to 11:30 a.m., and Thursday afternoons from 1:00 p.m. until 4:00 p.m. Future amnesty events will be determined based on caseload and staff availability.

**Diversity, Equity & Inclusion Awareness** – FOC staff is well represented on the Kent County Cultural Insight Council. Because of the high level of interest, the FOC has established an office version of this group. It is important to us that our staff understand the diverse community with which we work. To that end, the FOC recently developed Equity and Social Justice Dialogue Workshops. The two new deputies along with all FOC staff will be attending these workshops. All FOC staff will be attending, and an invitation has been extended to others within the court system to participate.

**Citizen Advisory Committee Oversight** -- Kent County is only one of two counties statewide that has a Citizen Advisory Committee (CAC), where various members of the public are appointed to oversee that grievances against FOC are handled appropriately. The CAC reports back to the Board of Commissioners and the Chief Circuit Judge. The FOC will not object to the CAC expanding its role to ensure that the warrant process is not misused. Upon request, statistics will be provided to the CAC at its regular meetings.

**Funding** -- Two-thirds of the cost is eligible to be reimbursed by the federal government under the FOC's Title IV-D Cooperative Reimbursement Program grant. Wages and benefits will cost approximately \$82,116 per year (after 66% reimbursement by the feds) for the two deputies. The funding source is from 15% of the state-owed medical collections that are returned by the state.

**Goal** – It is expected that the program will be at least as successful as Ottawa County which has an identical program. There, they collected \$793,030.15 on warrants in 2015 compared to Kent County at only \$442,199.46. Ottawa County's caseload is approximately 12,000 compared to Kent's approximately 40,000. The FOC is unable to predict the reduction in show cause hearings or the amount of collections until there is some experience with the program. There will undoubtedly be a significant effect on those payers who comply, simply by their knowing the warrants now have force behind them; however, this cannot be measured.

**Review** – Data on collections and efforts will be calculated quarterly. This plan will be reviewed for performance in February/March 2017.

### **Sampling of Warrant Officers in Other Michigan Counties**

**Bay** One designated Sheriff's Deputy since 1985.

**Berrien** One Sheriff's Deputy who handles warrants (along with other non-traditional enforcement duties) and is a IV-D employee of the FOC. (Berrien "converted" an enforcement officer position to that of a functioning warrant officer.)

**Calhoun** One full-time Sheriff's Deputy.

**Genesee** Three certified Deputies contracted through the Sheriff: work 100% at the FOC, but required to follow Sheriff Department policies and protocols.

**Ingham** Two in-house Court Service Officers. They are authorized to effectuate arrests on FOC warrants and are members of Circuit Ct./FOC staff.

**Jackson** Two BW officers under FOC payroll specially deputized by Sheriff.

**Kalamazoo** None, but would like to establish.

**Macomb** Five Macomb County Sheriff's Deputies: one is an in house deputy and the other four execute warrants. Two are morning shifts and the other two work in the afternoon and evening.

**Muskegon** 1.5 FTE's court employees Deputized by the Sheriff to function as warrant officers.

**Oakland** Six Sheriff's Deputies and one sergeant assigned solely to FOC.

**Ottawa** Two Sheriff's Deputies assigned to FOC.

**Saginaw** Two Sheriff's Deputies work exclusively under FOC supervision, budget.

**Tuscola** One bench warrant officer.

**Van Buren** Two full-time Sheriff's Deputies assigned to the FOC office; also serve other warrants in establishment cases.

**Washtenaw** No, but considering it.

**Wayne** One sergeant, three Sheriff's Deputies make up the Friend of the Court Felony Non-Support Warrant (FNS) unit, a partnership between the Wayne County Sheriff's Office and the Wayne County Prosecutor's Office.