

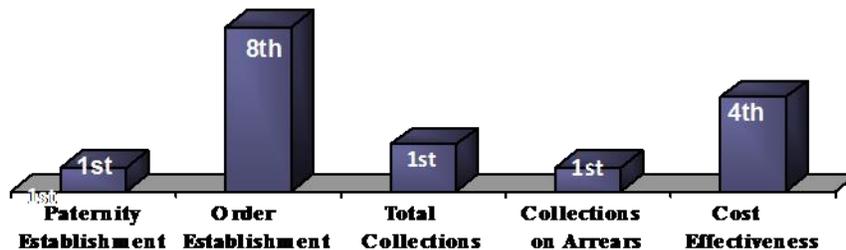
# FRIEND OF THE COURT

FRIEND OF THE COURT—TERRY NOVAKOSKI

**MISSION: TO ASSIST THE FAMILY DIVISION OF THE CIRCUIT COURT IN FACILITATING THE RESOLUTION OF DOMESTIC RELATIONS MATTERS SO THAT CHILDREN'S BEST INTERESTS ARE PROTECTED.**

Child support enforcements programs across the country are measured in the five key areas of Paternity Establishment, Order Establishment, Total Collections, Arrears and Cost Effectiveness. These areas are established in the 1998 Child Support Performance and Incentive Act. Kent County measures itself in these areas against the eleven (11) largest Counties in Michigan (Wayne County excluded).

## Kent County Friend of the Court Performance for 2014



## ENFORCEMENT

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 establishing realistic child support orders, reducing un-payable child support debt and intervening early when parents begin to struggle to make payments.

### PERFORMANCE OBJECTIVE:

- Collect 70% of total court ordered child support that was charged.

### PERFORMANCE OUTCOME-2014:

- 73% of court ordered child support charged was collected.

### 2014 SUMMARY:

- \$94,298,828 in current child support was collected.

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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-2014:

- 76% was collected via income withholding order.

### 2014 SUMMARY:

- There were 14,312 Income Withholding Notice and Order Modifications.

## SHOW-CAUSE HEARINGS

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.

### PERFORMANCE OBJECTIVE:

- 55% of cases will remit payment within 60 days of an order to show cause hearing.

### PERFORMANCE OUTCOME-2014:

- 52% of cases remitted a payment within 60 days of an order to show cause hearing.

### 2014 SUMMARY:

- 4,958 contempt hearings were scheduled.
- 80% of those ordered to jail complied with payment terms and were released within 2 weeks.

## 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-2014:

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

### 2014 SUMMARY:

- \$3,849,778 was collected from the Federal tax offset program.
- \$361,762 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 licenses results automatically if a payer fails to appear for a scheduled non-support 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:

- 40% of cases with a suspended license contact the FOC to make payment arrangements.
- 55% of conditional license suspension orders will make payments.

### PERFORMANCE OUTCOME-2014:

- 39% of cases with a suspended license contacted FOC to make payments.
- 54% of cases with a suspended license due to non-payment of child support started remitting payments.

### 2014 SUMMARY:

- 3,300 license suspension orders were entered, along with 2,240 conditional orders.
- 2,248 cases where 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.

### PERFORMANCE OBJECTIVE:

- 80% of cases submitted for a Lien/Garnishment are to receive an order to perfect one.

### PERFORMANCE OUTCOME-2014:

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

### 2014 SUMMARY:

- 9 real estate liens were placed, 2 liens were discharged and \$1,815.91 was collected.
- 20 liens/garnishments were placed against inheritances and \$41,553.26 was collected.
- 3 claims were filed against decedent obligor's estate.

## 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.

### PERFORMANCE OBJECTIVE:

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

### PERFORMANCE OUTCOME-2014:

- 66% of cases received a payment within 90 days due to the specific remedy.

### 2014 SUMMARY:

- 3 asset seizure orders were entered resulting in collection of \$5,355..

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## **BENCH WARRANTS**

If the 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 working with the FOC to pay and make arrangements for future payment or by judicial decision.

### **PERFORMANCE OBJECTIVE:**

- 55% of cases will remit a payment within 45 days of a warrant dismissal.

### **PERFORMANCE OUTCOME-2014:**

- 52% of cases remitted a payment within 45 days of a warrant dismissal.

### **2014 SUMMARY:**

- 2,032 cases remitted a payment after dismissal of a bench warrant.
- 80% of those who were ordered to jail paid and were released in 2 weeks.

## **HEALTH CARE**

The 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 (NMSN), 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.

### **PERFORMANCE OBJECTIVES:**

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

### **PERFORMANCE OUTCOMES-2014:**

- 80% of cases with orders have health care provisions.
- 98% of cases with health care reimbursement accounts received payment.

### **2014 SUMMARY:**

- 5,565 clients or employers were contacted regarding the client's responsibility to maintain health care insurance.
- 3,663 uninsured health care expense claims were processed.

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## 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.

### PERFORMANCE OBJECTIVE:

- 75% of parenting time complaints resolved prior to a hearing.

### PERFORMANCE OUTCOME-2014:

- 88% of complaints resolved prior to a hearing.

### 2014 SUMMARY:

- 2,347 formal written parenting time complaints were filed.
- 86 hearings were scheduled on parenting time violations.
- There were a total of 5,399 parenting time complaints, including telephonic and written.

## 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, 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.

### PERFORMANCE OBJECTIVE:

- 95% of income review recommendations are to be set according to the Michigan Child Support Formula.

### PERFORMANCE OUTCOME-2014:

- 100% of review recommendations set according to the formula.

### 2014 SUMMARY:

- 4,053 support reviews were completed.
- 2,410 reviews were completed after a request for modification.
- 559 court order reports and recommendations were completed.

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## 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 FOC. FOC completes the review based upon information provided by the parents and issues a recommendation and proposal to modify the financial obligation.

### PERFORMANCE OBJECTIVE:

- 100% of reviews referred to the FOC from the court are to contain a recommendation.

### PERFORMANCE OUTCOME-2014:

- 100% of reviews completed for the court had a recommendation.

### 2014 SUMMARY:

- 95 In Pro Per Reviews were completed.

## ORIENTATION

It is important that parents new to the FOC have information about how the office works. In order to provide all parents with as much information as possible in the manner easiest for them during the difficult time of filing, we provide orientation in multiple ways. Every party to a new paternity, family support, custody and divorce filing receives information about online orientation available at [www.accesskent.com](http://www.accesskent.com). These parents also receive written materials and the option of scheduling an appointment with his or her case manager.

### 2014 SUMMARY:

- Orientation materials were mailed to 3,038 parties in 2014
- 444 individuals watched the on line orientation.



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## 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, participants are asked to complete a survey regarding the PAC presentation.

### 2014 SUMMARY:

- 599 parents signed up to attend the PAC.
- 313 of those who signed up to attend actually participated in these classes.

## PARENTING 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 interests of the children as defined in the (12) factors of the Michigan Child Custody Act. The parties 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.

### PERFORMANCE OBJECTIVE:

- 100% of the evaluations are to be completed within 90 days from the date the court ordered the referral.

### PERFORMANCE OUTCOME-2014:

- 83% of evaluations, Parenting Time and Evaluations/Troubleshoots, were completed within 90 days of the order for referral.

### 2014 SUMMARY:

- There were 933 referrals from the Court requesting an evaluation.
- 706 assessment interviews were held.
- 85 stipulations were entered.
- 622 report and recommendations were submitted to the Court.
- 328 custody recommendations were completed.

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## ALTERNATIVE DISPUTE RESOLUTION

**GOAL: 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.**

## TROUBLESHOOTING

Troubleshooting is scheduled upon a direct referral from the Court, usually on motion day, and is an ADR process where both parties 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.

### PERFORMANCE OBJECTIVE:

- 20% of trouble shooting referrals will have a stipulation prepared.

### PERFORMANCE OUTCOME-2014:

- 10% of the referrals obtained a stipulation.

### 2014 SUMMARY:

- 706 troubleshoot referrals were scheduled.
- 622 report and recommendations were entered.
- 85 stipulations were made.

## MEDIATION (ALTERNATIVE DISPUTE RESOLUTION )

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 the parties 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.

### PERFORMANCE OBJECTIVE:

- 75% of mediations will be conducted within 60 days of being scheduled.

### PERFORMANCE OUTCOME-2014:

- 100% of mediations held within 60 days.

### 2014 SUMMARY:

- 382 statutory mediations were held.
- 172 statutory mediations resulted in stipulated agreements.
- There were 71 unsuccessful mediations and 94 no shows.

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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 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 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.

### **2014 SUMMARY:**

- 19 grievances were received
- 19 grievances were sent to the Citizens Advisory Committee

## CITIZEN ADVISORY COMMITTEE

The Citizen Advisory Committee (CAC) was created by the legislature 15 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 two 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 were submitted to the County Board, while sub-committees reviewed actual grievances. Zero grievances were filed directly with the committee in 2014, while all 19 received by the FOC were forwarded to CAC for their review.

