



Cass County Friend of the Court

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“Cass County is an equal opportunity provider and employer”

NEWS/UPDATES FROM THE CASS COUNTY FOC (FEBRUARY 2018) from the Director, Carol Montavon Bealor



New Deputy Friend of the Court

Please welcome our new Deputy Friend of the Court, Sarah Mathews. We are excited to have Sarah join the Friend of the Court team since she brings with her a passion for children as well as experience with children’s issues and family court. Sarah most recently worked for the Cass County Prosecutor’s Office as an assistant prosecutor.

Sarah is the primary point person for the Court’s Imaging Project. With E-Filing on the horizon, Cass County is fortunate to be ahead of the curve in terms of bringing technology and electronic document management to the Cass County Courts.

Phase One (1) of this project went live in November 2016 taking the Cass County Friend of the Court paperless for all incoming documents and transitioning Family Court to a paperless system with cases having a docket number of 16-800 or later.

Baxter the Dog

The Cass County Friend of the Court has a four-legged “friend” joining our ranks.

Deputy Tim Gondeck, the Friend of the Court’s Warrant Officer, has been working with Baxter to get him trained to be a therapy dog for our Court system.

Baxter still has training to complete before joining the Friend of the Court team.

You can follow Baxter at: <https://www.facebook.com/k9baxter/>





Source: NCSEA
“National Child
Support Enforcement
Association”

Overview of the Child Support Program

An Intergovernmental Partnership Ensuring Financial Support and Parental Involvement

Created by Congress in 1975, the child support program ensures that children in single-parent households receive a reliable source of private financial and medical support. Today, it **supports a quarter (over 17 million) of the nation’s children from all socioeconomic backgrounds**. The program increases family self-sufficiency, reduces child poverty, and encourages both parents to be involved and committed to their children.

The program’s **core functions** are:

- Establishing paternity
- Establishing child support orders
- Enforcing those orders
- Collecting and distributing child support obligations

Child support staff use a variety of methods and tools to carry out these core functions to support children and their families. Using administrative and judicial processes, child support staff **locate employers and work with them to withhold a portion of wages paid to employees owing support**. Nationwide, seventy-four percent (74%) of collections come from withheld wages.

To the extent there may be other income available, child support staff pursue many other strategies to potentially offset public benefit costs by:

- Offsetting Unemployment Insurance Benefits
- Offsetting Federal and State Income Tax Refunds
- Suspending Driver’s Licenses
- Seizing Bank Accounts
- Placing liens on Real and Personal Property
- Denying a US Passport
- Denying hunting/fishing and other recreational licenses
- Denying professional and occupational licenses

States also collaborate with each other to ensure that parents living in a state different from their children meet their obligations.

Child Support Does More Than Collect Dollars

During the economic recession, agencies have worked hard with non-custodial parents to **find and maintain work, and modify support orders when necessary** so that parents do not fall hopelessly behind in payments. Agencies try to build a culture of compliance, so that parents support their children voluntarily and reliably.

Child support programs **promote stable, safe, and healthy relationships between parents and children** by participating in the larger community's efforts to strengthen families, and encourage healthy marriage and responsible parenthood.

Child support programs have developed targeted, specific initiatives to work with special populations, veterans and those facing barriers to meeting their child support responsibilities, including incarcerated or formerly incarcerated parents.

This Federal, State, Local and Tribal Partnership Works!

- Efficiently administered, the program collected \$28.5 billion from non-custodial parents in FFY 2015 and distributed 93 percent of collections directly to families.
- Payments have a huge impact on child poverty. Child support received by families is 39% of the income of those headed by single poor mothers and reduces their poverty rate by nearly 25%.
- The Urban Institute has estimated that \$4 in child support expenditures reduces spending in public programs by \$5.
- OMB has characterized the child support program as “one of the highest rated block/formula grants of all reviewed programs government-wide....” For every dollar the government spends on enforcement, \$5.26 is collected in child support.
- Historically, child support reaches more children than any federally-funded program, with the exception of Medicaid. Given the recession, child participation in SNAP (food stamps) is a close third.

NCSEA Supports Continued Improvements to Child Support

In 2014 Congress passed HR 4980, the Preventing Sex Trafficking and Strengthening Families Act" and President Obama signed the bill into law. The law incorporates the adoption of the Hague Convention on the International Recovery of Child Support. NCSEA testified on and supported passage of earlier bills containing the language that was ultimately included in the new law. in the year. The law contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and cost-free to U.S. citizens seeking support in other countries. It is founded on the agreement of countries that ratify the Convention to recognize and enforce each other's support orders.

NCSEA provides information about child support issues and successes with congressional members and provides input to the federal Office of Child Support. In the last two years, NCSEA has provided detailed feedback to the administration on proposed rulemaking, and to their strategic plan. Annually, NCSEA provides a Child Support Policy Forum in which child support leaders from across the country share with state, private, tribal, and federal partners the various policy improvements and challenges to implementing and improving the program.

In addition to supporting the Hague Treaty provision, NCSEA is also preparing other proposals to improve the child support program. They include: Increasing collaboration between the child support program and Workforce Investment Act programs; Provisions improving the administrative tools and authority to adjust support orders based on the non-custodial parent's ability to pay; Improving enforcement tools to identify assets and encourage non-custodial parents to support their children; and, Establishing parenting time orders as an allowable activity for federal financial participation so that unwed parents receiving a support order are also given visitation privileges.

What are NMSN's: National Medical Support Notices

Employers and health insurance plan administrators are required to respond to the National Medical Support Notice (NMSN) sent by the child support program for their employees who are ordered to provide dependent health care coverage. Employers and plan administrators must assure that employee dependents have access to insurance open enrollment and are not denied coverage for any of the following reasons:

- Parents were never married.
- Dependent lacks the employee's last name.
- Dependent is not claimed on the employee's federal income tax return.
- Dependent does not reside with the employee or in the insurer's service area.

Upon enrollment of the dependent(s), employers must deduct the required health care coverage premiums from the employee's pay and send the deduction to the provider. Employers must also deduct cash medical support as identified on the notice of *Income Withholding for Support* and send the deduction to the MiSDU with the support withholdings.

Employees may not eliminate coverage of the dependent(s) without written proof that the order is no longer in effect or the dependent will be enrolled in a comparable health insurance plan.

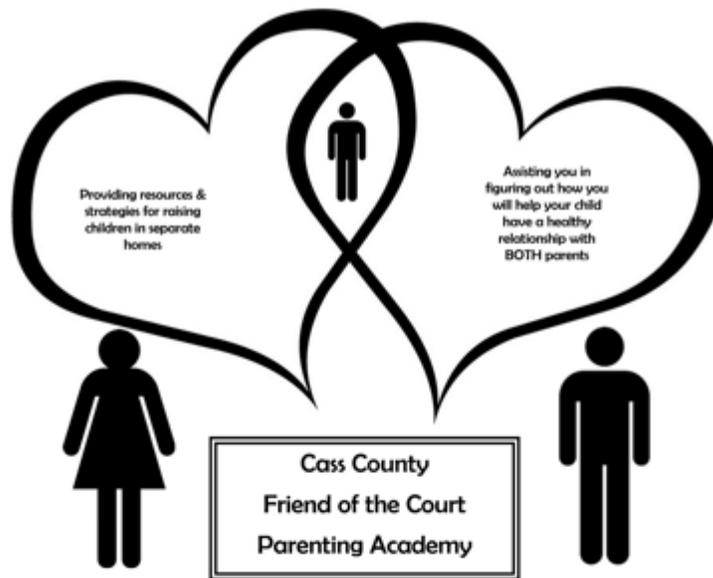
For more information: http://www.michigan.gov/documents/mdhhs/DHS-Pub-96_506091_7.pdf

Child Support in Michigan: "Just the Facts" for FY 2015

- 881,557 children and their families are provided with services by Michigan child support offices
- \$1.36 billion in child support was collected and distributed, with \$1.2 billion sent to families
- 79% of child support collections are done through income withholding orders
- 5.4% of child support collections are done by income tax refund intercepts
- Collection and enforcement is also facilitated by freezing or seizing financial assets such as bank accounts, license suspensions, denied approval or renewal of passports, credit bureau reporting, civil contempt proceedings and felony non-support cases.
- The Michigan Child Support Enforcement System (MiCSES), Michigan's automated computer system, supports the work of 2,171 child support workers.
- The Michigan State Disbursement Unit (MiSDU), Michigan's centralized collection and payment processor, disbursed approximately \$124.8 million each month.
- On average, visits to the MiChildSupport secure website exceed 420,000 monthly. With more than 101,000 active users, parents can use this site to view their case information and apply for child support. The site URL is www.Michigan.gov/MiChildSupport.
- Child support information for parents, employers, hospitals and schools is located on the MDHHS website: www.michigan.gov/ChildSupport.
- Child support program costs totaled \$234.4 million. The federal government funded 67.4 percent (including costs funded with federal performance incentives), the state funded 16.5 percent and Michigan counties funded 16.40 percent.
- The federal government pays 66 percent of eligible state and county costs other than the costs funded with federal performance incentives.
- For every \$1 spent on Michigan's child support program, \$5.76 was collected in support for Michigan's children.

(Source: Federal fiscal year 2015 data from the Office of Child Support, Michigan Department of Health & Human Services)

Parenting Academy



An interactive, no-cost, learning opportunity for parents raising children in separate homes

Come learn about the Friend of the Court, co-parenting strategies, and ways to handle tough issues facing all parents raising children in separate homes

Those in attendance at a session receive a "Certificate of Attendance"
Those completing all five (5) modules of the Parenting Academy receive a "Diploma"

Cass District Library, 319 M-62 North, Cassopolis, MI 49031

Questions:
Contact Carol Bealor,
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269-445-4482
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Tuesday, February 13, 2018, from 6:00-7:30 pm, Module #1
Tuesday, March 13, 2018, from 6:00-7:30 pm, Module #2
Tuesday, April 10, 2018, from 6:00-7:30 pm, Module #3
Tuesday, May 8, 2018, from 6:00-7:30 pm, Module #4
Tuesday, June 12, 2018, from 6:00-7:30 pm, Module #5
Tuesday, July 10, 2018, from 6:00-7:30 pm, Module #1
Tuesday, August 14, 2018, from 6:00-7:30 pm, Module #2
Tuesday, September 11, 2018, from 6:00-7:30 pm, Module #3
Tuesday, October 9, 2018, from 6:00-7:30 pm, Module #4
Tuesday, November 13, 2018, from 6:00-7:30 pm, Module #5
Tuesday, December 11, 2018, from 6:00-7:30 pm, Module #1
Tuesday, January 8, 2019, from 6:00-7:30 pm, Module #2
Tuesday, February 12, 2019, from 6:00-7:30 pm, Module #3
Tuesday, March 12, 2019, from 6:00-7:30 pm, Module #4
Tuesday, April 9, 2019, from 6:00-7:30 pm, Module #5

Food will be provided

Speakers will include FOC staff & family counseling professionals

Cass County Friend of the Court: Serving and empowering families to make children's lives better

Ordinary Medical Expenses

Pursuant to the Michigan Child Support Formula Manual, § 3.04(B):

- (1) In order to reimburse the support recipient’s qualifying medical expenditures for the children within the same calendar year, almost every support order should set an appropriate annual ordinary medical expense amount for the children and apportion payment of the annual amount between the parents according to each parent’s percentage share of family income.
- (2) When setting the annual amount, presume that the amount listed for the appropriate number of children in Ordinary Medical Expense Average Table (found in the supplement) is the amount that will be spent on ordinary medical expenses. Amounts may be added to the Table amounts to compensate for higher uninsured expenses that can be predicted in advance (e.g., orthodontia, special medical needs, or ongoing treatments).

ORDINARY MEDICAL EXPENSE AVERAGES		
Children	Annual	Monthly
1	\$403	\$33.58
2	\$807	\$67.25
3	\$1,210	\$100.83
4	\$1,614	\$134.50
5 or more	\$2,017	\$168.08

Each parent is responsible for a portion of the medical expenses per their percentage share of income.

Example. Mary and Bob have 2 children. Mary is responsible for 60% of the medical expenses and Bob is responsible for 40% of the medical expenses (based on their proportional incomes).

$\$807 \times 60\% = \484.20 ANNUAL AMOUNT or $\$67.25 \times 60\% = \40.35 MONTHLY AMOUNT
 $\$807 \times 40\% = \322.80 ANNUAL AMOUNT or $\$67.25 \times 40\% = \26.90 MONTHLY AMOUNT
 $\$403 \times 60\% = \241.80 ANNUAL AMOUNT or $\$33.58 \times 60\% = \20.15 MONTHLY AMOUNT
 $\$403 \times 40\% = \161.20 ANNUAL AMOUNT or $\$33.58 \times 40\% = \13.43 MONTHLY AMOUNT

If you look at paragraph 1, page 1 of the UCSO or Child Support Recommendation from the FOC, you will see the following (if Mom is the support payer):

Children supported:	1 child	2 children	3 children	4 children
Based support: (includes support plus or minus premium adjustment for health-care insurance)				
Support:	\$ 500	\$ 800		
Premium adjust.	\$ 0	\$ 0		
Subtotal:	\$ 500	\$ 800		
Ordinary medical:	\$ 20.15	\$ 40.35		
Child care:				
Other:				
Benefit credit:				
Total:	\$ 520.15	\$840.35		

Then, if out of pocket medical expenses are incurred, each calendar year, only the amount of the out of pocket medical expenses that exceed the ordinary medical expense amount, are then divided by the parties according to their respective proportional shares.

So, if Dad spends \$1,000 out of pocket for the children’s medical care,
 $\$1,000 - \807 (annual ordinary medical amount) = $\$193$
 Mom is responsible for $\$115.80$ ($\$193 \times 60\%$)
 Dad is responsible for $\$77.20$ ($\$193 \times 40\%$)

RECENT LEGAL CASES



Safdar v Aziz, for publication opinion of the Court of Appeals, released September 7, 2017. (Docket No. 337985). A trial court has authority to consider a motion for change of domicile that would impact custody and modify a judgment of divorce, even if this action occurs while an appeal is pending.

Leagon v Leagon, unpublished opinion of the Court of Appeals, released July 11, 2017. (Docket No. 334922). The Court of Appeals could find no authority to support plaintiff's argument that only moral transgressions that occurred after filing a motion to change custody should be considered in the best interests analysis.

Bauer v Waidelick, unpublished opinion of the Court of Appeals, released July 25, 2017. (Docket No. 336876). The trial court did not err in finding insufficient evidence of a change in circumstances where the alleged change was likely a result of the parents' continuous hostile behavior rather than a separate event.

Kimball v Pearson, unpublished opinion of the Court of Appeals, released July 25, 2017. (Docket No. 335639). Generally a trial court does not abuse its discretion in denying a motion for reconsideration that rests on evidence that could have been presented in the original motion; however this principle must yield to the primary goal of securing custody decisions that are in the best interests of the child.

Campean v Campean, unpublished opinion of the Court of Appeals, released July 27, 2017. (Docket No. 335861). Normal life changes such as employment schedule, housing relocation, and remarriage do not amount to change of circumstances warranting modification of parenting time as significant as a custody change when the life changes focused on the parent and not on their impact to the child's environment, behavior, and well-being.

Kenzie v Kenzie, unpublished opinion of the Court of Appeals, released August 8, 2017. (Docket No. 335873). An award of sole legal and physical custody to plaintiff with conditional gradually increasing joint custody to the defendant dependent upon his continued negative drug testing was appropriate considering defendant's recent behavior including: engaging in domestic violence and stalking the plaintiff, drug use, and evidence of an unstable mental state, but acknowledging his long-term committed and loving relationship with the children.

Miller v Johnson, unpublished opinion of the Court of Appeals, released August 8, 2017. (Docket No. 336083; 337055). Because the trial court considered two motions to change custody—Johnson's motion to change physical custody and Miller's motion to change legal custody—it was required to determine separately whether each party could establish proper cause or change of circumstances sufficient to reopen the custody issues.

Johnson v Johnson, unpublished opinion of the Court of Appeals, released August 8, 2017. (Docket No. 336827). When plaintiff was granted a change of domicile to move the parties' children out of state to Virginia, it was appropriate for plaintiff to bear the burden of travel expenses to accommodate defendant's holiday and summer parenting time in Michigan, while the travel expenses for defendant's optional school-year weekend parenting time in Virginia are defendant's burden.

RECENT LEGAL CASES CONTINUED



Bridge v Bridge, unpublished opinion of the Court of Appeals, released August 15, 2017. (Docket No. 335453). The trial court did not err in finding that a balancing of the factors justified joint legal custody when although the parties had difficulty cooperating “in a natural way,” they were able to use a computer program called Our Family Wizard to communicate and resolve issues involving the children.

Russian v Porter and intervener Rebeaud, unpublished opinion of the Court of Appeals, released August 22, 2017. (Docket No. 337168). The Revocation of Paternity Act does not require an analysis of whether an established custodial environment exists in connection with an analysis of the best interests of the child under MCL 722.1443(4).

Roe v Roe, unpublished opinion of the Court of Appeals, released August 22, 2017. (Docket No. 336452). Although a change in the defendant’s availability to care for his children may be a normal life change, the *Vodvarka* standard requiring more than “normal life changes” to justify a change in circumstances refers to changes in the child’s life rather than the custodian’s life.

Kristianti v Karppinen, unpublished opinion of the Court of Appeals, released August 31, 2017. (Docket No. 332676). Trial courts must consider facts including the relative income of the parties, the needs of the child, and any other particular circumstances of the case before determining if deviation from the child support formula is warranted.

Bloch v Galbraith, unpublished opinion of the Court of Appeals, released September 5, 2017. (Docket No. 335874). The trial court erred by attempting to award custody in a guardianship proceeding without complying with the Child Custody Act which is the exclusive act governing custody determinations.

Ali v Ali, unpublished opinion of the Court of Appeals, released September 14, 2017. (Docket No. 331601). The trial court could properly impute income to the defendant when it found defendant’s testimony that he only made \$800 to \$900 a month not credible given his historical earnings including cash transactions, previous work experience as a certified mechanic, and prevailing wage rates in the local geographical area.

Malish v Marcelli, unpublished opinion of the Court of Appeals, released September 19, 2017. (Docket No. 337990). Given that defendant’s allegations that related to changes that occurred after the judgment of divorce were limited to issues that were normal life changes (medical and dental issues) or would not have a significant effect on AM’s well-being (teacher’s strike), the trial court’s finding that there was not proper cause or a change of circumstances was not against the great weight of the evidence.

d’Itri v Bollinger, unpublished opinion of the Court of Appeals, released September 19, 2017. (Docket No. 337815). During a custody proceeding when facts were disputed which were relevant to determining whether the threshold proper cause or change in circumstances burden has been met, the trial court erred by not holding an evidentiary hearing.

RECENT LEGAL CASES CONTINUED



Karungi v Ejalu, unpublished opinion of the Court of Appeals, released September 26, 2017. (Docket No. 337152). The trial court committed error by dismissing a case involving control of frozen embryos based on the incorrect case classification code.

Wilson v Haney, unpublished opinion of the Court of Appeals, released October 10, 2017. (Docket No. 338738). Although the referee erroneously considered the factors for a change in domicile when the plaintiff had sole legal custody of the minor child, the trial court corrected the error in the *de novo* hearing and correctly considered whether the change in domicile would modify an established custodial environment notwithstanding the child's legal custody.

Goetz v Frandle, unpublished opinion of the Court of Appeals, released October 12, 2017. (Docket No. 338142). Although the child lived entirely with her mother, the parties' contentious divorce, the mother's exclusion of the father during her pregnancy and the child's birth, and the need for court intervention for the father to see the child supported the trial court's determination that the child's environment was insufficiently stable to constitute an established custodial environment with the mother.

Espinoza v Espinoza, unpublished opinion of the Court of Appeals, released October 12, 2017. (Docket No. 338145). Although the trial court stated that if defendant secured housing in the children's school district it would consider alternating weeks of parenting time and established a review hearing in three months to further consider the children's custody, the trial court was still required to consider whether the children had an established custodial environment and whether there was a change in circumstances before changing the current custody order.