



Cass County Friend of the Court

Law & Courts Building, 60296 M-62, Suite 3
Cassopolis, MI 49031
Phone: (269) 445-4436/Fax: (269) 445-4435
Email: FOC@cassco.org

“Cass County is an equal opportunity provider and employer”

NEWS/UPDATES FROM THE CASS COUNTY FRIEND OF THE COURT (JULY 2018) from the Director, Carol Montavon Bealor

MEET THE FRIEND OF THE COURT MANAGEMENT TEAM



One of the key components to the Friend of the Court’s positive office culture has been the development, over time, of a management team that strategically plans for and implements child support innovations.

Current members of the Management Team are: Carol Bealor, Melissa Sytsma, Donella Kujawa, Tina Butler, and Sarah Mathews.

The Management Team is committed to modeling the way for our staff, inspiring a shared vision, challenging processes, enabling our staff to act, and encouraging each other.

BAXTER THE THERAPY DOG

The Cass County Friend of the Court continues to be excited about having Baxter join our ranks. Baxter should be joining our team during the late Fall of 2018, perhaps in November.

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

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



MEET THE FRIEND OF THE COURT STAFF



Our office is made up of the following three (3) departments:

Legal	Financial Case Management (FCM)	Enforcement
Carol Bealor, Friend of the Court Director	Donella Kujawa, FCM Supervisor	Tina Butler, Enforcement Supervisor
Melissa Sytsma, Attorney Referee	Tracie Kuriata, Financial Caseworker	April McKee, Enforcement Caseworker
Sarah Mathews, Deputy Friend of the Court	Valerie Clark, Medical/FCM Specialist	Lynnell Carter, Review/Modification Caseworker
	Cheri Dolan, FCM Clerk/Scheduler	Fern Turney, Interstate/Parenting Time Enforcement Specialist
	Lisa Cutting, IV-D Caseworker	Tim Gondeck, Bench Warrant Officer
	Debra Troche, Receptionist	Barbara Daniels, Enforcement Clerk

In this newsletter, we are highlighting Financial Case Management (FCM) work within the Child Support Program.

FINANCIAL CASE MANAGEMENT IN THE CHILD SUPPORT PROGRAM

By: Donella Kujawa, Cass County Friend of the Court, Financial Case Management Supervisor

I have worked in the Friend of the Court (FOC)'s Office for 26 years and have seen many changes in the child support program. Some of these changes could be overwhelming for parents trying to receive or pay child support. Understanding the basic process of how child support is established, collected and distributed can help make the system less stressful.

The child support program in Michigan is referred to as an IV-D Agency. There are two different ways you can seek child support establishment and enforcement services – both of which require you to request IV-D services through the Office of Child Support. If you have a child in your care and apply for Medicaid, cash grant (FIP) or other types of assistance from the Department of Health and Human Services (DHHS), and you are not living with the other parent, an automatic referral for child support will be made to the Prosecutor's Office in the county the child lives. The Child Support Division in the Prosecutor's Office will work to establish a child support order for your child. The second way to request IV-D child support services is through a privately filed divorce or child support case with or without an attorney. You can request IV-D services and find helpful information online at: <https://micase.state.mi.us>.

The Uniform Child Support Order (UCSO) identifies when support starts, how much support is to be paid or received each month, how long support will last, how medical costs are divided, and the overnights per year that the child will be with the payer of child support. The UCSO becomes part of your public case file maintained by the Clerk's Office. Unless you opt out of FOC services, the FOC will monitor and enforce the child support provisions of your UCSO. The FOC inputs the terms of your UCSO into the Michigan Child Support Enforcement System (MiCSES) computer program to monitor your case. The FOC also enters employment information, insurance information, address information, and demographic information into MiCSES to help manage your case. The MiCSES program will monitor payments and alert the FOC to take needed action such as when a parent is not paying support as ordered. If the child support payer is employed, the FOC will issue an income withholding notice to the employer to withhold a pro-rated amount to match the pay-cycles to satisfy the monthly obligation. The employer will deduct the amount from the payer's pay and mail it or electronically send it to the Michigan State Disbursement Unit (MISDU) in Lansing.

MISDU collects all regular support in Michigan. When MISDU gets a support payment, the payment is receipted to your specific child support account. MISDU issues out payments every day for cases all across the state. You will have a choice of either having your support payment issued to a debit card or you can request a direct deposit. However, if a parent is receiving state assistance, like a cash grant or Medicaid, their support or the ordinary medical portion of their support is re-directed to the State. You cannot receive both a cash grant and/or Medicaid and receive child support. The support will be re-directed to the state as partial reimbursement for your state assistance.

If either parent's circumstances change, a parent can ask the FOC to review child support administratively to see if a change in child support is warranted or a parent can file a motion asking the Court to change child support. If a parent has a change of circumstances, that parent should immediately ask for a review or file a motion because child support does not automatically change just because a parent's circumstances change. Attorneys are helpful in legal proceedings, and if you can't afford an attorney, michiganlegalhelp.org is very useful for persons representing themselves.

POST MAJORITY CHILD SUPPORT

Child support ends at age 18 unless an individual child meets all four statutory factors for post majority support. Even if all factors are met, the court still has discretion as to whether or not to award post majority support – it is not mandatory.

In Michigan, a court may order child support after the child reaches the age of 18 if: 1) the child is regularly attending high school on a full time basis; 2) with a reasonable expectation of completing sufficient credits to graduate from high school;* 3) while residing on a full time basis with the recipient of support or at an institution;** 4) but in no case after the child reaches 19 years and 6 months of age. MCL 552.605b(2).

When recommending support, the FOC needs information regarding a child's eligibility for post majority support. If the parties fail to provide information, the office may recommend stopping support at age 18. If the parties have asked for post majority support but do not provide the information as to how long post majority support lasts, there is no requirement that the FOC actively inquire or address the request.

If an order is established in a Michigan court, Michigan law will control. However, out of state orders being enforced in Michigan may be a different matter. If the duration of support is a nonmodifiable aspect of the order under the issuing state's law, then that order's end date must be used. *** While many other states allow post majority support, the criteria and length may be different.****

Take away—be sure the UCSO (Uniform Child Support Order) submitted to the Court does what you want it to do—if the parties want post-majority support, be sure to provide for it. Otherwise, if no post majority support is ordered, the Friend of the Court will stop charging child support at the end of the month after a child turns 18.

*See Cross v Cross, ___NW2d___; 2008 Mich. App. LEXIS 2386, at *7 (Ct App, Nov. 25, 2008), “There is no requirement for the receipt of such support that there must be a reasonable expectation that the child will graduate from high school by the time the child is 19 years and six months old. But in no event can such child support extend beyond the time the child is 19 years and six months old.”

**See Weaver v. Giffels, Docket No. 327844. The Court of Appeals provided some guidance on the issue of determining an adult child's residency. “Residence” is the place where a person is deemed in law to live, which is not always the actual dwelling and looks at both physical presence and intent to make that the permanent residence. A four-part test is used for residency.....The Court of Appeals indicated it is possible for an adult child to reside full-time with the support recipient based on the above test while still spending some overnights with the payer of support.

***MCL 552.2611(3)-(4). (3) A tribunal of this state may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under section 207 establishes the aspects of the support order that are nonmodifiable. (4) In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

****At least one state supreme court (Curtis v. Kline, 542 Pa 249 [1995]) has found that treating children of nonintact families differently than children of intact families violates the federal and state equal protection clauses. Thus, Pennsylvania does not allow post majority support absent agreement from the parents.

NEED A HEARING DATE IN FRONT OF THE ATTORNEY REFEREE?

If you need a hearing date in front of the Attorney Referee, you need to contact Cheri Dolan at 269-445-4402 or in her absence call the receptionist at 269-445-4436 to be connected to the person covering this task while Cheri Dolan is away. You also can always email Cheri Dolan at cherid@cassco.org to schedule a hearing date in front of the Attorney Referee.

The Friend of the Court makes every effort to coordinate with Attorneys to take into account their already busy schedules. However, please be aware that if the FOC makes contact with an Attorney and does not hear back, hearings need to be timely scheduled so hearings will be scheduled without consideration of the Attorney's availability.

Take away—if you get a call from the FOC about scheduling a hearing, please timely return those calls so that we can try to accommodate your schedule while still timely scheduling matters for hearing.

RECENT LEGAL CASES

Be sure to check out “The Legal Corner” which provides a summary of recent Michigan Supreme Court and Michigan court of Appeals decisions relevant to the child support program.



You can access the July 2018 summaries at:

<http://michildsupportpundit.blogspot.com/2018/07/legal-corner-july-2018.html>

NAVIGATING THE CO-PARENTING RELATIONSHIP

By: Carol Montavon Bealor, Director, Cass County Friend of the Court

Over the last year, our office has continued to develop the Cass County FOC's Parenting Academy. Dr. Michael Jenuwine and Dr. Rebecca Katovsich co-facilitate the Parenting Academy with input from FOC staff. Michael Jenuwine practices as a clinical psychologist and mediator at Forensic and Clinical Psychology and Colby House Mediation Services in Dowagiac, Michigan. He is also an attorney and serves on the faculty of the Notre Dame Law School. Rebecca Katovsich is the Clinical Director of Shepard House Counseling & Psychological Services, P.C. in Cassopolis and St. Joseph, Michigan. She also serves as adjunct faculty in the Graduate Department of Psychology & Counseling at Andrews University.

A common question that comes up during the Parenting Academy is how parents can successfully navigate the co-parenting relationship when parents raise children in separate households. I had the chance to talk to Dr. Jenuwine and Dr. Katovsich about this question and other common challenges faced by separated co-parents. Here is what the three of us talked about:

One of the biggest misconceptions people have when separating or contemplating divorce is "once this is over, I'll never have to deal with him/her again!" Unfortunately, it is not that simple. Once couples have children together, ending their marriage through divorce or otherwise ending their non-marital relationship does not stop their relationship with the other parent. Although the relationship will undergo significant changes, the need to be mindful of and interact with the other parent will continue, even after their children reach adulthood and have kids of their own. The sooner separating parents recognize this and begin to re-negotiate their relationship with the other parent, the better off the entire family will be. A major part of that re-negotiation is navigating the co-parenting relationship.

Q: What is co-parenting?

A: Co-parenting, also called "shared parenting" or "joint parenting" describes a relationship between two parents who are not in a marriage or an otherwise committed relationship. Co-parenting usually happens between two individuals who live in separate homes, yet share the responsibilities of parenting a child or children. A co-parenting relationship typically involves divorced or separated parents who have shared parenting time (where the children spend some time living with each parent), joint legal custody (where the parents share major decision-making), or both. Together, co-parents jointly contribute to meeting their children's needs and making decisions about their children's lives. Understanding co-parenting from this perspective should make it obvious that parents need to continue communicating and collaborating with the other parent in order to act in the best interests of their children. Although individuals who are divorcing or separating may never want to "deal" with each other again, that is not realistic in the context of an effective co-parenting relationship. Good co-parenting requires a continuing relationship marked by patience, communication, and empathy.

Q: How are children negatively impacted by conflict in the co-parenting relationship?

A: In the real world, all children see their parents argue or disagree at some point. Whether a mother and father are still together as a couple or have separated, there is no such thing as a relationship entirely free from conflict and disagreement. Parents who relate to each other in a calm and positive manner even when disagreeing, however, show their children that conflict can be resolved in a healthy manner. Exercising this type of approach to differences that arise in the co-parenting relationship not

only minimizes the negative impact on children, but actually may teach children important conflict-resolution skills of their own, which will serve them well later in life.

When parental conflict is frequent, is heated and hostile, and involves yelling and insults, children will suffer psychological consequences. Parents whose disagreements result in physical aggression at one extreme, or withdrawal from an argument where the parents give each other the silent treatment at the other extreme, are harmful to children.

Children are aware of unresolved conflict between their parents, whether or not they have directly witnessed the disagreement. Certain children are prone to internalize their parents' conflicts and conclude they are somehow to blame. Some kids become anxious and retreat, isolate or withdraw in order to steer clear of their parents' disputes. Others may actively seek to mitigate parental conflict by attempting to personally intervene or in some fashion align with one or both parents. It is important to understand that children whose parents are in conflict can easily wrestle with divided loyalties. Loyalty conflicts for children can arise when feeling close to and enjoying time with one parent leads them to feel disloyal to the other parent. As you might imagine, this has the potential to create an impossible dilemma for a child whose parents are at odds. It is relatively common that children seek to please their parents and to solicit their approval and acceptance. When divided loyalties are at play, these natural tendencies can become especially burdensome and challenging for the child in relating with both parents.

Q: How do children benefit from a cooperative co-parenting relationship?

A: Children benefit in many ways when their parents get along. In the absence of unhealthy discord, children trust that they have permission to love both parents and naturally feel less divided. Healthier co-parenting relationships serve to produce independent and confident children who have strong self-esteem and fewer emotional or behavioral problems. The value of a cohesive and functional co-parenting relationship cannot be underestimated. A child deserves to feel secure in their relationship with each parent and to trust that their parents are able to successfully communicate and act cooperatively on their behalf, even when the parents do not like each other.

Q: Why is the co-parenting relationship so challenging?

A: While not all co-parenting relationships are difficult, those we encounter in our clinical practices often involve individuals who are struggling and consequently seek the services of a professional. In many cases, the cause of the conflict is not a great mystery, as the same problems parents experienced together as a couple commonly carry over into the co-parenting relationship following separation or divorce. Learning how to get along with someone with whom you have experienced intense conflict or for whom you may continue to harbor negative feelings may feel like an impossible task. Redefining your relationship as co-parents is essential. The best advice to parents is to focus on your children. If you begin to plan how you act toward your co-parent with a focus on the best interests of your children, you will move toward effective co-parenting. It is those parents who cannot see beyond their own feelings who continue to engage in destructive co-parenting behaviors that are detrimental to their children.

Q: What are the most common challenges?

A: Some of the most common challenges surround the process of decision-making. Parents' decisions vary from choices like what to make for a child's lunch to more important matters such as when to seek

medical care, how to address a child's academic difficulties, and what sports or other activities to arrange for a child. When parents live together, they often follow an unspoken system for communication and decision-making. When parents live apart, however, communication is typically limited making decision-making difficult.

Parents also struggle with sharing time with their child. Questions arise about who will be watching a child—what will they feed the child—will the child be adequately supervised? Parents struggle with feeling powerless and letting go of control triggering a whole range of emotions. Often, parents who are nervous about their child being away convey their negative emotions to their child, either directly or indirectly, making separation more difficult.

Co-parents should resist the temptation to call, text, or otherwise contact their child during time with the other parent. During longer periods of separation (i.e. several days), it might make sense to build in a time for a quick phone call or video chat. This should be arranged with the other parent in advance. Spontaneously calling or repeatedly texting your child when they are with the other parent can undermine your co-parent, and become an additional source of stress for your child. Children often report feeling guilty and feeling like they have to take sides in a “no-win” situation which triggers anxious feelings.

Co-parents should resist micromanaging the other parent's time. Some parents unilaterally schedule activities for their child knowing they will conflict with the other parent's visits. When one parent enrolls the child in a sport that has regular practices or games that occur during the child's time with both parents, the other parent is forced to either bring the child to the games and practices, or deprive the child of full participation.

Q: What can parents do to overcome these challenges?

A: One of the most important things parents can do is consciously choose to invest more time and energy into cooperating with their co-parent for the sake of their children, which may eliminate unnecessary conflicts. Parenting styles differ as do communication patterns and approaches to conflict resolution. Parents can develop ground rules for communication and decision-making, which may build healthier and more functional co-parenting relationships and parent-child relationships.

Parents must refrain from speaking negatively about their co-parent in the presence of their child and support their child's relationship with the other parent. When conflicts arise, parents are encouraged to avoid reacting impulsively. It is acceptable and at times necessary to take a break and tell your co-parent, "Let's discuss this later" or "I need some time to think." Positive, healthy and functional co-parenting relationships involve flexibility and careful consideration of which battles to fight. If parents have a hard time establishing ground rules and achieving good communication, seeking the guidance of a professional counselor or mediator may help.

If a parent needs to talk about their frustrations, it is important to choose someone who will adequately protect children from any information they learn concerning problems with the other parent. Therapists have a duty to maintain confidentiality, while friends and relatives do not. Friends who merely agree with you without honestly providing feedback may increase your negative feelings toward the other parent and possibly instigate you to act in ways you may later regret. Also, keep in mind that venting to relatives is hard on them, particularly if they will have continuing contact with your co-parent and children at future functions.

A FATHER BY ANY OTHER NAME

By: Sarah Mathews, Deputy Friend of the Court

Having a case before the court can be stressful and intimidating – especially when the terms used by the court don't match the common terms used every day by the community outside the courthouse. Perhaps some of the more confusing terms that parties deal with when they are seeking to establish child support are the many different terms for "Father" used in the court system. Depending on the nature of the case, parties may hear the party they refer to as the "Father" referred to as the "Acknowledged Father," "Affiliated Father," "Alleged Father," "Genetic Father," "Presumed Father," "Putative Father," and "Legal Father" by the court or court staff. All the while, the court or court staff simply refer to a child's mother as "mother" during a child support or custody and parenting time proceeding. What is the purpose behind having so many different names for "father"?

When a child is born – absent a child being dropped off anonymously to a safe haven drop off spot – doctors know for certain who the child's mother is and it is easy to quickly put that information on the child's birth certificate. However, it is not always known right away with certainty who the child's father is – or the person thought to be the father and listed on the birth certificate may turn out to not be the father at all. As a child support proceeding progresses through the court system, the court has to address the issue of paternity - who is the father of the child - so that child support and parenting time can be ordered appropriately.

Depending on the nature of the proceedings before the court, the terms the court uses for "Father" may vary. Without getting into specific statutes and case law, the basic meanings behind the most common different terms that may be used in a court proceeding to describe a father in a case are:

- *Acknowledged Father* – a man who has affirmatively held himself out to be the child's father by signing an Affidavit of Parentage.
- *Affiliated Father* – a man who has been determined by the court to be the child's father.
- *Alleged Father* – a man who by his actions could have fathered the child.
- *Genetic Father* – a man whose paternity has been determined through specific genetic testing outlined by law.
- *Legal Father* – a man legally determined to be the father of the child. This could be due to the child being born while the father was married to the mother so that he is presumed by law to be the legal father, by the father and mother signing an Affidavit of Parentage establishing the man as father, or by a court entering an order determining that the man is the child's father.
- *Presumed Father* – a man who is presumed to be the father of the child because he was married to the child's mother at the time the child was conceived or at the time the child was born.
- *Putative Father* – a man reputed, supposed, or alleged to be the biological father of a child.

The court system has these multiple different legal definitions for "Father" to help keep things clear in the court record as to whether or not the party referred to as the father in the proceedings has been determined to be the child's biological and/or legal father. These different names for father during a court proceeding are important for ensuring that child support and parenting time is ordered as to the appropriate person according to law. However, it is always important to remember that a father by any other name in court is still "dad" to the child who loves him unconditionally - no matter how he may legally be defined during the life of a child support case.