



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 FRIEND OF THE COURT (OCTOBER 2018) from the Director, Carol Montavon Bealor

PLEASE WELCOME NEW FOC EMPLOYEE, CHELSEA OLKOWSKI



Chelsea Olkowski is the FOC’s new Child Support Review, Modification, & Parenting Time Enforcement Specialist. She came to us after working as a paraprofessional at Lewis Cass ISD where she worked in a self-contained class for emotionally impaired students.

Chelsea has her BS from Western Michigan University. While in college, Chelsea completed internships with Cass County DHHS Foster Care and Lewis Cass ISD Family Reunification Program.

Chelsea brings a passion for working with families to the FOC. She is busy getting trained on the child support program specifically as it relates to the FOC as well as learning our computer case management system, MICSES.

Please say hi to Chelsea the next time you are in the FOC.

BAXTER THE THERAPY DOG



Everyone’s day is a little brighter when Baxter comes into the Law & Courts Building. Baxter continues to train for his future position as a canine advocate in our building. He is full of energy and is learning how to contain all that energy in different environments with multiple distractions (yes—we are guilty of distracting him—who doesn’t want to love on such an adorable dog!).

Baxter will most likely start his duties in the Law & Courts Building towards the end of the year. More to come on his swearing in ceremony.

MICHILDSUPPORT



Did you know all the things you can do online regarding a child support case?

Be sure to check out all that the MiChildSupport portal has to offer including:

- Applying for child support
- Paying child support
- Calculating child support
- Monitoring your child support account and payments that are being made

Visit: <https://micase.state.mi.us/portalapp/public/login.html?execution=e1s1>

HELPFUL TIPS FROM THE FINANCIAL CASE MANAGEMENT DEPARTMENT

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



Here are some helpful tips that can help make paying or receiving child support easier. Understanding how child support is processed and what is expected or needed from you helps to resolve issues quickly, avoids interruptions in child support, and avoids arrears.

Tip #1: Both parties need a copy of the most current order, which is your “map.” Each support case has a “Uniform Child Support Order” or UCSO. The UCSO has a start date for child support called the “effective date.”

Tip #2: Both parties need to stay in touch with the Friend of the Court. Parties are court ordered to keep their addresses, phone numbers and employers up-to-date with the Friend of the Court. Having a current address for both parties is very important so that both parties actually receive notices of court dates and other changes. If a party does not get notices of court dates, this could mean he/she will not have a chance to have his/her voice heard by the court and a change could occur without his/her input.

Tip #3: If either party has any changes in circumstances, such as medical conditions, incarceration, your child(ren) moving in with you, or if there is a third-party custodian, this could mean a change or redirection of support. Contact the Friend of the Court’s office immediately for such changes. Some changes can be done administratively by our office without court action. Other changes will require you to file a motion to ask for court action.

Our office has form motions for you to use, with instructions, if you choose not to use an attorney. A good resource for parties without an attorney is michiganlegalhelp.org.

Tips for Support Payers: If you are employed, we will send a notice to withhold to your employer. Once you see support is coming out of your check, you can stop paying support if your support payments are current. It is your responsibility to pay support regardless of what your employer does or does not do. Make your payments to the Michigan State Disbursement Unit (MISDU) in Lansing. Be sure to get temporary coupons to send in with your check to the MISDU. The website for the MISDU is www.misdu.com and from this site you can get temporary coupons, forms, information, as well as a link to sign up for MICHildSupport, where you can watch your account activity on-line. You can also make electronic payments on that website.

Tips for Support Recipients: Support is charged once per month for the whole month. As child support payments come in to MISDU, payments are distributed across all of the payer's different child support cases. Once payments have posted to your account equal to the monthly charging amount, support payments made in that same month will either be held until the next month support is due or be distributed against the arrearage or other obligations that the payer may have. Our office does not take any enforcement action until a month has passed with no payment. A payer of support has a full month to satisfy their monthly obligation before we consider them delinquent. When you are new to the program, support will be issued to you by check for the first couple of payments. With your checks, there will be information regarding receiving payments by direct deposit. If you do not sign up for direct deposit, a debit card from US bank will be issued and mailed to you. From that day forward, child support will be transferred to the account associated with your debit card.

Final Tip: Communication is key and we encourage both parents to contact the Friend of the Court any time you have questions. You can reach our office by emailing foc@cassco.org or calling: 269 445-4436.

TAX REFUND OFFSET PROGRAM

If a taxpayer is behind on their child support by \$150 or more, the Tax Refund Offset Program can take both state and federal income tax refunds owed to the taxpayer. The program is a coordinated effort of the Internal Revenue Service, the U.S. Department of Treasury's Financial Management Services, the Federal Office of Child Support Enforcement (OCSE), the Office of Child Support (OCS) within the Michigan Department of Health and Human Services (MDHHS), the Michigan Department of Treasury, and all local friend of the court (FOC) offices. For more information, visit:

<https://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/pamphlets/focb/PSA13-Text.pdf>

MICHILDSUPPORT: CHILD SUPPORT CALCULATOR

Michigan Department of Health and Human Services: MiChildSupport Calculator

MiChildSupport
Department of Health and Human Services

Welcome

Getting Started

Parent A

Parent B

Non-Parent Custodian

Results

Welcome to the MiChildSupport Calculator

What is the MiChildSupport Calculator?

This is Michigan's child support calculator. It is used to calculate child support using the Michigan Child Support Formula. Federal law requires the use of a statewide guideline formula for calculating child support amounts. State law requires the use of the Michigan Child Support Formula (MCSF) to calculate child support. The support calculation provided by this Calculator is not a support recommendation or a support order.

What You Need:

It will take about 30 minutes to create a calculation result. Before starting, you should have income information and the number of overnights with each child for both parents. Additionally, you will be asked to provide health care and child care information for both parents and/or a custodian.

How the Calculator Works?

- Use the Continue and Previous buttons at the bottom of the page to move between pages.
- Use the navigation menu on the left to go to a specific page.
- Use the information icons ⓘ for helpful information about the nearby fields.
- Your session will end after 15 minutes of inactivity.
- You may print the results of the child support calculation upon completion.
- Use the Upload File button to open a previously saved MiChildSupport Calculator file for viewing or editing
- Use the Save File button to save a MiChildSupport Calculator File for later use
- Protect your privacy; do not save your support calculation to a public computer (library, computer cafe, etc.)

Creating the Best Result?

- Accurately complete all appropriate fields.
- Complete the pages for each parent and/or custodian before calculating the results.
- Hyperlinks to the Michigan Child Support Formula have been provided in the information icons ⓘ to assist you.
- Hyperlinks to the U.S. Bureau of Labor Statistics Occupational Handbook, the Michigan Labor Market Information, and State of Michigan Employee Travel Rates have been provided in the footer of each page to assist you when a parent's financial information is unknown.

Use the Continue button to begin calculating Child Support or use the Upload File button to open a previously saved MiChildSupport Calculator file.

Upload File ⓘ Continue

In Michigan, we calculate child support using the Michigan Child Support Formula (see: <https://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/focb/2017MCSF.pdf#page=1>)

You can run your own child support calculations FREE using the same tools used by child support professionals.

Visit: <https://micase.state.mi.us/calculatorapp/public/welcome/load.html>

Before starting, you should have income information and the number of overnights with each child for both parents. In addition, you will be asked to provide health care and child care information for both parents.

DOWNLOADABLE FORMS

Need forms for a pending Court case? You can find many useful forms at:

<http://www.casscountymi.org/DepartmentsandCourts/FriendoftheCourt/DownloadableForms.aspx>

Another great resource for folks representing themselves and even for attorneys who want to have resources to pass on to persons consulting with them is Michigan Legal Help. There is a vast array of Self Help Tools for a wide variety of legal areas including family law, personal safety, housing, public assistance, etc.

Visit: <https://michiganlegalthelp.org/>

PHYSICAL CUSTODY V LEGAL CUSTODY: IS THERE A DIFFERENCE

By: Sarah Mathews, Deputy Friend of the Court



When most people hear the word “custody,” they often think that this term simply means who a child lives with. However, custody is actually broken down into two types of custody: Physical Custody and Legal Custody. Understanding the difference between these two types of custody is important because each impacts a parent’s responsibilities in regards to his or her child as well as when a parent is required to communicate with the other parent regarding decision-making.

“Physical Custody” addresses who the child lives with. If parents have “Joint Physical Custody,” that means the child lives with one parent part of the time and with the other parent the rest of the time. The time split between parents does not have to be equal although most parents with “Joint Physical Custody” try to split time equally. The parent who is caring for a child at a given time is responsible for routine decisions involving the child such as setting a bedtime or limiting the amount of television a child can watch.

On the other hand, if a one parent has “Primary Physical Custody,” that means the child lives primarily with just that parent – even though the child may have overnight parenting time with the other parent. The parent who has “Primary Physical Custody” would be responsible for the majority of routine decisions involving the child as the child is primarily in that parent’s care. However, when the child is spending parenting time with the non-custodial parent, that parent would be responsible for routine decisions regarding the child.

If you were reading closely and thinking about what is covered by “Physical Custody,” you may be wondering who makes the major decisions regarding a child then such as what school to attend or whether the child should get a vaccine. These are major decisions that can significantly impact the upbringing of a child that don’t necessarily fit the definition of “routine decisions” such as setting a bedtime or limiting television time.

Which parent makes major decisions for a child is determined by who has “Legal Custody” of the child. “Legal Custody” addresses who is responsible for making major decisions for a child including, but not limited to, medical decisions, educational decisions, and decisions about religious upbringing. If parents have “Joint Legal Custody,” that means the child’s parents must communicate and cooperate with each other to reach mutual decisions regarding major issues affecting their child. “Joint Legal Custody” is typically best in a situation where parents can communicate well with each other.

If parents are not able to communicate well with each other, or it is not practical for the parents to communicate regularly regarding major decisions – such as when one parent is incarcerated and may not be available to talk on the phone when a major decision needs to be made for a child – one parent may be awarded “Sole Legal Custody.” “Sole Legal Custody” means that just the one parent is responsible for making major decisions regarding the child. The parent

with “Sole Legal Custody” can discuss major decisions with the other parent; however, they are not required to.

“Physical Custody” and “Legal Custody” designations provide guidance as to which parent is responsible for making certain decisions regarding a child when the child’s parents are not living together and raising the child in separate households. While these terms help establish who is responsible for routine or major decisions regarding a child, it is always important to remember that no matter what the custody arrangement is, both parents are always responsible for ensuring their child knows he or she is loved and cared for. Communicating and co-parenting together – even when not required by court order – is a great way to show a child how much their parents love and care for them.

GETTING TO KNOW OUR FOC STAFF: ATTORNEY REFEREE SYTSMA



My legal career began in 2004 when I was hired by the Michigan Court of Appeals, where I worked as a Research Attorney. I began working in Cass County in December 2006 when I was hired as a Law Clerk for Judge Dobrich. In November 2007, I began a six-year career as an Assistant Prosecutor in the Cass County Prosecutor’s Office. I was hired as the Friend of the Court Attorney Referee in December 2013.

As a referee, I preside over hearings, consider testimony, and enter recommendations. All referees are attorneys who are in good standing with the State Bar of Michigan. A referee is a quasi-judicial officer and must abide by the Code of Judicial Conduct.

Friend of the Court referees may hear all domestic relations motions within the jurisdiction of the Circuit Court. Typical cases include the establishment or modification of child custody, parenting time, and child support. I also hear cases involving revocation of paternity, child support enforcement, and the establishment of spousal support. By local administrative order, all contested child custody, parenting time, child support, and spousal support matters must be heard by a referee before trial. While I primarily handle domestic relations cases, I am cross-trained and frequently handle abuse/neglect cases as well.

Following an evidentiary hearing, I either issue an oral opinion on the record or take the case under advisement. In child custody and parenting time matters, I often interview the minor children to determine their point of view.

My recommendations are all summarized in a written report that is filed with the court. My reports contain a summary of the case history and testimony, a legal analysis of all contested matters, and recommendations on what court orders should enter. My goal in any case is to follow the law and make recommendations that are in the best interests of minor children.

Many recommendations can be given immediate effect, which means that I can ask a judge to sign an order adopting the recommendation at the same time that my recommendation is filed. However, an order changing custody or domicile can only enter after the parties have an opportunity to object to my recommendation.

In any case where a referee recommendation is issued, a party has the right to file an objection and request a de novo review hearing before a judge. The objection period is 21 days long. At a de novo review hearing, a judge determines whether the referee's recommendation should be adopted or be changed in some way.

When I am not hearing cases or working on written recommendations, I conduct child support investigations, and generate child support orders. The FOC works very hard to issue orders that consider the unique circumstances of each case. These "right-sized" orders increase the likelihood of our office collecting regular child support payments.

I also manage the Friend of the Court's Parenting Academy, which meets once a month at the Cass District Library in Cassopolis. At the parenting academy, local experts help participants learn techniques to improve their co-parenting skills. Anyone can attend—an open FOC case is not required.

My position also includes administrative duties as a part of the Friend of the Court's Management Team. Our Management Team works hard to promote a positive office culture in the FOC. The FOC staff as a whole is invested in helping clients and making their interactions with the FOC a positive and helpful experience.

Recently, I was one of two attorney referees selected to be a part of the Friend of the Court Bureau Parenting Time Guideline Advisory Committee. I will be assisting with the review and modification of the Michigan Parenting Time Guideline, which is the guideline that many Friend of the Court offices around the state use in whole or in part to assist clients with many custody and parenting time related issues. I am excited and honored to be a part of this committee.

When I am not at work, I enjoy spending time with my husband Jon, my son Logan (9.5), my daughter Addison (7), and our golden retriever Ranger. My children are involved in all sorts of activities, including soccer, baseball, softball, and Girl Scouts. I am a regular volunteer at Mattawan Little League, and I coordinate the Box Tops program for my daughter's school. In my spare time, I like to curl up with a good book and spend time outdoors with my family.

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 September 2018 summaries at:

<http://michildsupportpundit.blogspot.com/2018/09/legal-corner-september-2018.html>

Some other recent Family Law cases of interest:

Luna v. Regnier, Michigan Court of Appeals (Published Opinion):

The court held that the trial court did not err by suspending defendant-mother’s parenting time, but found that the trial court should conduct periodic hearings to determine whether reinstating her parenting time would be in the children’s best interests.

<http://www.michbar.org/file/opinions/appeals/2018/101818/68896.pdf>

Nadimpali v. Byrraju, Michigan Court of Appeals (Published Opinion):

Holding that the trial court did not abuse its discretion in vacating its prior registration of a California child-custody determination under the UCCJEA, the court affirmed.

<http://www.michbar.org/file/opinions/appeals/2018/100918/68809.pdf>