

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT

**SUBJECT: TRANSFER OF COST-OF-CARE REIMBURSEMENT MATTERS
 WITHIN THE THIRD JUDICIAL CIRCUIT**

PREAMBLE:

With the passage of Public Act 388 of 1996, the State Legislature created a Family Division of Circuit Court. In keeping with the philosophy of one judge for one family, new collection cases involving juveniles will be initiated by Friend of the Court staff. This Order establishes the Friend of the Court as the primary agency for collection and disbursement of all monies related to support and reimbursement when a child is placed outside the home by the Juvenile Section of this Court. Whenever appropriate, the collection of support affected by this Order will be processed through the Family Division pursuant to Title IV-D of the Social Security Act.

AUTHORITY:

This Administrative Order is issued in accordance with the Michigan Rules of Court [MCR 8.112 (B)] and under the authority granted the court in the Status and Emancipation of Minors Act (MCL 722.1), the Family Support Act (MCL 552.451), the Support and Parenting Time Enforcement Act (MCL 552.601), the Probate Code [specifically MCL 712A.18(2)], the Friend of the Court Act (MCL 552.501) and related authority, and comports with the legislative intent of the Family Court merger.

IT IS HEREBY THE ORDER OF THE THIRD CIRCUIT COURT THAT:

Collections on juvenile Orders for cost-of-care or payment of attorney or guardian ad litem (GAL) fees for minors who are state or county wards, in state or county custody, or in foster care placement, will be handled by the Friend of the Court commencing September 1, 1999 pursuant to the Family Support Act and the Status and Emancipation of Minors Act. Collections on Orders for a minor or a minor's parent(s) to pay restitution will continue to be handled at the Family Division - Juvenile.

NEW CASES:

Commencing September 1, 1999, new Orders entered to collect expenses related to a minor in state or county wardship, custody or foster care, will be assigned to a Family Division judge and enforced by the Friend of the Court in accordance with the Family Support Act. Reliance is placed on the Family Support act as authority for the Friend of the Court to collect attorney and GAL fees and on the Michigan Rules of Court [MCR 8.112(B)]. Specifically, the rule allows the court to issue an administrative order governing internal court management.

The Probate Code requires that an Order be entered when a minor is placed in state or county care to provide for reimbursement of some or all of the expenses related to the care of the minor. The duties of the Friend of the Court are related to a domestic relations matter defined in the Friend of the Court Act as: "...a circuit court proceeding as to child custody or parenting time, or child or spousal support that arises out of litigation under a statute of this state. . ." With the creation of the Family Division it follows that the placement of a child by a Family Division - Juvenile Judge is a determination of custody and the duties of the Friend of the Court extend to the enforcement of support for the child.

EXISTING CASES:

The Juvenile Reimbursement Unit currently has active cases which will be reassigned to the Friend of the Court for collections by way of an Order to Transfer on each case. With the creation of the Family Division, reimbursement and support cases fall within the division and thus conversion of the case moves the enforcement mechanism from the Juvenile Reimbursement Unit to the Friend of the Court.

The Order of Transfer, based on this Administrative Order, will be sent to the parent(s) involved in the action notifying them that their case will be reassigned from the Family Division - Juvenile to the Friend of the Court for purposes of collecting support. The effective date of the Order of Transfer will be delayed for 21 days to allow either party the opportunity to object to the Order of Transfer and to request a hearing, which will be subsequently scheduled.

Where there is a reimbursement case with a subsequent Third Judicial Circuit Court Domestic Relations case, the cost-of-care Order will terminate upon the effective date of the domestic relations order and any arrears will be added to the domestic relations case. This procedure is in keeping with the spirit and intent of PA 388 of 1996, which created the Family Division. This action represents transfer from one part of the Court to another.

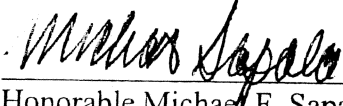
In recognition of the ability of parties to Juvenile matters to retroactively modify a cost-of-care Order, parties who receive an Order to Transfer will be notified that they may petition the court for a retroactive modification of the support obligation. This right will expire after the period of one year and litigants will no longer be able to retroactively modify their support order unless otherwise allowed by law.

FUTURE ISSUES ARISING UNDER MATTERS CONTROLLED BY THIS ORDER:

In keeping with the spirit and intent of PA 388 of 1996, no actual consolidation of the juvenile case with the domestic relations case will occur. The Family Division of the Third Judicial Circuit Court has established model "teams" of Juvenile and Domestic Relations Judges and Referees who will serve each family. The Juvenile Judge or Referee will hear all juvenile matters arising out of the action. The Domestic Relations Judge or Referee of the same team will hear the support case.

In both new cases and existing cases that are transferred to the Friend of the Court for enforcement, the Friend of the Court Child Support Formula Manual will be used to determine the appropriate level of support to be paid by the parent.

All cases established by the Juvenile Reimbursement Unit are enforced by the Friend of the Court and will have a "DJ" case code, to be defined locally as **Juvenile Collections (DJ)**: Juvenile matters involving support and/or collections for cost of care and related fees for minors.



Honorable Michael F. Sapala
Chief Judge
Third Judicial Circuit Court

Dated: 8/30/99