ADMINISTRATIVE ORDER
43rd Circuit Court, 2024-02

ORDER ESTABLISHING ALTERNATIVE CONTEMPT TRACK (ACT) DOCKET

This administrative order is issued according to MCL 552.635a. The purpose of this order is to establish an Alternative Contempt Track (ACT) docket as provided in MCL 552.635a upon approval by the State Court Administrative Office.

IT IS ORDERED:
The Cass County Circuit Court finds the following conditions are negative contributors to parents' ability to pay child support and are likely to be remedied or improved within a year:

1. A documented medical condition;
2. A documented psychological disorder;
3. A substance use disorder;
4. Illiteracy;
5. Homelessness;
6. A temporary curable condition that the payer has difficulty controlling without assistance; and
7. Chronic Unemployment lasting 27 weeks or more.

The Cass County Circuit Court further finds that there are providers available within the geographic location of the circuit or close to the geographic location of the circuit who offer the following services:

Service Provider	Targeted Condition	Service Provided
Woodlands Behavioral Healthcare	Substance Use Disorders, Psychological Disorder	Treatment/Counseling, Mental Health Counseling
Cass Family Clinic	Medical Conditions/Substance Use Disorders	Treatment/Medical Care
Shepard House Counseling	Psychological Disorder	Counseling
Michigan Works	Unemployment	Employment Services
Helping Hands	Unemployment, Homelessness	Food, Clothing Assistance
United Way SW Michigan	Unemployment, Homelessness	211 Connections To Providers
SWCAA	Unemployment, Homelessness	Food, Utility, Crisis, Housing, Rent Assistance

Therefore, based on the findings above, the Cass County Circuit Court hereby establishes the Cass County Friend of the Court Child Support Alternative Contempt Track (ACT) Docket according to the following terms:

1. **Assignment -** A Cass County Judge and Referee(s) shall be assigned to the ACT Docket as follows:
    a. The Probate/Family Court Judge is assigned to serve as the Judge for the ACT docket. The current Cass County Probate/Family Court Judge is the Honorable Carol M. Bealor.
    b. The Cass County Friend of the Court Referee(s) are assigned to serve as Referees for the ACT Docket. The current Cass County Friend of the Court Referees are Melissa Sytsma and Sarah Mathews.

2. **Participant Eligibility Requirements** - Participants in the ACT program must meet the following eligibility requirements:
    a. Be experiencing one of the conditions found by this Court to negatively contribute to a parent's ability to pay child support as outlined above in this LAO.
    b. Have a child support arrearage of at least six months or more.
    c. Have completed and signed a program agreement according to section three of this LAO.
    d. Be eligible to be set for a contempt hearing for failure to pay child support or have been found in contempt for failure to pay child support within the last six months.
    e. Be referred to the ACT program by a Cass County Friend of the Court staff member, Cass County Courts' Judge, or Cass County Courts' Referee.

3. **Intake Process –** Upon a participant's referral to the program, the FOC and Court will take the following steps:
    a. Friend of the Court staff will set an initial meeting with the participant to explain the program.
    b. Friend of the Court staff will hold a service plan conference with the participant.
    c. Friend of the Court staff will develop a service plan with the participant to propose to the court.
    d. Friend of the Court staff will have the participant review the plan and sign a participation agreement and any necessary releases.
    e. Friend of the Court staff will present the proposed service plan to the Court for approval.
    f. The Court will review the proposed service plan and signed agreement on the record with the participant.
    g. The Court will approve, modify, or reject the plan on the record and explain its decision to the participant either on the record or in its order.
    h. The Court will enter an order either approving or denying the participant's admission into the ACT program.

4. **Service Plan –** The service plan will include at a minimum all of the following:
    a. The participant's goals.
    b. The issues to be addressed.
    c. The services to be provided.
    d. Milestones that will be tracked including support payments.
    e. Timelines to achieve milestones (taking into account that a participant may only be ordered to probation in the ACT program for up to one year).
    f. Reporting requirements.
    g. The participant's acknowledgment that failure to attend any hearing could result in a warrant for the participant's arrest.
    h. Conditions that will lead to sanctions or dismissal and notice that sanctions, including incarceration, can be imposed for failure to comply with the service plan.
    i. Notice that if the participant faces a sanction with the potential for incarceration, they may request a court-appointed attorney for the hearing.

5. **Statistical Reporting –** The Friend of the Court will collect data as follows for the program:
    a. Demographic information for participants including:
        i. Name
        ii. Date of Birth
        iii. Gender
        iv. Race
        v. County of Residence
        vi. Education Level
    b. Case information for participants including:
        i. Number of children
        ii. Number of child support cases
        iii. Monthly child support amounts
        iv. Amount of Arrearage at the beginning of ACT
        v. Amount of Arrearage at the end of ACT participation
    c. Program information for participants including:
        i. Start date
        ii. Number of milestones achieved
        iii. Number of sanctions received
        iv. Changes to any child support orders
    d. Other Information:
        i. Domestic violence screening information
        ii. Other information deemed important to the success of the program

6. Review and Maintenance of Statistical Data:
    a. The data maintained by the Friend of the Court shall be reviewed every six months by the Friend of the Court Director to ensure the success of the program.

b. The data maintained by the Friend of the Court shall be reviewed by the Chief Judge annually to ensure the success of the program.
c. The Friend of the Court will maintain the program data for a minimum of five years after the end of the ACT program should it cease.
d. The data collected by the Friend of the Court is confidential and not subject to requests for access to FOC records or to FOIA and is only for purposes of ensuring the success of the program and the ability to seek grant funding in the future.
e. The data collected may be used for purposes of presentations, articles, papers, grant applications, and other projects by the FOC or Cass County Courts so long as individual confidential or personal identifying information is not disclosed.
f. The data collected may be shared with the State Court Administrative Office (SCAO) and/or the Friend of the Court Bureau (FOCB) so long as individual confidential or personal identifying information is not disclosed.
g. Nothing in this order prohibits the Cass County Friend of the Court from obtaining releases from participants and/or their family members to use their success stories or testimonials for promoting the program, educating individuals about the program, or other purposes.

7. **Review Hearings –** Review hearings will be conducted as follows:
    a. Review hearings will be held to monitor a participant's progress with the case service plan and to determine when discharge from the program is appropriate as follows:
        i. Initial Review hearings will be held twice a month for a minimum of two months and continue until the court orders the participant to move to maintenance review hearings.
        ii. Maintenance Review Hearings will be held once a month for a minimum of two months until the court orders the participant to either graduate or terminate the ACT program.
    b. Review hearings will cover:
        i. Review of the case service plan
        ii. Review of progress on or achievement of milestones
        iii. Review of issues experienced since the last hearing
        iv. Review of the next steps expected of the participant and the FOC
        v. Modification of the case service plan if needed
        vi. Review of the participant's due diligence in following the case service plan to further the payer's ability to pay support under MCL 552.631 *et. seq.*
        vii. Notice that failure to appear at a hearing is considered a failure to appear under MCL 552.631 and the court may enter a warrant to have the participant brought into court to participate in the hearing
    c. The court will apply rewards and/or sanctions as necessary at review hearings as follows:
        i. Rewards may include:
            1. Gas Cards
            2. Grocery Gift Cards

3. Family Photo Package Gift Card
4. Family Activity Gift Card
5. Supplies for Job Interviews
6. Household Supplies (laundry soap, etc.)
7. Candy/Food Items
8. Personal Care Items (shampoo, etc.)

ii. Sanctions may include:

1. Verbal Warning
2. Community Service up to 20 hours
3. Writing Assignment
4. Inability to draw from a weekly reward basket
5. Inability to participate in a program event/service
6. Tether/SCRAM
7. Incarceration for up to 10 days as necessary to address the seriousness of a failure to comply with the case service plan
8. Incarceration for up to 45 days with purge conditions pursuant to MCL 552.631 et. seq. sufficient to bring the payer in compliance with the case service plan.
9. Dismissal from the ACT program.

d. Review Hearing Orders – At the end of each review hearing, the court will enter an order that covers the following:

i. A determination of whether the participant is following the case service plan.
ii. Notice of any modification to the case service plan due to the hearing.
iii. The next steps the participant must take in furtherance of the case service plan.
iv. Whether the participant has received a reward or sanction and, if so, why.
v. The date and time of the next hearing, as well as if the hearing is in person or via Zoom.
vi. Notice of any additional actions the court may take such as modifying the order.
vii. Notice that the payer must attend the next hearing and that if the payer does not appear, the court may issue a warrant to have the payer brought into court.
viii. De Novo Rights if the hearing was conducted by a Referee.

e. Review hearings may be held in person or via Zoom as ordered by the Court.

f. The court may modify the schedule of review hearings to meet the needs of the participants and to ensure that they can maintain employment and/or meet other goals of the program.

8. **Modification of Support –** Child Support may be reviewed and modified during a participant's time in the ACT program as follows:

a. Upon entering the ACT program, the court will provide notice to the support payee that support is being reviewed and can be modified effective the date of the first hearing.

b. At any hearing, the court may stay the support order to:
   i. Pause the support charge upon notice and an opportunity to the payee to participate in the hearing.
   ii. Pause the collection of support but continue the charges.
   iii. Pause any ongoing enforcement activity against the participant.

c. The court may enter a temporary support order for all or part of the time that the participant is in the ACT program upon notice and an opportunity for the payee to participate in the hearing.

d. The court upon notice to the payee and payer and an opportunity for a hearing may modify a support order as follows:
   i. The court shall enter a final support order upon completion or termination of the ACT program. Either party may object to a proposed final support order. If an objection is made, the court will hold a separate hearing on the matter of entry of a final support order.
   ii. The court may discharge arrears owed to the state with the state's approval and may also discharge arrears owed to a payee with the payee's consent upon successful completion of the ACT program.

9. **Additional Referrals –** The court may refer the participant to other programs as follows:
   a. An ACT participant is not limited to ACT only and may be referred and/or ordered by the court to any other court or FOC program that the court finds appropriate based on the participant's case and circumstances.
   b. The court may refer the participant to any provider deemed appropriate for the goals and objectives of the participant's case service plan and is not limited to the providers outlined in this order.

10. **Graduation and Dismissal –** The court may order that the participant has successfully completed the ACT program or should be dismissed from the program as follows:
   a. If the court determines that the participant has substantially completed their case service plan, the court will issue the participant a graduation certificate and enter an order ending their participation in the program due to the successful completion of the case service plan.
   b. If the court determines that a participant is not making progress toward completing their case service plan and after appropriate sanctions has failed to obtain compliance with the plan, the court may issue an order dismissing the participant from the program.

Carol Montavon Bealor

10/7/24
Date of Signature

Honorable Carol Montavon Bealor, P57068
Chief Judge