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## ANNUAL REPORT OF FAMILY SUPPORT COMMITTEE

After almost 2 years of the Family Support Committee's participation in SCAO Friend of the Court Advisory Committee meetings, communications with SCAO staff, and testimony given on behalf of Council before the Michigan Supreme Court, the Committee reported to Council at its January 3, 2004 meeting that the Supreme Court had issued an Order, on December 23, 2003, adopting the Friend of the Court Bureau's suggested revisions relating to:

1. Determining medical support and child care coverage obligations which included allocation of premiums, consideration of premiums paid for other children, determination of what is to be considered a reasonable cost of insurance, allocation of responsibility to insure, as well as a complex set of medical support changes, SCAO ADM 2003-22:5, 6, 7, 8 and 9, respectively.
2. Adopting the Friend of the Court Bureau's suggested revision relating to setting child support before determining spousal support, and
3. Providing structure for a determination of when the court may deviate from the formula.

Although the Family Support Committee, and this Council, previously objected to the proposed revisions with regard to allocation of premiums, all of the other suggested revisions, adopted by virtue of the Supreme Court's Order of December 23, 2003, previously met with Committee and Council support.

Most disconcerting was the fact that the Michigan Supreme Court failed to address eliminating the "cliff" effect of the Shared Economic Responsibility Formula, which abruptly commences at 128 overnights. That change, and several others previously recommended by the Family Support Committee and this Council, was left by the Supreme Court for a determination by either the legislative or executive branch.

Desirous of being proactive in this regard, the Committee, through the efforts of President-elect, John Mills, established a dialogue with Marilyn Stephen of the Office of Child Support. The Committee recommended to Ms. Stephen that a nine-member commission should be established, operating out of the Executive Branch, to monitor child support guidelines, and suggest periodic changes. The Committee recommended that three seats of the commission go to family lawyers dealing with the formula on a daily basis. That group would consist of the Family Law Section Chair, and two additional designees from the section. It would also include a representative of the Friend of the Court Association, the Judge's Association, the Prosecutor's Association, the Family Independence Agency, and two additional representatives, one representing one of the dad's organizations, or an individual that would represent typical payors, and another individual representing typical payees, preferably someone sensitive to the needs of single mothers. It was subsequently recommended by Council member Barbara Kelly, that a member representing Friend of the Court Referees also be included. The Committee concurred.

With the SCAO/ Friend of the Court Bureau having accomplished its Federally required quad-annual review of the child support system, there does not appear to be a significant impetus from either the Executive or Legislative Branch to take on the unresolved issues involving the Child Support Formula, including addressing the deleterious effect of the 128 day cliff effect. The only serious focus of the Office of Child Support has been to work out the numerous technical glitches in the MICES system, and deal with changes necessary to address the recent legislation modifying the interest charged on arrearages. It will be up to the Family Support Committee during in the 2004/2005 session, to keep interest in these additional changes alive.

Respectfully submitted,

Carlo J. Martina, Co-Chair  
Family Support Committee