

Hearings Are Effective, but Jail Time Is Not, in Collecting Child Support, Friend of Court Says

Court: From page 3

"The way to collect in this program is to nag," he said. "Bring them to show cause hearing after show cause hearing until it becomes easier to just pay it."

"The show cause hearings are not to talk them into paying, which doesn't work, but to lay out the punishments if they do not pay," he continued. "It is effective."

"We can also bring criminal charges, which we've done over the years five times, three with success and two times without success," he said.

If the parent falls behind by \$5,000 or more, he or she can be penalized with up to five years in prison. Before he goes to prison, though, there is a proba-

tion period.

"A judge will first set up a payment plan, and if they do not pay, the maximum penalty we've seen here is a year in county jail, which was a delayed sentence," Mrs. Smith said. "But the probation aspect is the most effective part of this. Only as a last resort do we like to put someone in jail. It's a good tool as punishment, but obviously it puts the payer in deeper debt because they are charged \$15 per day to stay there."

Another thing that can quickly set the payer behind in payments is Michigan's surcharge, an interest rate added to payments that is meant to benefit the child. It ranges from 2.4% to 2.9%. Michigan is one of only three states to use the surcharge, Mr.

Donald Smith Earns Edison Sault Award

Donald Smith Jr. of St. Ignace was among employees of Edison Sault Electric Company to be honored at its annual recognition dinner October 7. Mr. Smith, a Class A Lineman, was recognized for 10

years of service with the company.

Employees and retirees from Edison Sault divisions in Sault Ste. Marie, St. Ignace, and Manistique attended the employee awards dinner.

Village Council Pays \$700 Toward Signs

By John S. DeMott

The Mackinaw City Village Council on Thursday, October 16, held a first reading of an amendment to zone two village-owned parcels containing the village pier and marina to Marina Commercial. Marina Commercial will restrict development to museums, marinas, parking, performance shells, and, under special use permit, charter boat operations.

A second reading will be November 6, and adoption of the zoning is expected by November 26.

Earlier this summer, the village zoned two nearby parcels that are owned by Shepler's Mackinac Island Ferry to Waterfront Business (B2), prompting some residents to call for preservation of open space and of a view of the water in that area. A B2 district can accommodate retail shops and restaurants, and under special use permit, hotels.

The four parcels had not been zoned, an apparent oversight when the village zoning map was drawn. Council also approved spending \$700 to assist the Greater Mackinaw Chamber of Commerce in paying \$1,400 to close out the last two months of a contract with Wolverine Sign for five billboards

on I75 and U.S. 23 advertising Mackinaw City with the theme, "Living History-Making History."

After January, the Icebreaker Mackinaw Maritime Museum will rent the signs, said Dawn Edwards, the chamber's executive director. She said the chamber had tried to raise the money from members, but was unsuccessful.

In another matter, the village spread \$1.2 million in cash holdings among area banks to protect it under the federal insurance program. The FDIC will insure accounts only up to \$250,000, and given the unstable banking situation, the village wants to make sure its assets are covered. It has accounts now in about 10 banks.

The \$250,000 insurance limit was raised from \$100,000 under the federal bank bailout approved last month.

Questions Commonly Asked at Friend of the Court

Q. How much does a parent typically owe for child support?

A. The state court system uses a complex formula to figure individual child support payments that takes into account how many children a parent is supporting, income, health care costs, and child care costs, roughly translating to up to 28% of the parent's paycheck. But it cannot withhold more than half of a person's income for child support.

Q. When does Friend of the Court close a case because it can't collect child support?

A. When efforts have been made over many years to try to collect, without any further reason to anticipate success, a case may be closed, Mr. Cranham said. It may later be reopened at any time the parent's circumstances change and collection becomes a possibility again.

"At some point, in some cases, we're paying good taxpayer dollars to try to collect over many years," he said. "Later, if we think the person can pay — he gets a job, wins the lottery, or begins collecting Social Security — we'll reopen it."

The Friend of the Court office is notified when a parent gets a job, moves, or begins collecting any government payments.

Fewer than 10 cases have been administratively closed in Mackinac County, out of more than 700 cases, he pointed out. Closing such cases is also recommended by the state.

The case may be closed when a legal motion is made by Friend of the Court. The parent who is owed the payments has an opportunity to object in court. In almost all cases, Mr. Cranham said, the parent agrees to the closure once they understand that "the amount owed doesn't go away" and the case can be reopened at some point.

Q. Can a parent sign up for child support payments in the Friend of the Court office?

A. No, child support payments are not arranged through this office, but through the courts with the help of the prosecuting attorney.

Cranham said, and the state is now overhauling the system to eliminate it. He gave the example of a current case in which about \$30,000 is owed, and over time, half of that amount has been racked up by the surcharge.

The surcharge and payment are no longer compounded, but until recent years, they were, and added to some high child support arrearages for people in the county.

High unemployment, poor economy play a part in county

The sliding local economy is also working against some people who are trying to make their payments, Mr. Cranham said. Many people are out of work, working

part time, or don't file tax returns because they work in what Mr. Cranham calls the "underground economy," working short term or seasonally for cash, without reporting it.

"I've been doing this for 15 years, and in the last five to seven years, I've seen the northern Michigan economy has deteriorated," he said. He gave the example of Mackinac County construction trades workers, "maybe making \$15 to \$17 an hour a few years ago, but now there aren't as many of those jobs."

There aren't that many local payers who have either a savings account or a wage that could be

subject to garnishment to settle their payments, Mrs. Smith pointed out.

Meanwhile, the costs to care for the child don't change.

"There have been some very good people struggling to pay in this poor economy," Mr. Cranham said. "This is not a good time for our office to be particularly effective in collections. About one-quarter of our cases involve unemployed people. I don't like the term 'deadbeat dads.' Nobody who ends up in our office may ever pay child support enthusiastically, but if you want people to be involved with their children, they have to get a fair shake. We have to make sure they're not estranged from the system."

"It's a high percentage, actually in the 90th percentile, of parents paying child support who do it willingly and actually never need Friend of the Court," he pointed out.

The program's goal is not only to help collect support payments, but to keep parents and children connected.

"We don't just want the support," Mr. Cranham said. "We need to establish that they must have a relationship with their child."

"Most often what we hear from parents trying to collect child support is not that they're angry at the other person, but just that they need some consistent money coming in to care for this child. Who can argue with that?" Mr. Cranham said. "And if the father says in response, 'She won't even let me see the child,' he can fill out a par-

enting time complaint and we can help with that. The courts are here to help. People shouldn't have to dread coming to court."

In recent years, shared custody cases are on the upswing, comprising roughly 30% to 40% of the local cases, Mrs. Smith said.

"Almost the reverse of the child support concern is parenting time — this is largely the father's issue," Mr. Cranham said. "We have to treat this the same way. Whether the child is sick that day, or even if the child doesn't want to visit his father, it has to happen. There needs to be a clear understanding that this is going to take place. Sometimes it leads to some emotional scenes in the courtroom. But we have to enforce rights for both sides."

Complaints about parenting time must be filed in writing with Friend of the Court and the case then proceeds to a show cause hearing, much the same way as nonpayment of child support.

Even though these decisions can be difficult to make, and sometimes difficult for families to agree with, Mr. Cranham sites many cases where the measures do work for the benefit of the family.

"It's my job to stay the course and insist on our position, and in time, things do turn around for the better," he said. "Sometimes one parent shows an act of kindness toward the other in court that you didn't expect. It's very rewarding to see that. Or as they leave the courtroom, they're talking together as a family. Seeing that, you think this may not be the last chapter in this story — but it's a good chapter."

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