



**Michigan Supreme Court**  
**State Court Administrative Office**  
**Trial Court Services Division**  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, MI 48909

April 20, 2009

**MICHIGAN COURT FORMS COMMITTEE**  
Amended Minutes of March 19, 2009 Meeting

Present: Hon. William C. Buhl (chair)  
Lynn Ann Bullard, Van Buren County Friend of the Court Office  
Erin Magley, 20<sup>th</sup> Circuit Court  
Kelly Morse, Office of Child Support, DHS  
Johanna Peltier, Washtenaw County Friend of the Court Office  
Pam Sala, Oakland County Friend of the Court Office  
Amy Byrd, State Court Administrative Office (staff)  
Traci Gentilozzi, State Court Administrative Office (staff)  
Bill Bartels, State Court Administrative Office (staff)

Absent: Zenell Brown, 3<sup>rd</sup> Circuit Court  
Janice Cunningham, private practitioner  
Laura Shelagowski, Office of Child Support, DHS  
Jim Inloes, State Court Administrative Office (staff)

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Meeting called to order at 9:30 a.m.

Introductions were made.

**Public Comment**

Ruth Johnson, Oakland County clerk/register of deeds, discussed identity protection and presented information on an Identity Protection Task Force that has been formed. She requested that social security numbers be removed from certain court forms where the numbers are not required. She also encouraged the committee to somehow shield the social security number on those court forms where the number is required (e.g., use only the last four digits).

**Notice of Minor Revisions**

The committee agreed that forms requiring minor changes, such as spelling, citations, grammar, punctuation, etc., will be corrected by the State Court Administrative Office. These forms will be corrected and distributed in June 2009: FOC 1a, FOC 1b, FOC 6, FOC 12, FOC 17, FOC 39a, FOC 39c, FOC 39d, FOC 39e, FOC 58, FOC 60, FOC 62, FOC 67, FOC 82, FOC 83, FOC 84, FOC 86, and FOC 91.

**Staff Note:** During typesetting, the Proof of Service fee box on FOC 84 was revised to comply with the standard adopted by the Circuit and District Section of the Michigan Court Forms Committee to include additional fee information. Also during typesetting, the distribution and address/telephone number on FOC 39e was determined to be incorrect because the form is filed with the friend of the court, not the court. Therefore, the distribution on FOC 39e was changed to “Original – Friend of the court,” the address was changed to “Friend of the court address,” and “Court” was deleted from “telephone number.”

1. Verified Pleadings and Declaration Language

The committee considered a request based on last year’s discussion to remove the declaration language from certain forms that do not need to be verified pursuant to MCR 2.114. The committee deleted the declaration language from the following forms: FOC 2, FOC 2a, FOC 13, FOC 13a, FOC 19, FOC 21, FOC 24, FOC 39d, FOC 40, FOC 43, FOC 45, FOC 47, FOC 50, FOC 51, FOC 61, FOC 65, FOC 66, FOC 68, FOC 78, FOC 79, FOC 81, FOC 85, FOC 87, FOC 88, FOC 100, and FOC 109.

A committee member pointed out that item 1c on FOC 24 should be revised to better reflect MCR 3.212(B)(1)(c). The committee agreed and changed the language to say:

“ \_\_\_\_\_ has resided in the county to which the transfer is requested  
Name of plaintiff/defendant  
for at least six months before the filing of this motion.”

The forms were approved as revised.

**Staff Note:** During typesetting, item 4 on FOC 13 was determined to be grammatically incorrect and the following language was inserted (new language underlined): “If you and the other party ... must be in writing, and the agreement must list the expenses to be paid ....” On FOC 21, a standard masthead (including addresses and telephone numbers) was applied because it is a motion form. In addition, the standard ADA language was applied to the following forms: FOC 24, FOC 40, FOC 43, FOC 45, FOC 50, FOC 61, FOC 65, FOC 68, and FOC 87.

2. Certificate of Mailing

The committee considered a request based on last year’s decision that the standard Certificate of Mailing should say: “I certify that on this date I served a copy of this [name of document] on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.” The committee agreed the following forms should include the standard Certificate of Mailing: FOC 2, FOC 2a, FOC 19, FOC 21, FOC 24, FOC 30a, FOC 40, FOC 43, FOC 45, FOC 47, FOC 50, FOC 51, FOC 61, FOC 65, FOC 66, FOC 68, FOC 78, FOC 79, FOC 81, FOC 85, FOC 87, FOC 88, FOC 92, FOC 102, FOC 103, FOC 104, FOC 106, FOC 107, FOC 109, FOC 110, FOC 111, FOC 112, FOC 113, and FOC 114.

The committee also discussed a suggestion from the SCAO that perhaps the Certificate of Mailing on FOC 61 should use the language “true copy” because MCR 3.211(H) refers to

“true copy.” After reviewing the court rule, the committee decided that “copy” is sufficient because the “true copy” is not the version that is mailed.

A committee member inquired whether the language on FOC 68 should be revised because a hearing is not always held. The committee agreed and changed the language to: “I object to the entry of the referee’s recommended order dated \_\_\_\_\_ and request a de novo review by the court.” (New language underlined.)

A committee member questioned whether telephone numbers should be in the captions on FOC pleadings due to privacy concerns, particularly in domestic abuse matters. The committee concluded that MCR 2.113(C)(1) requires telephone numbers in the captions of pleadings and, therefore, the telephone numbers will remain on the forms.

The forms were approved as revised.

**Staff Note:** During typesetting, it was determined the distribution at the top of FOC 103 is incorrect because the form is a notice to an employer that should not be filed with the court, especially because of the field for the social security number. As a result, the distribution was changed to: Original – Source of income, 1<sup>st</sup> copy – Friend of the court, 2<sup>nd</sup> copy – Plaintiff, and 3<sup>rd</sup> copy - Defendant.” Also, a standard masthead was applied to FOC 104.

3. FOC 8, Order for Release for Work or to Seek Work

The committee considered a suggestion from last year that this form should possibly be deleted. Committee members agreed with the suggestion.

The form was deleted.

4. FOC 10/52, Uniform Child Support Order

The committee discussed a suggestion from the SCAO to revise item 3 because, in light of recent changes to the Michigan Child Support Formula Manual, the social security benefit credit is misplaced. Committee members agreed that the social security benefit credit should not be subtracted from base support. After considerable discussion on how child support is properly calculated, the committee agreed the social security benefit credit should be placed after “Other.” As a result, the child-support obligation in item 3 will be broken down as follows:

Base support: (includes support plus or minus premium adjustment for health-care insurance)

Support:

Premium adjust:

Subtotal:

Ordinary medical:

Child Care:

Other:

SS benefit credit:

**Total:**

Some committee members pointed out that certain caseworkers are experiencing problems with this form when the total support obligation is less than zero, primarily because they are unsure how to enter it into the system and because clients believe they should be receiving a credit when the amount is negative. Therefore, the committee considered whether to insert a use note on the form stating, "If the total support obligation is less than zero, the amount entered will be -0-." However, the committee decided not to add this note, reasoning that this should not be a standard directive on the form because an obligation less than zero rarely occurs. The committee remarked that, if an obligation is less than zero and questions arise regarding whether credits should be given or how to enter the amount into the system, the SCAO should be notified, so the issue can be properly addressed in the Michigan Child Support Formula Manual.

Committee members also considered a request from a judge to revise item 3 to specifically say, "The payer shall pay child support as follows." It had been asserted the form does not order anyone to pay support. The committee disagreed and concluded the form's current language sufficiently orders the payer to pay support.

The form was approved as revised.

5. FOC 13a, Complaint for Enforcement of Health-Care Expense Payment

Committee members considered a suggestion from a friend of the court office to change the form's title because the term "complaint" is misleading. The committee was advised that "complaint" is used in the title because that term is used in MCL 552.511a. However, members noted that "complaint" does not necessarily have to be used on the form even though it is used in the statute.

The committee discussed the purpose of the form, including (1) where FOC 13a is filed, (2) how the form is used in relation to FOC 13, Request for Health-Care Payment, and (3) whether the form is solely a complaint, or both a notice and a complaint. Members concluded that FOC 13a is filed with the friend of the court and not the court itself, and therefore the distribution at the top should say "Original – Friend of the Court" and "3<sup>rd</sup> copy – FOC file" should be deleted. Members also agreed that FOC 13 is basically a worksheet that is attached to FOC 13a. After considerable discussion and upon reviewing the applicable statute, the committee decided FOC 13a is both a notice to the payer and a complaint for payment. Therefore, the committee changed the title to "Complaint and Notice for Health-Care Expense Payment," added a standard Certificate of Mailing because it is a notice, removed unnecessary statutory references, and redesigned the form as follows.

COMPLAINT

I request the friend of the court to enforce health-care expenses. Attached is the request for health-care expense payment (including all supporting documents) given to the obligor.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NOTICE

The friend of the court has been asked to enforce the health-care expenses. Unless you file a written objection with the friend of the court within 21 days of the date this notice is sent, the expenses will be added to your support account as a health-care support arrearage for enforcement and must be paid ....

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this complaint and notice to the parties or their attorneys by first-class mail addressed to the last-known address as defined in MCR 3.203.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Friend of the court/Authorized representative

The committee also decided “request for health-care payment” should not be capitalized throughout the form, noting the capital letters currently on the form inaccurately convey there is a particular form that must be used.

The committee deleted MCL 552.602 from the foot of the form because the statute no longer defines health-care expense.

The form was approved as revised.

6. FOC 23, Verified Statement and Application for IV-D Services

The committee discussed a request from a friend of the court to include a note that parties are charged a fee when applying for IV-D services. Certain committee members indicated that a note would likely result in less people applying for IV-D services, or people choosing not to sign or return the form. The committee also remarked that notification of the fee is provided in other ways, such as an information package given to the parties. Therefore, the committee decided not to include the note.

The committee also denied a request to include the cell-phone numbers of the parties. Members suggested that cell-phone numbers be include on the questionnaire instead. Also, members pointed out that MCR 3.206(B) sets forth what should be on a verified statement, and cell-phone numbers are not included.

The form was unchanged.

7. FOC 29, Order Allowing Change of Domicile/Legal Residence

The committee considered a suggestion from the public to remove the reference to modification of support in item 2 because friend of the court offices can only accept a Uniform Child Support Order to modify support. It had been suggested the language be changed to: “The support of the minor child(ren) shall be that as contained in the

Uniform Child Support Order entered contemporaneously with this Order and incorporated herein by reference.” The committee reviewed MCL 722.31 and MCR 3.211 and decided that item 2 should be deleted altogether because the order is being entered on a motion to change domicile. If the motion includes a request to modify support, the Uniform Child Support Order would also be issued. The form was renumbered accordingly.

The committee also discussed several suggestions from the SCAO to revise the form and reached the following conclusions.

- (1) The committee modified item 1 to provide for situations where less than all the children are removed from the current domicile and to provide for instances where the child(ren) may not always be removed to another state:  
“ The defendant may remove the domicile of \_\_\_\_\_  
Name(s) of minor children  
 a. to a residence more than 100 miles from the child’s legal residence when this case was commenced.  
 b. from the State of Michigan to \_\_\_\_\_.”
- (2) Additional space was added and the language was simplified in old item 3 (new item 2) as follows: “The parenting time order dated \_\_\_\_\_ is modified as follows: ” and item 6 was renumbered item 4.
- (3) The committee deleted old item 5 because it is not required by court rule.
- (4) The committee concluded that the factors in MCL 722.31(4) should not be set forth on the form because the findings are on the record.
- (5) The committee concluded the factors in MCR 3.211(C)(1)-(3) should not be on the form because this is not an order awarding custody.

The form was approved as revised.

8. FOC 39a, 39b, 39c, and 39d, Friend of the Court Case Questionnaire (pages 1, 2, 3 and 4)  
FOC 39e, Child Care Verification

The committee was advised that the questionnaire is being thoroughly reviewed by another work group, and any recommendations from that group will be presented to the committee next year. Until then, the committee agreed there were a few items that required immediate attention because of changes to the Michigan Child Support Formula Manual.

The committee questioned whether it is necessary to have an SCAO-Approved questionnaire, or whether it would be best for the local friends of the court (FOCs) to develop their own, since it appears that many local FOCs use their own questionnaire already. Members commented that it is beneficial to have a standard SCAO-Approved form and the committee should comprehensively review the current form to make it more user-friendly and to include information that local FOCs want/need.

The committee revised the forms as follows.

**(1) YOUR GENERAL INFORMATION**

(a) The committee clarified item 18 regarding dependent children by revising the language to say, "Names of all children in common with the other parent in this case." The committee retained the information regarding gender, social security number, and address because it is still needed. The committee deleted the natural/step/adopted information because it is unnecessary.

(b) Pursuant to §2.08 of the Michigan Child Support Formula Manual, the committee added a new text field for the names of additional minor children (biological or adopted) that says, "Names of all additional minor children you support." The committee included the information regarding birth date and address because it is still needed. The committee did not include the information regarding gender, natural/step/adopted, and social security number because it is unnecessary.

(c) The committee added new fields for cell-phone number, e-mail address, and professional license, type, and number.

(d) The committee added a new field for parenting-time offset pursuant to §3.03 of the Michigan Child Support Formula Manual that says, "Number of overnights you have with this child annually."

**Staff Note:** During typesetting, the language approved by the committee would not fit in the space provided. Therefore, the language was changed to "No. of overnights you have w/child annually" and the type size was reduced.

(e) To gain space for the above additions, the committee deleted space from item 19 by removing, "If yes, complete a. and b." because it should be evident to complete a. and b. if the answer to the question is yes.

(2) The same changes in (1) were made to the section **INFORMATION REGARDING THE OTHER PARENT IN THIS CASE** on page three of the form.

**(3) YOUR INCOME, MEDICAL, EDUCATIONAL, AND HEALTH INSURANCE INFORMATION**

(a) The committee deleted item 40 because it is no longer required pursuant to the child support guidelines.

(b) The committee revised the language of item 39 to say, "Do you have any alimony orders involving another person not a parent in this case?" because information is needed about any alimony payments to other parties outside the current case.

Based on the foregoing revisions, all items on the form were renumbered accordingly. The committee considered a request from a friend of the court office to move the signature line on FOC 39d (page 4) to FOC 39a (page 1). It had been asserted that parties

forget to sign the form after it is completed. The SCAO questioned whether a signature is even necessary because the form is not a pleading and is not filed with the court. Members explained that a signature is needed pursuant to established friend of the court procedures because, by signing the form, the person is verifying that the address is correct (is the "legal address") and, therefore, this is the address that must be used to effectuate service. Members also pointed out that a signature is needed to apply for IV-D services. Regarding whether the signature line should be moved to the first page, the committee noted there is currently a boldface instruction on FOC 39a that says, "Complete this form and sign on page 4" and a person should not sign and date a form at the beginning before completing it. After much discussion, the committee remained uncertain whether the signature is even necessary and referred the issue to the work group that will be reviewing these forms.

Committee members discussed a suggestion from a friend of the court office to move the checkbox for IV-D services from FOC 39d (page 4) to FOC 39a (page 1) so that persons completing the form do not forget to mark the box. The committee was unsure whether removing the checkbox would be appropriate and questioned whether the checkbox needs to be on the form at all. The committee referred this to the work group as well.

The committee discussed a suggestion from a friend of the court office to use one form number for the questionnaire. Members agreed the numbering system for this form was misleading and changed the form number to FOC 39 for all four pages. Form FOC 39e is not part of the questionnaire package and was left as FOC 39e because it is a distinct number.

The forms were approved as revised.

9. FOC 50, Motion Regarding Support

The committee discussed a suggestion from the SCAO that item 2 in the Instructions include information about the \$40 judgment and order entry fee (in an action where support of minor children is determined). Because some courts require that this fee be paid when the motion is filed, the committee approved the following instruction: "You may also be required to pay a \$40.00 judgment and order entry fee when the motion is filed."

The form was approved as revised.

10. FOC 55, Statement of Account

The committee discussed a request from last year regarding the purpose of this form and whether it should be deleted. Members reviewed comments from caseworkers, who indicated they use the form pursuant to MCL 552.1601 *et seq.* to "certify arrears" for interstate cases and that the form is beneficial because it succinctly clarifies matters for other states. Based on this information, the committee agreed the form should be retained. Because the form is used to certify arrearages, the committee also changed the citation at the foot of the form to MCL 552.1601(1)(c).

The form was approved as revised.

**Staff Note:** The committee did not revisit last year's discussion regarding distribution of the form that was placed on the 2009 agenda. However, the distribution was changed during the typesetting process to reflect what SCAO believes to be correct. The original was changed from the Court to the Friend of the court, MiCSES was removed, and copies to the parties and court will be distributed as determined necessary.

11. FOC 70, Determination on Arrearage

The committee considered a suggestion from last year to either delete the form or revise it to comply with the version used by MiCSES, even though the MiCSES form is supposed to mirror the SCAO-Approved form. The committee also discussed whether an SCAO-Approved form is even necessary because the form is not filed with the court. While certain committee members agreed the form should be retained because it is beneficial to have a standard form, others questioned whether a certificate of mailing should be added because the form serves as a notice. The committee decided to table these issues for further discussion next year. The SCAO will research the issues and present its findings to the committee at its 2010 meeting.

The form was unchanged.

12. FOC 72a, Citizen Advisory Committee Request to Access Friend of the Court Records

The committee discussed a suggestion from last year that this form be considered for deletion because there are so few Citizen Advisory Committees and, where they exist, a local administrative order is in place to handle requests for access to friend of the court records. The committee agreed the form is not needed and deleted it.

The form was deleted.

13. FOC 90, Notice of Lien

The committee discussed a request from last year to determine whether this form meets both the substantive and formatting requirements of MCL 565.201 *et seq.*, along with a request from a deputy friend of the court to add lines for the printed, typed, or stamped name of the person executing the instrument and the notary public. Members noted that some registers of deeds are apparently rejecting this form, claiming it does not comply with the statutes. The SCAO reported to the committee that it had examined the form and determined that it satisfies the formatting requirements, but that substantive changes are needed, including adding a line for the printed or typed name of the claimant and removing item B. The committee also agreed that lines for the printed, typed, or stamped name of the notary public should be on the form. Lines were added for both fields.

Committee members approved a suggestion from the SCAO to delete checkbox B. in the Notice to Lien Recorder section because the friend of the court is the only claimant. In addition, the committee removed the statement "Issued by a IV-D agency/office" after

checkbox A. for the same reason.

The committee deleted the word “child” in “child-support” throughout the entire form because child support may not necessarily be the type of support involved.

In light of identity theft concerns, the committee discussed whether the social security number is needed. Some members indicated the number should be removed altogether; other members said they are told the full social security number is necessary to properly identify the individual. The committee concluded the social security number is only needed for FIDM and there is a different process and form for that. Taking all the viewpoints into consideration and given the fact that the social security number is not required by statute or court rule, the committee removed the field.

The committee was advised that, because FOC 90 is used in conjunction with FOC 91, FOC 92, and FOC 93, any changes to FOC 90 may also require changes to these other forms. The committee reviewed these other forms and concluded they are unaffected.

The committee considered a request from a friend of the court office to add a certificate of mailing so that friends of the court do not have to create their own. Some members noted it may be sufficient that the form is attached to FOC 91, which already has a certificate of mailing, but the committee disagreed. The committee denied the request to add a standard certificate of mailing, primarily because there simply is not enough room on the form and the form should not be made two pages just to include a certificate of mailing. To alleviate concerns whether notice has been served, the committee added a line for “Date served on lien recorder” at the bottom of the form instead of a certificate of mailing.

Committee members also discussed the SCAO’s suggestion to determine the form’s appropriate distribution. The committee discussed which entities actually receive the form and decided the distribution should be: Original – Friend of the court, 1<sup>st</sup> copy – Lien recorder, Additional copies as needed.

The form was approved as revised.

**Staff Note:** Because the committee determined the friend of the court is the only claimant, the signature on the form should be that of the friend of the court or authorized representative, similar to FOC 91 and FOC 92. Accordingly, the signature line on the form was changed to \_\_\_\_\_ . Also, the

Signature of friend of the court authorized representative

address, city, state, and zip code of the person executing the instrument does not need to be at the bottom of the form because the friend of the court is the claimant and this information is already provided in the masthead.

14. FOC 92, Notice to Release Lien

Similar to agenda item 13, the committee discussed a request from last year to determine whether this form meets both the substantive and formatting requirements of MCL

565.201 *et seq.* Members noted that some registers of deeds are apparently rejecting this form, claiming it does not comply with the statutes, along with a request from a deputy friend of the court to add lines for the printed, typed, or stamped name of the person executing the instrument and the notary public. The SCAO reported to the committee that it had examined the form and determined that it requires the same changes made to FOC 90 regarding the name of the claimant. The committee agreed that lines for the printed, typed, or stamped name of the notary public should be on the form. Lines were added for the field.

The committee considered a suggestion from last year regarding the declaration language and whether it is necessary. The SCAO researched the requirements and reported to the committee that the declaration language should remain on the form pursuant to MCL 565.202(b). The committee agreed and retained the declaration statement.

The form was approved as revised.

15. FOC 95, Findings and Report on Arrearage Payment Amount

The committee discussed a request from last year that this form be considered for possible deletion. The SCAO requires additional time to research the background on the development of the form and the continued need for the form. Therefore, the committee agreed that further discussion be tabled until 2010.

The form was unchanged.

16. FOC 99, Notice of Registration of Out-of-State Child-Custody Determination (UCCJEA)

The committee considered various suggestions from the SCAO to revise this form.

Committee members approved a request to include the Order date in item 3, finding it would helpful.

The committee discussed whether there is a statutory basis for providing two copies (one certified) or a copy of the attachments to the parties, and whether the language in item 4 should instead say, "A copy is attached." Members pointed out there does not appear to be a requirement to provide any related documents that may have been filed with the determination. Therefore, the committee revised the language to better reflect the applicable statute as follows: "A copy of the registered child-custody determination is attached."

The committee addressed whether item 5 should follow the language in MCL 552.1312. Members pointed out the current statement on the form does not reflect the statute and decided it should say, "A registered custody determination or any order to enforce issued by another state is entitled to full faith and credit, unless the order has been vacated, stayed, or modified."

Committee members agreed that item 6 should be clarified regarding service of the

notice. The committee concluded the language should say, “A hearing to contest the validity of the registered child-custody determination must be requested within 21 after service of this notice ...” (added language underlined).

The committee agreed the statement after the checkbox to request a hearing is confusing and there doesn't need to be a checkbox if the instruction is reworded. Therefore, the committee removed the checkbox and changed the language to say, “To request a hearing, check the appropriate box in item 1, sign and date the request, and return it to the court at the above address.” The committee also decided that the items in the Request for Hearing should be numbered 1 and 2.

The committee considered a suggestion that the first checkbox option in the Request for Hearing be revised to say, “The issuing court did not have jurisdiction” because MCL 722.1304(4) permits a contest if the issuing court did not have jurisdiction under article 2, whether it is personal jurisdiction or subject-matter jurisdiction. The committee agreed and revised the language accordingly. Also, “issuing state” was changed to “issuing court” in the first checkbox.

The committee decided the Certificate of Mailing should be relocated underneath the notice section (above the Request for Hearing) because the notice is what is served. The committee also decided the language on the Certificate of Mailing is inappropriate and changed it to say, “I certify that on this date I served a copy of this notice and a copy of the required documents on the parties or their attorneys by first-class mail addressed to the addresses provided pursuant to MCL 722.1304(1)(C).” The committee also agreed the Certificate of Mailing should be signed by the clerk because the statute requires the court to send the notice.

Committee members concluded the form is more appropriately a circuit court (CC) form. Accordingly, the SCAO will renumber the form.

The form was approved as revised.

17. FOC 99a, Order Confirming Registration of Out-of-State Child-Custody Determination (UCCJEA)

The committee discussed a suggestion from the SCAO to include an option for vacating registration in addition to confirming registration. Members agreed that registration is sometimes vacated and changed the title of the form to, “Order Regarding Registration of Out-of-State Child-Custody Determination (UCCJEA).” The committee also added to old item 6 (new item 4) a checkbox option for vacating as follows: “ a. The registration is confirmed. ...  b. The registration is vacated.” The committee revised the language for option a. to better reflect MCL 722.1304(6) as follows: “ a. The registration is confirmed. Confirmation of a registered child-custody determination, whether by operation of law or after notice and hearing, precludes further contest of the child-custody determination with respect to a matter that could have been asserted at the time of registration.”

In light of the foregoing changes, the committee considered the form's overall design and content. Members deleted item 1, concluding that the date of hearing, judge, and the checkbox options for "after hearing" and "no hearing requested" are not needed. The committee also removed items 7, 8, and 9 because these items are conditions specific to Michigan law and during this registration process, the registering court does not have jurisdiction to modify another state's order.

Committee members discussed a suggestion from the SCAO to include additional findings in item 4 (new item 3). Accordingly, the committee added new checkbox options as follows:

3.  c. The respondent requested a hearing but failed to appear.
- d. The issuing state lacked jurisdiction to make the determination.
- e. The child-custody determination has been vacated, stayed, or modified by a court of a state having jurisdiction to do so.
- f. The respondent did not receive proper notice before the child-custody determination was issued.

The committee considered a suggestion from the SCAO to remove the jurisdictional statement in item 5. The committee deleted item 5, finding it is unnecessary because jurisdiction has been established.

As a result of the above changes, items 6 and 7 were renumbered 4 and 5.

Committee members also concluded this form is more appropriately a circuit court (CC) form. Accordingly, the SCAO will renumber the form.

The form was approved as revised.

**Staff Note:** During typesetting, "Bar no." was added to the judge's signature line at the bottom of the form because this is standard information on SCAO-Approved forms.

18. FOC 100, Domestic Relations Judgment Information

The committee discussed a request from a deputy friend of the court to include personal information on third-party custodians/guardians of children (e.g., social security number, address, and telephone number). It had been asserted this would be helpful in divorce cases where there is a third-party custodian/guardian. The committee decided this information should not be on the form because court rules do not authorize the collection of information regarding third-party custodians or guardians.

The committee discussed a comment from a deputy friend of the court that the directive "(Check this box when information is being modified)" at the beginning of the form is confusing and should be removed. The committee inquired why the directive is on the form in the first place. The SCAO responded the directive is probably on the form because it serves as a signal that information has changed, and it would be time consuming for FOCs to review the entire form to determine what information is different. The SCAO indicated it will review the file and let the committee know for certain about

this.

The form was unchanged.

**Staff Note:** The SCAO reviewed the file and it appears the directive “(Check this box when information is being modified)” was placed on the form when it was developed due to concerns over repetitive information being provided, particularly when the Domestic Relations Judgment Information is filed “in addition to” a verified statement pursuant to MCR 3.211(F)(5).

19. New Form, Motion to Change Domicile

The committee considered a request from a friend of the court to develop this form. There have been numerous requests for this form over the years, so the committee agreed. Because there was no draft to review, the SCAO volunteered to draft something for review in 2010.

The development of a new form was approved.

20. New Form, Order for Interim Effect

The committee discussed a suggestion from a MiCSES analyst to develop a form pursuant to MCR 3.215(G) for any referee recommendations that will be given interim effect. The committee denied the request, stating that local courts can use their own forms. The committee also pointed out that FOC 60, Referee Findings and Recommendation for Order after Hearing on Modification of Support, may be modified to include information regarding orders being given interim effect. The SCAO agreed to revise FOC 60 accordingly, and will present a draft to the committee for its review in the 2009 package of revised forms.

**Staff Note:** During typesetting, it was determined that FOC 60 is inappropriate for this purpose because it is not an order and is a recommendation with an attached order (FOC 10/52). MCR 3.206(G) provides for the interim effect of orders and it must be done by "administrative order" of the court. The SCAO does not know which courts have administrative orders in place to allow referees' recommended orders to take effect on an interim basis. Therefore, the SCAO believes the suggestion is not appropriate on a statewide form and should be handled locally. Also, if the suggested language is to be placed on a form, it should be on FOC 10/52, not FOC 60. Based on this, the SCAO has recommended the issue be placed on the 2010 agenda or else the matter be dropped altogether.

Meeting adjourned, 3:30 p.m.

Respectfully submitted,

Traci R. Gentilozzi