



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner
Director

March 10, 2016

TO: Michigan Court Forms Committee, Domestic Relations Work Group

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **March 17, 2016 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing (map enclosed)

Below is the agenda for the March 17, 2016 meeting of the Michigan Court Forms Committee, Domestic Relations Work Group. The meeting starts at 9:30 a.m. and ends at approximately 3:30 p.m. Lunch reservations have been made for you. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa in Lansing. A map and directions are provided.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. **Minor Changes**

FOC 61 Objection to Ex Parte Order and Motion to Rescind or Modify

Reference to the \$20 motion fee will be removed from the instructions because a motion fee is not required for a responsive pleading. In addition, the citation to MCL 722.27a will be updated to MCL 722.27a(12), (13).

FOC 30 Notice of Registration of Out-Of-State Support Order
FOC 30a Order Vacating/Confirming Registration of Out-of-State Support Order
FOC 55 Statement of Account
FOC 90 Notice of Lien

The citations on these forms will be updated to comply with 2015 PA 255, which repealed and replaced the UIFSA code.

2. FOC 10 Uniform Child Support Order

A. It has been suggested that a child-care cost field be added between the fields for child's date of birth and the fields for overnights with payer. On the current form, the child care amounts for some or all children are built into the totals for the children. These totals become incorrect once the child care obligation ends. The suggester states that by adding a child care field, that amount could simply be deducted from the total.

Should this suggestion be adopted?

B. It has been suggested that the uninsured health-care expenses language be modified to include language from MCL 552.511a(1)(a).

The suggested language is:

All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid ___% by the plaintiff and ___% by the defendant. *Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred may be enforced by the friend of the court. A written payment request must be made by the payee to the payer within 28 days after the insurer's final payment or denial. If payment is not made within 28 days, a timely request for enforcement may be submitted to the friend of the court. The annual ordinary medical amount is _____.*"

Should the suggested language be adopted?

Comment from Attorney Rebecca Sanford:

I would not add a separate field for child care for automatic drops, especially in the situations of special needs children. I actively oppose adding the 28 day language. I have many recipients of support who do not receive an insurance EOB, sometimes ever, from the other parent. Often they will not know whether a

payment is made or denied by an insurer until well after the 28 days.

3. FOC 22 Employer's Disclosure of Income and Health Insurance Information

It has been suggested that items 14-25 be relocated on the form. The suggester indicates because the locations of these items are next to insurance coverage information, employers who do not provide insurance coverage skip items 14-25.

It is suggested that these items be relocated under item 6 or that a parenthetical be added after item 13.

Should the items be relocated? What would be more appropriate?

4. FOC 23 Verified Statement

A. It has been suggested that the checkbox which serves as the Title IV-D application on the bottom of the form be removed. This suggestion is made because Office of Child Support policy determined that a checkbox does not meet the necessary requirements for an application or other processing needs.

Should the checkbox be removed?

B. It has been suggested that a column be added to FOC 23 to indicate the sex of the child. This suggestion is made because it can be difficult to determine the gender of the child and entry of an incorrect gender may cause MiCSES errors.

Should the proposal be adopted?

Comment from Attorney Rebecca Sanford:

This should be generally revised. See my comments on FOC 100. It is irritating to have to fill out the same information on a differently-formatted form, once at the outset and again at the end of a case. Please revise both forms, make it one form, and keep things gender neutral. The FOC 23 form is already incorrect as it has Mother and Father; we now have same sex marriage and thus, there are situations where there are two mothers or two fathers. We have already had situations of gender reassignment of persons including children. Please just identify people by Plaintiff/Defendant, name, social security numbers and dates of birth.

**5. FOC 87 Motion Regarding Custody
FOC 88 Response to Motion Regarding Custody
FOC 89 Order Regarding Custody and Parenting Time**

It has been suggested that these forms include an instruction and/or reference to change of domicile forms when a parent is asking to change custody and move outside of Michigan.

There are two options for suggested language for FOC 87 and FOC 88. They are the following:

(1) A checkbox option stating, "I ask the court to enter an order allowing a change of domicile or legal residence. (Attach a separate sheet to explain what you want and the reasons you want it.)"

(2) A checkbox option stating, "I ask the court to consider the attached motion regarding change of domicile/legal residence at the same time as this motion/response."

FOC 89 would be revised to correspond with any changes to FOC 87 or FOC 88.

Should this suggestion be adopted?

Comment from Attorney Rebecca Sanford:

Domicile is an issue that is often separate from custody and parenting time in a border county. The filing fee is less when custody and parenting time are not going to change upon a change of domicile, but if this is the only form that addresses domicile, then pro-per litigants would likely be charged a substantially higher and incorrect filing fee in those situations because they used the general change of custody/parenting time form. I would not include the domicile language.

6. FOC 100 Domestic Relations Judgment Information

A. It has been suggested that DHHS Form 1201-D be included on the back of FOC 100. It is suggested because customer service and case processing needs of DHHS and local FOC offices may be better met by having the information gathered from FOC 100 and 1201-D in one place.

Should this suggestion be adopted?

- B. It has been suggested that checkboxes indicating if the judgment was entered by consent or after a hearing be added to the custody and support sections of the form.

Should this suggestion be adopted?

Comment from Attorney Rebecca Sanford:

Generally please revise this form so that there need not be both a Verified Statement (FOC 23, see comments below) and a separate Judgment Information form. These two forms are almost identical in the information gathered. My suggestion is that the form be revised generally so that it is the same form filled out at the outset, and revised at the conclusion of the case. I would think that the FOC 100 and FOC 23 could be generally revised in the same manner as the UCSO to indicate on the top header whether it is an initial or final information statement.

The information about whether support is by consent or order after trial is already in the Order (the UCSO). It does not need to be stated twice. Keep the forms as short and simple as possible.

7. **FOC 104 Request to Reopen Friend of the Court Case**

- A. It has been suggested that the checkbox which serves as the Title IV-D application on the bottom of the form be removed. This suggestion is made because the Office of Child Support Policy determined that a checkbox does not meet the necessary requirements for an application or other processing needs.

Should the checkbox be removed?

- B. It has been suggested that the following language be included at the bottom of the form:

“I understand that in order to receive full child support services through the Friend of the Court office, I must complete an application for IV-D child support services. If I would like IV-D services, I will complete an application for IV-D child support services (on the reverse side of this form).”

C. It has been suggested that DHHS Form 1201-D be included on the back of FOC 104. This suggestion is made because customer service and case processing needs may be better met by having the information gathered from FOC 104 and 1201-D in one place.

8. MC 01 Summons and Complaint

It has been suggested that MC 01 be revised to include information required by MCR 3.206(A)(2), which states that the complaint should indicate whether any Michigan court has prior continuing jurisdiction. Is this requirement substantially different from MCR 3.206(A)(4)? Should additional information be added?

Comment from Attorney Rebecca Sanford:

It is my suggestion that the summons should be simple to understand. I do not believe this is substantially different from the current form.

**9. MC 09 Dismissal
MC 26 Notice of Intent to Dismiss for No Progress**

It has been suggested that a checkbox be added to one or both of these forms for Title IV-D purposes. This has been suggested to assist Title IV-D offices in case closure procedures. The additional form language would act as the notice of Title IV-D case closure.

The suggested language is:

“For domestic relations cases, if you applied for IV-D child support services under Title IV-D of the Social Security Act and your court action is dismissed, your request for services will close 60 days after the date of this notice. If you do not want your request for IV-D services to close and need child support services, please contact the Office of Child Support at 866-540-0008.”

Should this suggestion be adopted?

10. Should the FOC address appear in the masthead of the form in place of the court’s address?

A suggestion has been made to replace the field for court address with friend of the court address in the masthead of friend of the court order forms. MiCSES had

been inadvertently using the friend of the court address and recently corrected the error, resulting in a request that SCAO-approved order forms be changed.

Should the masthead of the forms be changed to accommodate the FOC address?

Comment from Hon. Thomas D. Slagle:

The original order is maintained by the court clerk. FOC is not the Court and it should not be implied to the parties (especially self-represented litigants) that the office of FOC and the Court are the same or somehow interchangeable.

Comment from Attorney Rebecca Sanford:

In my opinion, if it is an Order of the Court, the Court address should be used, not the FOC address. Having the address and phone number of the court is helpful when parties have a Michigan Order to present to a court outside of the state of Michigan, and contrariwise, it could be very confusing for a court outside of the state to have an FOC address instead of the court's address on the heading of an order.

11. New Forms: Commitment and Supervision Orders

Last year the committee considered revisions to FOC 6 Support Enforcement Order. Specifically, the committee modified the commitment language in item 25. In light of the changes, SCAO staff agreed to draft proposed commitment and supervision orders to present at the 2016 meeting. A draft supervision order is attached. SCAO staff would like the committee to provide more guidance on a commitment order.

Should the form be adopted?

12. Should new forms be created for use under MCR 3.210 in default situations?

Last year the committee considered a proposal to create forms for defaults occurring under MCR 3.210. The committee decided to wait and see whether there are requests for the forms and whether they are needed. Therefore, the question was tabled until 2016.

Should a new form be created under this rule?

Tab Page:
Driving Directions

MICHIGAN HALL OF JUSTICE

Driving Directions, Visitor Parking Information, and Maps

The Michigan Hall of Justice is located at 925 West Ottawa Street in Lansing—between Ottawa Street on the north, Allegan Street on the south, and Martin Luther King, Jr. Boulevard on the west. It is on the opposite end of the mall from the Capitol Building.

All visitors to the Hall of Justice will enter through the front doors (facing the Capitol Building) and must pass through a security check. No weapons are permitted in the Hall of Justice.

The conference center is located directly across from the main entrance on the first floor.

From the North (Mackinac Island, Traverse City)

- Take I-75 South to US-27 South (Lansing).
- Take I-69 (Flint)/US-127 (Lansing).
- Continue on US-127 South to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the Northeast (Flint, Saginaw, Bay City)

- Take I-69 West to US-127 South to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From Detroit

- Take I-96 West to US-127 North.
- Take US-127 North to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right.
- The Hall of Justice will be the large building on your left.

From the Southeast (Ann Arbor)

- Take 23 North to I-96.
- Take I-96 West to US-127 North.
- Take US-127 North to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the Southwest (Kalamazoo, Battle Creek)

- Take I-94 East to I-69 North.
- Follow I-69 North to I-496 East (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the West (Grand Rapids, Muskegon)

- Take I-96 East to I-496 East (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

Visitor Parking

Parking for people visiting the Hall of Justice is located on Allegan Street (across from the north side of the Michigan Library and Historical Center (MLHC), southeast of the Hall of Justice, and east of the Veteran's Memorial Park). When entering the lot, turn left into the unattended lot where pushing a button will produce a parking entry ticket. Once the ticket is in hand, proceed and park in any available spot.

Paying for Parking

- When leaving, visitors may make payment (the rate is \$1.00/hour, with a daily maximum of \$8.00) from their vehicles at the pay-in-lane machine as they exit the HOJ visitor lot or in person at the south entrance to the MLHC. Insert the entry ticket into the machine and your parking fee will be calculated.
- The machines cannot calculate a parking fee without an entry ticket. Customers that lose their entry ticket will be charged \$8.00 at the machine. To avoid the full charge, customers can go to the DMB Customer Service Center in the Hannah Building (first building east of the parking lot) on the first floor and they will be charged as if they arrived at 7:00 a.m.

Pay-in-Lane Accepts Only Credit Card Payments (No Cash!)

The visitor parking lot pay-in-lane machines have been converted to credit card payment only. Visa, MasterCard and Discover will be accepted (and pre-purchased vouchers).

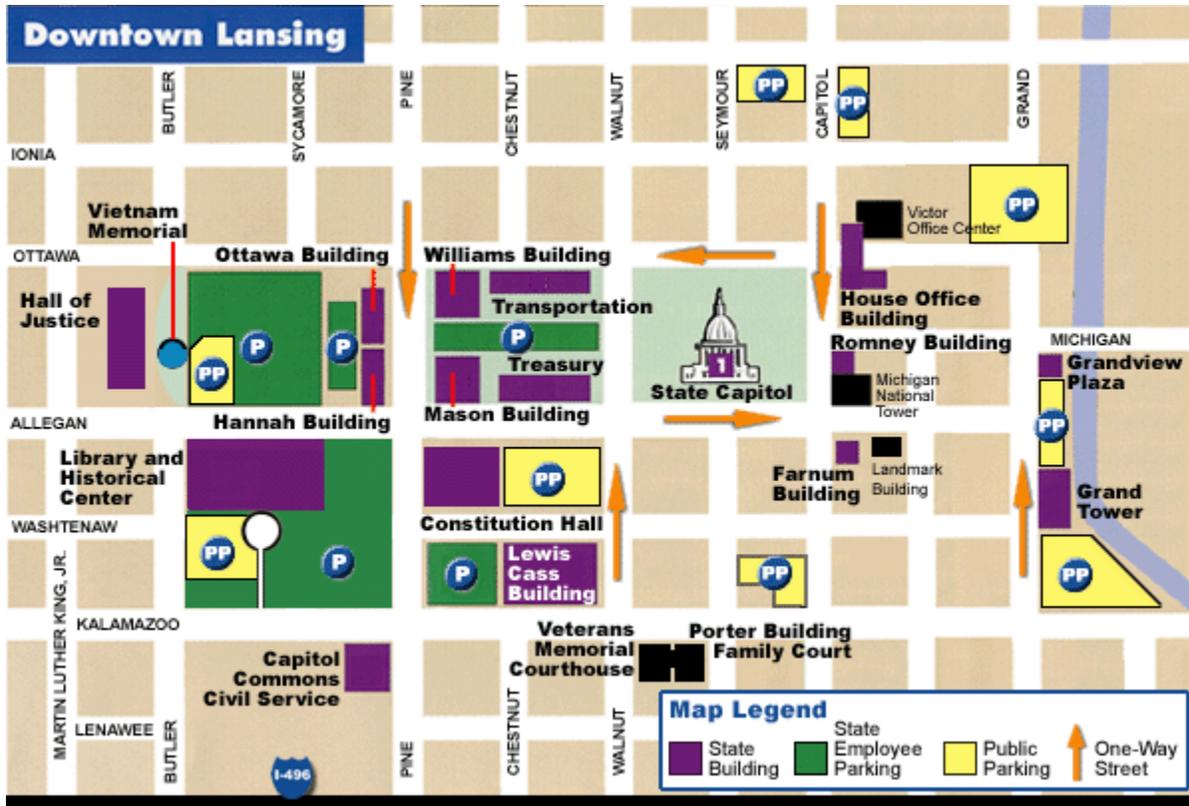
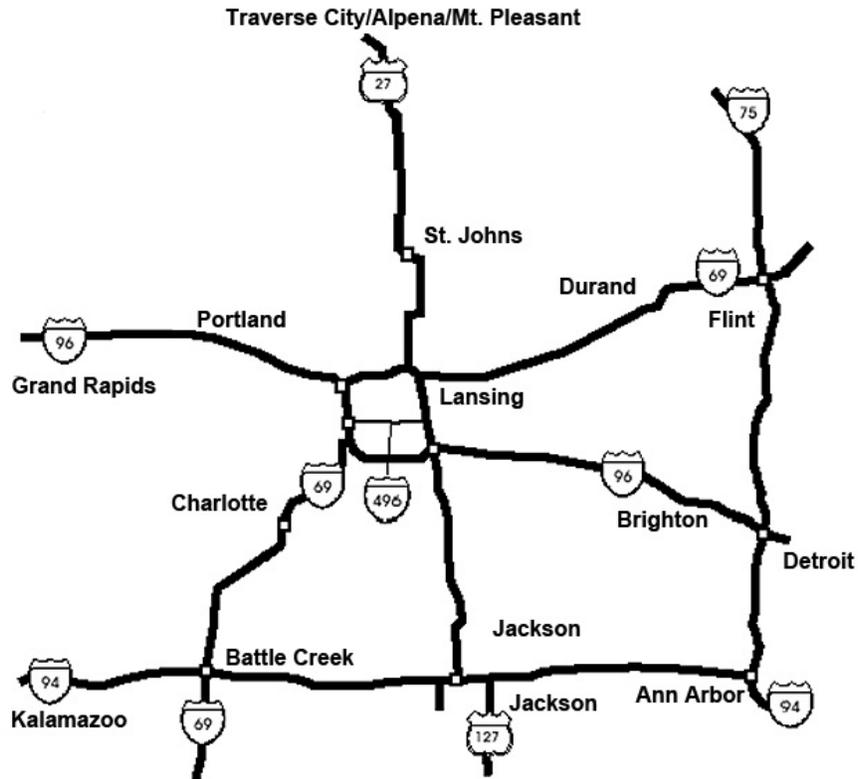
For Cash Payments

The Automated Pay Station inside the south entrance to the Michigan Library and Historical Center will accept cash and credit card payments. Also, the DTMB Parking office on the first floor of the Hannah building will accept cash, check and credit card payments Monday thru Friday from 7am to 5pm.

If Visitor Parking Is Full

In the unlikely event that the lot is full, continue east on Allegan to Pine Street. Turn right on Pine and take it one block to Kalamazoo Street. Turn right on Kalamazoo, go to the next street (Butler) and turn right, and then enter the parking lot behind the Michigan Library and Historical Center.

Maps



Tab Page: Item 1

Form FOC 61

OBJECTION TO EX PARTE ORDER AND MOTION TO RESCIND OR MODIFY

Use this form if:

- you have been served with an ex parte order (an order entered without a hearing) for support, parenting time, or custody; **and**
- you want to object to and change that order.

If you want to object to and change the ex parte order, you must file an objection and motion within 14 days after you are served with the ex parte order. After you file the objection and motion, the friend of the court is required to attempt to resolve the dispute within 14 days after receiving your objection.

If the dispute cannot be resolved by the friend of the court, the matter will be scheduled by the friend of the court for a hearing. You may represent yourself at the hearing or have an attorney represent you. The friend of the court office does not have to make an investigation or report unless ordered by the court to do so. The friend of the court does not represent either party at this hearing.

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. Pay the motion fee to the clerk? YES
4. Mail (serve) a copy of the objection and motion on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? YES
5. Return to the clerk's office **after** you mailed the objection and motion and notice of hearing to the other party and completed the certificate of mailing? YES
6. Keep one copy of the objection and motion and notice of hearing form for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding an ex parte support, parenting time, or custody order. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the relief you want.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 61
OBJECTION TO EX PARTE ORDER AND MOTION TO RESCIND OR MODIFY**

»» FILING AN OBJECTION AND MOTION

1. Fill out the Objection and Motion form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office to find out who to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge or referee who will be hearing the motion.

Make at least five copies of the forms after you have filled it out.

2. File the Objection and Motion form with the county clerk.

Take the original and five copies of the form to the county clerk in the county where your case is located.

You must pay a \$20.00 motion fee. If you can't afford to pay the motion fee, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the objection and motion and any attachments for the court file and the friend of the court. Then the clerk will return four copies and remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 61 (with any attachments) - for you
- One copy of FOC 61 (with any attachments) - for the other party
- One copy of FOC 61 - for proof of service to the court
- Once copy of FOC 61 - for proof of service to the friend of the court

»» SERVING THE OBJECTION AND MOTION ON THE OTHE PARTY OR PARTIES

1. Serve the Objection and Motion and Notice of Hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the objection and motion and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 61 (with any attachments) - for the other party
Two copies of FOC 61 - for proof of service
Any additional copies of FOC 61 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to him/her. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection and motion and notice of hearing and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Response from other party.

If you receive a response to your objection and motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

4. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the Order Modifying Ex Parte Order (form FOC 62) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your objection and motion. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or

afternoon in court. Bring any witnesses with you.

5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
7. When your case is called, be prepared to state:
 - 1) your name.
 - 2) that you are representing yourself.
 - 3) that you need an order modifying or rescinding an ex parte order.
 - 4) the facts or reasons for your request (**bring papers that support your facts or reasons**).
 - 5) why you believe this order would not be contrary to the best interests of the child(ren).

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
9. After the judge or referee makes a decision, follow the instructions on the packet for FOC 62, "Order Modifying Ex Parte Order." You are responsible for preparing the order even if you do not get what you are asking.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet for FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "OBJECTION AND MOTION TO RESCIND OR MODIFY EX PARTE ORDER"

Please print neatly. After filling in the form, you will need to make at least three copies.

Items A through H must be completed before your objection and motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get your court papers for divorce, separate maintenance, family support, or paternity and copy the Case No. from those court papers onto this form.
- B** Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes. Copy the names from these court papers onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this motion form.
- C** You are the "moving party." Write in your name.
- D** Write in the date of the ex parte order. This is usually next to the signature of the judge or referee, at the bottom of the order.
- E** Check the boxes that apply. For example, if you are objecting to the support provisions of the ex parte order, check that box. Then explain why you think the order should be changed. If you need more space, use a separate sheet of paper.
- F** Write in today's date and sign your name. Now contact the the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.
- G** Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you.

Read page 3 of this booklet for details on mailing this form to the other party.

- H** On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.

Return to the county clerk with two copies. Read page 4 of this booklet for details.

You must read this booklet for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**OBJECTION TO EX PARTE ORDER AND
MOTION TO RESCIND OR MODIFY**

(A)

CASE NO.

Court address

Court telephone no.

(B)

Plaintiff's name, address, and telephone no.

Please print or type information.

v

Defendant's name, address, and telephone no.

OBJECTION AND MOTION

(C) I, _____, state:
Name of party filing motion

(D) 1. I have been served with an ex parte order in this case dated _____ .

(E) 2. I object to the custody parenting-time support provisions of that order because:

I request that a hearing be held to rescind or modify the ex parte order.

(F) _____
Date Signature of party filing motion

NOTICE OF HEARING

(G) A hearing will be held on this motion before _____ on
Judge/Referee

_____ at _____ at _____ .
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

CERTIFICATE OF MAILING

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

(H) _____
Date Signature

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Michigan Compiled Laws Annotated
Chapter 722. Children (Refs & Annos)
Child Custody Act of 1970 (Refs & Annos)

M.C.L.A. 722.27a

722.27a. Parenting time; best interests of child; right of child; determination; factors; content of parenting time order; terms and conditions; powers and duties of parent; ex parte interim orders; powers and duties of parent on deployment

Effective: September 7, 2015

[Currentness](#)

Sec. 7a. (1) Parenting time shall be granted in accordance with the best interests of the child. It is presumed to be in the best interests of a child for the child to have a strong relationship with both of his or her parents. Except as otherwise provided in this section, parenting time shall be granted to a parent in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parent granted parenting time.

(2) If the parents of a child agree on parenting time terms, the court shall order the parenting time terms unless the court determines on the record by clear and convincing evidence that the parenting time terms are not in the best interests of the child.

(3) A child has a right to parenting time with a parent unless it is shown on the record by clear and convincing evidence that it would endanger the child's physical, mental, or emotional health.

(4) Notwithstanding other provisions of this act, if a proceeding regarding parenting time involves a child who is conceived as the result of acts for which 1 of the child's biological parents is convicted of criminal sexual conduct as provided in sections 520a to 520e and 520g of the Michigan penal code, 1931 PA 328, [MCL 750.520a to 750.520e](#) and [750.520g](#), the court shall not grant parenting time to the convicted biological parent. This subsection does not apply to a conviction under section 520d(1)(a) of the Michigan penal code, 1931 PA 328, [MCL 750.520d](#). This subsection does not apply if, after the date of the conviction, the biological parents cohabit and establish a mutual custodial environment for the child.

(5) Notwithstanding other provisions of this act, if an individual is convicted of criminal sexual conduct as provided in sections 520a to 520e and 520g of the Michigan penal code, 1931 PA 328, [MCL 750.520a to 750.520e](#) and [750.520g](#), and the victim is the individual's child, the court shall not grant parenting time with that child or a sibling of that child to that individual, unless both the child's other parent and, if the court considers the child or sibling to be of sufficient age to express his or her desires, the child or sibling consent to the parenting time.

(6) The court may consider the following factors when determining the frequency, duration, and type of parenting time to be granted:

(a) The existence of any special circumstances or needs of the child.

(b) Whether the child is a nursing child less than 6 months of age, or less than 1 year of age if the child receives substantial nutrition through nursing.

(c) The reasonable likelihood of abuse or neglect of the child during parenting time.

(d) The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time.

(e) The inconvenience to, and burdensome impact or effect on, the child of traveling for purposes of parenting time.

(f) Whether a parent can reasonably be expected to exercise parenting time in accordance with the court order.

(g) Whether a parent has frequently failed to exercise reasonable parenting time.

(h) The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent or from a third person who has legal custody. A custodial parent's temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the custodial parent's intent to retain or conceal the child from the other parent.

(i) Any other relevant factors.

(7) Parenting time shall be granted in specific terms if requested by either party at any time.

(8) A parenting time order may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of parenting time by a parent, including 1 or more of the following:

(a) Division of the responsibility to transport the child.

(b) Division of the cost of transporting the child.

(c) Restrictions on the presence of third persons during parenting time.

(d) Requirements that the child be ready for parenting time at a specific time.

(e) Requirements that the parent arrive for parenting time and return the child from parenting time at specific times.

(f) Requirements that parenting time occur in the presence of a third person or agency.

(g) Requirements that a party post a bond to assure compliance with a parenting time order.

(h) Requirements of reasonable notice when parenting time will not occur.

(i) Any other reasonable condition determined to be appropriate in the particular case.

(9) Except as provided in this subsection, a parenting time order shall contain a prohibition on exercising parenting time in a country that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction. This subsection does not apply if both parents provide the court with written consent to allow a parent to exercise parenting time in a country that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

(10) During the time a child is with a parent to whom parenting time has been awarded, that parent shall decide all routine matters concerning the child.

(11) Prior to entry of a temporary order, a parent may seek an ex parte interim order concerning parenting time. If the court enters an ex parte interim order concerning parenting time, the party on whose motion the ex parte interim order is entered shall have a true copy of the order served on the friend of the court and the opposing party.

(12) If the opposing party objects to the ex parte interim order, he or she shall file with the clerk of the court within 14 days after receiving notice of the order a written objection to, or a motion to modify or rescind, the ex parte interim order. The opposing party shall have a true copy of the written objection or motion served on the friend of the court and the party who obtained the ex parte interim order.

(13) If the opposing party files a written objection to the ex parte interim order, the friend of the court shall attempt to resolve the dispute within 14 days after receiving it. If the matter cannot be resolved, the friend of the court shall provide the opposing party with a form motion and order with written instructions for their use in modifying or rescinding the ex parte order without assistance of counsel. If the opposing party wishes to proceed without assistance of counsel, the friend of the court shall schedule a hearing with the court that shall be held within 21 days after the filing of the motion. If the opposing party files a motion to modify or rescind the ex parte interim order and requests a hearing, the court shall resolve the dispute within 28 days after the hearing is requested.

(14) An ex parte interim order issued under this section shall contain the following notice:

NOTICE:

1. You may file a written objection to this order or a motion to modify or rescind this order. You must file the written objection or motion with the clerk of the court within 14 days after you were served with this order. You must serve a true copy of the objection or motion on the friend of the court and the party who obtained the order.

2. If you file a written objection, the friend of the court must try to resolve the dispute. If the friend of the court cannot resolve the dispute and if you wish to bring the matter before the court without the assistance of counsel, the friend of the court must provide you with form pleadings and written instructions and must schedule a hearing with the court.

(15) As provided in the servicemembers civil relief act, [50 USC 501](#) to 597b, if a motion for change of parenting time is filed during the time a parent is on deployment, a parent may file and the court shall entertain an application for stay. The court shall presume that the best interests of the child are served by not entering an order modifying or amending a previous judgment or order, or issuing a new order, that changes the parenting time that existed on the date the parent was called to deployment, unless the contrary is established by clear and convincing evidence, at which time the court may enter a temporary parenting time order. When a temporary parenting time order is issued under this subsection, the court may include a limit on the period of time that the temporary parenting time order remains in effect. At any stage before final judgment in the proceeding, the parent may file an application for stay or otherwise request a stay of proceedings or file an application for an extension of a stay. The parent and the custodial child are not required to be present to consider the application for stay or extension of a stay. The application for stay or extension of a stay is sufficient if it is a signed, written statement, certified to be true under penalty of perjury. The same conditions for the initial stay apply to applications for an extension of a stay.

(16) The parent shall inform the court of the deployment end date before or within 30 days after that deployment end date. Upon notification of a parent's deployment end date, the court shall reinstate the parenting time order in effect immediately preceding that period of deployment. If a motion for change of parenting time is filed after a parent returns from deployment, the court shall not consider a parent's absence due to that deployment in making a determination regarding change of parenting time. Future deployments shall not be considered in making a best interest of the child determination.

(17) If the deploying parent and the other parent share custody, the deploying parent must notify the other parent of an upcoming deployment within a reasonable period of time.

Credits

P.A.1970, No. 91, § 7a, added by [P.A.1988, No. 377, § 1, Eff. March 30, 1989](#). Amended by [P.A.1993, No. 259, § 1, Imd. Eff. Nov. 29, 1993](#); [P.A.1996, No. 19, § 1, Eff. June 1, 1996](#); [P.A.2012, No. 600, Imd. Eff. Jan. 9, 2013](#); [P.A.2015, No. 50, Eff. Sept. 7, 2015](#).

[Notes of Decisions \(28\)](#)

M. C. L. A. 722.27a, MI ST 722.27a

The statutes are current through P.A.2016, No. 3 of the 2016 Regular Session, 98th Legislature.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	NOTICE OF REGISTRATION OF OUT-OF-STATE SUPPORT ORDER (UIFSA)	CASE NO.
--	---	-----------------

Court address

Court telephone no.

TO:

Respondent's name, address, and telephone no.
(nonregistering party)

Petitioner's name

v

Respondent's name

1. Date of registration: _____

2. Date of notice: _____

3. An order for
 payment of support,
 income withholding to pay child support,

issued by a court in _____
County and state

_____ ,
has been registered with the county clerk of this
county for enforcement. modification.

4. Arrearage as of _____ :
Date

\$ _____

5. A copy of the registered support order and other related documents are attached to this notice.
6. The attached order is an ORDER OF THIS COURT, immediately enforceable in this state as if the order was issued in this state. Payments shall be made through the Michigan State Disbursement Unit.
7. The payer of support must pay all fees as required by Michigan law.
8. If you wish to contest the validity or enforcement of this registered order, you must request a hearing within 20 days from the date this notice was mailed or personally served on you (see proof of service on back) by completing the request for hearing on the bottom of this notice and returning it to the court address above. Failing to request a hearing will result in automatic confirmation of the registered order and amounts owed, and precludes you from contesting any matter that you could have asserted at registration.
9. If you request a hearing, you will be notified of the date, time, and location of the hearing, by first-class mail sent to the address you provide.
10. At the hearing to contest the validity or enforcement of this registered order, you may present only matters available as a defense in an action to enforce a foreign money judgment.

Check this box to request a hearing. Complete the request and return it to the court at the above address.

REQUEST FOR HEARING

I request a hearing on the matter of the registration of a support order for the following reason(s). (Check all that apply.)

- The registering state does not issuing state did not have personal jurisdiction over me.
- The order was obtained by fraud.
- The order has been vacated, suspended, or modified by later order.
- The issuing state has stayed its order pending appeal.
- The arrearage amount stated is wrong because I have made full or partial payment.
- The statute of limitations precludes enforcement of some or all arrearages.
- The following defense is available under the laws of this state to the remedy sought to enforce the registered order:

Other: (Explain.) _____

My address, if different from above, is _____ .

_____ Date

_____ Signature

Proof of Service on reverse

PROOF OF SERVICE

**Notice of Registration of
Out-of-State Support Order**
Case No. _____

TO PROCESS SERVER: You must serve the copies of the notice of registration of out-of-state support order and all attachments and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is **not** a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the notice of registration of the out-of-state support order, together with all attachments by:
 personal service certified mail (return receipt attached) first-class mail

on:		
Name of respondent	Complete address of service	Day, date, time

I have personally attempted to serve a copy of the notice of registration of the out-of-state support order, together with all attachments on _____
Name
at _____
Address
and have been unable to complete service.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	TOTAL FEE
\$		\$	
Incorrect address fee	Miles traveled	Fee	
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received a copy of the notice of registration of the out-of-state support order together with all attachments on _____ on behalf of _____.
Day, date, time

Signature of respondent

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER VACATING/CONFIRMING REGISTRATION OF OUT-OF-STATE SUPPORT ORDER (UIFSA)	CASE NO.
--	---	-----------------

Court address FAX no. Court telephone no.

Petitioner's name, address, and telephone no.

Attorney:

v

Respondent's name, address, and telephone no.

Attorney:

1. Date: _____

Judge: _____

Bar no.

After hearing No hearing requested.

2. An order issued by _____
Name of issuing tribunal and state

_____ requiring payment of child support was registered

in this county on _____
Date

3. A notice of registration of out-of-state support order, dated _____, was served on the respondent.

THE COURT FINDS:

4. a. The respondent did not request a hearing within 20 days from the date of the notice.
 b. The respondent challenged the validity of the enforcement of the order and evidence was presented.
5. The petitioner did did not appear. The respondent did did not appear.

IT IS ORDERED:

6. a. The registered order is vacated.
 b. The registered order is confirmed and cannot be contested with regard to any matter that could have been asserted at the time of registration.
- 1) Income withholding shall be implemented immediately upon entry of this order. All payments shall be paid through the Michigan State Disbursement Unit at MiSDU, PO Box 30351, Lansing, MI 48909.
 - 2) Both parties shall immediately notify the friend of the court in writing, within 21 days of the change, of any change in: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their employers or sources of income; c) their health maintenance or insurance companies, insurance coverage or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law under MCL 552.603. Failure to do so may result in a fee being imposed.
 - 3) Support is a judgment the date it is due and is not modifiable retroactively.
 - 4) Unpaid support is a lien on a payer's property by operation of law and real and personal property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
 - 5) Other:
- c. Arrearages of \$ _____ are due as of _____
Date

Date

Judge

CERTIFICATE OF MAILING

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

Date

Signature

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

STATEMENT OF ACCOUNT

CASE NO.

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

1. Name of payer: _____

2. Date of support order: _____

3. I certify that as of _____ the overdue support and other obligations on the records of the Michigan
Date
Child Support Enforcement System were:

Type of payment	Charge amount	Frequency of payment	Overdue amount
a. Child support			
b. Spousal support			
c. Fixed obligation			
d. Confinement/ Medical expenses			
e. Service fees			
f. Other			
Total			

4. Last payment date: _____

Last payment amount: _____

Date

Signature

Name (type or print)

Title

Original - Friend of the court
1st copy - Lien recorder
Additional copies as needed

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	NOTICE OF LIEN	CASE NO. (Claimant's Case Number)
Friend of the court address	FAX no.	Telephone no.

TO: Lien recorder

Plaintiff's name, address, and telephone no. obligor

FROM: Friend of the Court - Claimant (address above)
 This lien results from a support order entered registered on _____
 Date _____ by the _____ Circuit Court,
 _____ County, Michigan. This order
 requires the obligor named above to pay support in the amount of \$ _____
 per _____ .

v

Defendant's name, address, and telephone no. obligor

Obligor's date of birth

As of _____ the obligor owes unpaid support in the amount of \$ _____ and this lien amount is subject to an interest rate of ____%. Michigan support orders accrue a surcharge as defined in MCL 552.603a. Prospective amounts of support, not paid when due, are judgments and accrue to the lien amount. This lien attaches to all nonexempt real and personal property of the obligor named above that is located or recorded within the state/county/other subdivision of the state of filing, including any property specifically described as follows:

The priority and enforcement aspects of this lien are governed by the law of the state where the property is located. An obligor must follow the laws and procedures of the state where the property is located or recorded to contest or challenge this lien. This lien remains in effect until released by the claimant or in accordance with the laws of the state of filing.

Note to Lien Recorder: Please provide the claimant with a copy of the filed lien, containing the recording information, at the address above. As an authorized agent of a state, or subdivision of a state, responsible for implementing the support enforcement program set forth in Title IV, Part D, of the Federal Social Security Act (42 USC 651 *et seq.*), I have authority to file this support lien in any state or U.S. Territory.

For other information regarding this lien, including payoff amount, contact the claimant at the above address. Please reference the above case number.

Signature of friend of the court authorized representative _____
 Name (type or print) _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date _____

My commission expires: _____ Date _____ Signature: _____
 Notary public

Notary public, State of Michigan, County of _____
 Name (type or print) _____

Date served on lien recorder: _____

 KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment 552.1101 to 552.1901. Repealed by P.A.2015, No. 255, Eff. Jan. 1, 2016

Michigan Compiled Laws Annotated
Chapter 552. Divorce
Uniform Interstate Family Support Act [Repealed]

M.C.L.A. 552.1603

552.1101 to 552.1901. Repealed by P.A.2015, No. 255, Eff. Jan. 1, 2016

Effective: January 1, 2016

[Currentness](#)

Editors' Notes

DISPOSITION TABLE

Showing where the subject matter of repealed sections can now be found:

Repealed Sections	New Sections
552.1101.....	552.2101
552.1102.....	552.2102
552.1103.....	552.2102
552.1104.....	552.2102
552.1105.....	552.2104
552.1107.....	552.2901
552.1108.....	552.2103
552.1201.....	552.2201
552.1203.....	552.2210
552.1221.....	552.2203
552.1223.....	552.2204
552.1224.....	552.2205
.....	552.2211
552.1225.....	552.2206
.....	552.2211

552.1231.....	552.2207
552.1233.....	552.2208
552.1235.....	552.2209
552.1301.....	552.2301
552.1303.....	552.2302
552.1304.....	552.2303
552.1306.....	552.2304
552.1308.....	552.2305
552.1310.....	552.2306
552.1312.....	552.2307
552.1314.....	552.2308
552.1315.....	552.2309
552.1316.....	552.2310
552.1318.....	552.2311
552.1320.....	552.2312
552.1322.....	552.2313
552.1324.....	552.2314
552.1326.....	552.2315
552.1328.....	552.2316
552.1330.....	552.2317
552.1332.....	552.2318
552.1334.....	552.2319
552.1401.....	552.2401
552.1501.....	552.2501
.....	552.2502
552.1501a.....	552.2503
552.1501b.....	552.2504
552.1501c.....	552.2505
552.1501d.....	552.2506

552.1502.....	552.2507
552.1601.....	552.2601
.....	552.2602
552.1603.....	552.2603
552.1605.....	552.2604
552.1621.....	552.2605
552.1623.....	552.2606
552.1625.....	552.2607
.....	552.2608
552.1631.....	552.2609
552.1633.....	552.2610
552.1635.....	552.2611
552.1637.....	552.2612
552.1638.....	552.2613
552.1639.....	552.2614
552.1701.....	552.2402
552.1801.....	552.2801
552.1803.....	552.2802
552.1901.....	552.2905

M. C. L. A. 552.1603, MI ST 552.1603

The statutes are current through P.A.2016, No. 3 of the 2016 Regular Session, 98th Legislature.

End of Document

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Tab Page:
Item 2

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address _____ **Court telephone no.** _____

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

- This order is entered after hearing. after statutory review. on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with _____ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, unless otherwise ordered in item 12 or 13: Standard provisions have been modified (see item 12 or 13):

1. The children who are supported under this order and the payer and payee are:

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective _____, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
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:	\$	\$	\$	\$	\$

Support was reduced because payer's income was reduced.

(Continued on page 2.)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 2) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address Court telephone no.

Plaintiff's name	v	Defendant's name
------------------	---	------------------

1. **Item 1** (continued).

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____ % by the plaintiff and _____ % by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____ .

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18. The child-care obligation for each child ends August 31 following the child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses.

Post-majority Support: The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age: (Specify name of child and date obligation ends.)

2. **Insurance.** For the benefit of the children, the plaintiff defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy
 up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.
 not to exceed 5% of the plaintiff's/defendant's gross income.

3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.

4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.

5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.

6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.

7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.

(Continued on page 3.)

Michigan Compiled Laws Annotated
Chapter 552. Divorce
Friend of the Court Act (Refs & Annos)

M.C.L.A. 552.511a

552.511a. Complaint for enforcement of payment of health
care expenses, contents, notice; hearing; support arrearage

Effective: January 8, 2010

[Currentness](#)

Sec. 11a. (1) A complaint seeking enforcement for payment of a health care expense must include information showing that all of the following conditions have been met:

(a) The parent against whom the complaint is directed is obligated to pay the child's uninsured health care expenses, a demand for payment of the uninsured portion was made to that parent within 28 days after the insurers' final payment or denial of coverage, and that parent did not pay the uninsured portion within 28 days after the demand.

(b) If the state court administrative office, under the supervision and direction of the supreme court, establishes a minimum threshold for the enforcement of health care expenses, the health care expense is equal to or greater than the established threshold.

(c) The complaint is submitted to the office on or before any of the following:

(i) One year after the expense was incurred.

(ii) Six months after the insurers' final payment or denial of coverage for the expense, if all measures necessary to submit a claim for the health care expense to all insurers that might be obligated to pay the expense were completed within 2 months after the expense was incurred.

(iii) Six months after a parent defaults in paying for the health care expense as required under a written agreement, signed by both parents, that lists the specific bills covered by the agreement, states the amount to be paid in total, and sets forth the schedule for the payment of that amount, whether by installments or otherwise.

(2) If an office receives a complaint that meets the requirements of subsection (1), the office shall send a copy of the complaint to the parent who is named in the complaint as obligated to pay the child's uninsured health care expenses. The office shall include with the copy of the complaint sent to that parent a notice advising the parent of the provisions of subsection (3).

(3) If, within 21 days after the complaint and notice are sent to a parent under subsection (2), the parent does not file with the office a written objection to the complaint, the amount of the health care expense stated in the complaint becomes a support arrearage and is subject to any enforcement process available to collect a support arrearage. If the parent files a written objection within the 21-day time limit, the office shall set a court hearing, before a judge or referee, to resolve the complaint.

Credits

P.A.1982, No. 294, § 11a, added by [P.A.2002, No. 569, Eff. Dec. 1, 2002](#). Amended by [P.A.2009, No. 233, Imd. Eff. Jan. 8, 2010](#).

M. C. L. A. 552.511a, MI ST 552.511a

The statutes are current through P.A.2016, No. 3 of the 2016 Regular Session, 98th Legislature.

End of Document

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Tab Page:
Item 3

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	EMPLOYER'S DISCLOSURE OF HEALTH INSURANCE AND/OR INCOME INFORMATION	CASE NO.
--	--	-----------------

Friend of the court address _____ **Telephone no.** _____

NOTICE TO EMPLOYER

Under Michigan law, you are required to provide information according to MCL 552.518.

Return this completed form to the friend of the court at the above address.

Date	Name of person preparing form (type or print)	Telephone no.
------	---	---------------

The information obtained from this disclosure form will be treated as confidential and will not be used or released except for the purposes of administering, enforcing, and complying with state and federal laws governing child support.

Name of contact (type or print)	Title	Telephone no.	Date
---------------------------------	-------	---------------	------

1. Employee name	2. Address		
3. Social security number	4. Employer name	5. Employer federal identification no.	
6. Employer address			

7. Check all that apply

- Employer offers a medical flexible spending account.
- Dependent insurance not offered to employees. (Skip to item 14.)
- Dependent insurance medical dental optical is offered to the employee but the employee has not enrolled.
(Attach information regarding dependent coverages and cost.)
- Employee will be eligible for dependent insurance. Date available: _____
(Attach information regarding dependent coverages and cost.)
- Employee has enrolled for dependent insurance. (Complete items 8 through 13. If you need additional space, use the other side)

8. Medical insurance company name, address, telephone no. Policy no. and Group no.	9. Dental insurance company name, address, telephone no. Policy no. and Group no.
10. Optical insurance company name, address, telephone no. Policy no. and Group no.	11. Other insurance (i.e. prescription, mental health)

12. What dependent coverage is offered? Specify cost to employee employee only individual plus one per family
 Medical \$ _____ per _____ Dental \$ _____ per _____ Optical \$ _____ per _____

13. What dependents of employee are covered? Effective Date of Coverage

Name	DOB	Relationship	Medical	Dental	Optical
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

14. Hourly base pay	15. Shift premium	16. COLA	17. Avg. overtime \$ _____ /week	18. W-4 Exemp.	19. Reg. work hours _____ /week	20. Pay period (weekly, etc.)
21. No. weeks paid this yr.	22. Date hired	23. Date of term. (if appl.)	24. Reason for leaving		25. Is this person receiving unemployment benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Complete the Income Information on the other side.

Calculate year-to-date figures as of last pay period.

26. INCOME	Reg. Earnings (incl. shift prem. and COLA)	Overtime	Commissions and Bonuses	Pension and Longevity	Profit Sharing	Other (explain)	Gross	Deferred income in addition to gross
Year to Date								
Last Calendar Year								
27. RETIREMENT CONTRIBUTIONS	Mandatory Employee	Voluntary Employee	Employer					
Year to Date								
Last Calendar Year								
28. OTHER INCOME	Disability	Workers Comp.	Sick Pay	SUB Pay				
Year to Date					Disability carrier			
Last Calendar Year					Worker's compensation carrier			
29. WITHHOLDING	Federal Income Tax	F.I.C.A.	State Income Tax	Local Income Tax	Mandatory Professional or Union Dues	Alimony and Child Support	Mandatory Withholding (explain)	
Year to Date								
Last Calendar Year								

Return this completed form to the friend of the court at the address on the other side.

Use this space for any necessary explanations from the other side.

Tab Page
Item 4

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	VERIFIED STATEMENT AND APPLICATION FOR IV-D SERVICES	CASE NO.
--	---	-----------------

1. Mother's last name			First name			Middle name			2. Any other names by which mother is or has been known		
3. Date of birth			4. Social security number			5. Driver's license number and state					
6. Mailing address and residence address (if different)											
7. E-mail address											
8. Eye color		9. Hair color		10. Height		11. Weight		12. Race		13. Scars, tattoos, etc.	
14. Home telephone no.			15. Work telephone no.			16. Maiden name			17. Occupation		
18. Business/Employer's name and address									19. Gross weekly income		
20. Has mother applied for or does she receive public assistance? If yes, please specify kind. <input type="checkbox"/> Yes <input type="checkbox"/> No									21. DHS case number		
22. Father's last name			First name			Middle name			23. Any other names by which father is or has been known		
24. Date of birth			25. Social security number			26. Driver's license number and state					
27. Mailing address and residence address (if different)											
28. E-mail address											
29. Eye color		30. Hair color		31. Height		32. Weight		33. Race		34. Scars, tattoos, etc.	
35. Home telephone no.			36. Work telephone no.			37. Occupation					
38. Business/Employer's name and address									39. Gross weekly income		
40. Has father applied for or does he receive public assistance? If yes, please specify kind. <input type="checkbox"/> Yes <input type="checkbox"/> No									41. DHS case number		
42. a. Name of Minor Child Involved in Case			b. Birth Date		c. Age		d. Soc. Sec. No.		e. Residential Address		
43. a. Name of Other Minor Child of Either Party			b. Birth Date		c. Age		d. Residential Address				
44. Health care coverage available for each minor child											
a. Name of Minor Child			b. Name of Policy Holder			c. Name of Insurance Co./HMO			d. Policy/Certificate/Contract/Group No.		
45. Names and addresses of person(s) other than parties, if any, who may have custody of child(ren) during pendency of this case											

If any of the public assistance information above changes before your judgment is entered, you are required to give the friend of the court written notice of the change.

I request support services under Title IV-D of the Social Security Act.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Tab Page
Item 5

Form FOC 87

MOTION REGARDING CUSTODY

Use this form if:

- you have a pending case for custody, divorce, separate maintenance, family support or paternity;
or
- you are a party who has a custody order through a judgment of custody, divorce, separate maintenance, or family support order, or an order of filiation.

You cannot use this form:

- to start a custody case; or
- if you are a third party and want to intervene to get custody of the child(ren) in a pending case for custody, divorce, separate maintenance, family support, or paternity.

MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Complete and attach MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit? YES
3. Make all necessary copies? YES
4. Pay the fees to the clerk? YES
5. Mail (serve) a copy of the motion and MC 416 on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? YES
6. Return to the clerk's office **after** you mailed the motion and notice of hearing and MC 416 to the other party and completed the certificate of mailing? YES
7. Keep one copy of the motion and notice of hearing and MC 416 forms for yourself? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, a hearing on your motion may be delayed or your motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding custody. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want.

If you have any questions about any steps in the process, refer to pages 3 through 5 of this booklet for details.

**INSTRUCTIONS FOR USING FORM FOC 87
FILING A MOTION AND SERVING A MOTION**

»» FILING A MOTION

1. Fill out the Motion form.

Use the instructions on page 6. Be careful not to make mistakes.

Before filling out the “Notice of Hearing” part of the form, contact the friend of the court office to find out whom to contact about getting a hearing date. Then contact the person or office as directed by the friend of the court office. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge or referee who will be hearing the motion.

Make at least five copies of the form after you have filled it out.

2. Fill out MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit.

3. File the Motion form and MC 416 with the county clerk.

Take the original and five copies of the form and MC 416 to the county clerk in the county where your case is located.

You must pay a \$20.00 motion fee. You may also be required to pay an \$80.00 judgment and order entry fee when the motion and MC 416 are filed. If you can't afford to pay the fees, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (form MC 20 not included in this packet) to fill out.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy of the motion, MC 416 and any attachments for the court file and the friend of the court. Then the clerk will return four copies and remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 87 and MC 416 (with any attachments) - for you
- One copy of FOC 87 and MC 416 (with any attachments) - for the other party
- One copy of FOC 87 - for proof of service to the court
- One copy of FOC 87 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Motion, MC 416 and Notice of Hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the motion and hearing date at least 9 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 87 and MC 416 (with any attachments) - for the other party

Two copies of FOC 87 - for proof of service

Any additional copies of FOC 87 and MC 416 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy with attachments and MC 416 to the other party. If there is a custodian or guardian, mail one copy with attachments and MC 416 to them. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy of the forms and attachments for your own records.

2. Return to the county clerk.

Once you have mailed the motion and notice of hearing and MC 416 and filled out the Certificate of Mailing on the remaining three copies of FOC 87, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Response from other party.

If you receive a response to your motion from the other party, make sure you read it before you attend the hearing. Think about what you want to say on your behalf.

4. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring the original and five copies of the Order Regarding Custody (form FOC 89) and, as needed, the Uniform Child Support Order (form FOC 10/52) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your motion. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.

5. If you are responsible for preparing the order, bring all copies of your order form.
6. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
7. When your case is called, be prepared to state:
 - 1) your name.
 - 2) that you are representing yourself.
 - 3) that you need a custody order or a change in a custody order.
 - 4) the facts or reasons for your request (**bring papers such as reports that support your facts or reasons including income information such as pay stubs, W-2 forms, income tax forms, etc.**).
 - 5) why you believe this order would be in the best interests of the child(ren).
 - 6) whether you have witnesses in court who are willing to testify.

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

8. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
9. After the judge or referee makes a decision, follow the instructions on the packet for FOC 89, "Order Regarding Custody and Parenting Time." As needed, follow the instructions for the packet for FOC 10/52, "Uniform Child Support Order," to complete that part of the order. You are responsible for preparing the order even if you do not get what you are asking.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "MOTION REGARDING CUSTODY"

Please print neatly. After filling in the form, you will need to make at least five copies of the form.

Items A through J must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get your court papers for custody, divorce, separate maintenance, family support or paternity and copy the Case No. from those court papers onto this form.
- B** Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third Party" box. Copy the names from these court papers onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this motion form.
- You are the "moving party." Once you have written the names where they belong, you must check the box "moving party" in the same box as your name.
- C** **Check only one box.** If you have a judgment or order for custody, divorce, separate maintenance, family support, or paternity, read it carefully to find out if there is any information in it about custody. If there is information about custody, check box a. If there is no information about custody, check box b.
- D** Check this box only if you checked box a. in **C** above. Read your court papers for custody, divorce, separate maintenance, family support, or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E** State who the child(ren) are living with now, the address or location where the child(ren) are living, and the date the child(ren) started living there even if it is different than what was ordered.
- F** State the circumstances that require a custody order or a change in custody. **Explain in as much detail as possible** what has happened. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- G** State the causes that require a custody order or a change in custody. The judge or referee will review these causes using factors from the Child Custody Act to determine the best interests of the child. **Explain in as much detail as possible** what the causes are. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- H** Check this box if you and the other party agree about custody. **Explain in as much detail as possible** what you agreed to including support and parenting time. If you need more space, use a separate sheet of paper. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- I** You need to **explain in as much detail as possible** what you want the court to order. If you checked **H** above, you only need to write "Same as 7. above." If you need more space, use a separate sheet of paper. You need to include information about support and parenting time as well. Print this information as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- J** Write in today's date and sign your name. Now contact the the friend of the court office in your county to find out how to get a hearing date. See page 3 of this booklet for details.
- K** Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing this motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.
- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you. Read page 3 of this booklet for details on mailing this form to the other party.
- L** On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies.
- Return to the county clerk with two copies. See page 4 of this booklet for details.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MOTION REGARDING CUSTODY

(A) CASE NO.

Court address

Telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Defendant's name, address, and telephone no. moving party

v

Third party name, address, and telephone no. moving party

(C) 1. a. On _____ a judgment
Date
or order was entered regarding custody.
 b. There is currently no order regarding custody.

2. Attached is a completed Uniform Child Custody Jurisdiction Enforcement Act Affidavit (MC 416).

(D) 3. The plaintiff defendant third party was ordered to have custody of the following child(ren):

(E) 4. The child(ren) have been living with _____ at
Name(s)
_____ since _____
Complete address Date

(F) 5. Circumstances have changed as follows that require custody or a change in custody:
Use a separate sheet to explain in detail what has happened and attach. Include all necessary facts.

(G) 6. Proper cause exists as follows that require custody or a change in custody: Use a separate sheet to explain in detail which factors of the Child Custody Act for determining best interests of the child(ren) are affected by the circumstances in 5 above. Include all necessary facts.

(H) 7. _____ and I agree to custody, support, and parenting time as follows:
Name
Use a separate sheet to explain in detail what you have agreed on and attach. Include all necessary facts.

(I) 8. I ask the court to order that custody, parenting time, and support be as follows:
Use a separate sheet to explain in detail what you want the court to order and attach.

(J) _____
Date Moving party's signature

NOTICE OF HEARING

A hearing will be held on this motion before _____
Judge/Referee

(K) on _____ at _____ at _____
Date Time Location

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

NOTE: If you are the person receiving this motion, you may file a response. Contact the friend of the court office and request form FOC 88.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this motion, a Uniform Child Custody Jurisdiction Enforcement Act Affidavit and notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

(L) _____
Date Moving party's signature

Form FOC 88

**RESPONSE TO
MOTION REGARDING CUSTODY**

Use this form if:

- you get a copy of FOC 87, Motion Regarding Custody. By filling out this form, you are answering the statements made in the motion.

RESPONSE TO MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. File the response to motion form with the clerk's office? YES
4. Mail (serve) a copy of the response on the other party and on any other custodian/guardian? YES
5. Return to the clerk's office **after** you mailed the response to the other party and completed the certificate of mailing? YES
6. Keep one copy of the response to motion form for yourself? YES
7. Give two copies of the completed form to the clerk of the court? YES

You must attend the hearing on the motion.

If you cannot answer "yes" to all the above steps, your response may not be heard at the hearing on the motion.

By using this form packet you are representing yourself in a court action regarding custody. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want.

If you have any questions about any step in the process, refer to pages 3 through 5 of this booklet for details.

INSTRUCTIONS FOR USING FORM FOC 88 RESPONDING TO A MOTION

»» FILING A RESPONSE

1. Fill out the Response to Motion form.

If you receive a motion and notice of hearing from the other party, you have time before the hearing to respond in writing to the party and the court. Use the instructions on page 6. Be careful not to make mistakes.

Make at least five copies of the form after you have filled it out.

2. File the Response form with the county clerk.

Take the original and five copies to the county clerk in the county where the motion was filed. The name of the county will be in the upper left-hand corner of the motion form.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and one copy for the court file and the friend of the court. Then the clerk will return four copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- One copy of FOC 88 (with any attachments) - for you
- One copy of FOC 88 (with any attachments) - for the other party
- One copy of FOC 88 - for proof of service to the court
- One copy of FOC 88 - for proof of service to the friend of the court

»» SERVING THE RESPONSE ON THE OTHER PARTY OR PARTIES

1. Serve the Response on the other party.

The other party must be served with (notified of) your response at least 5 days before the hearing date.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

- One copy of FOC 88 (with any attachments) - for the other party
- Two copies of FOC 88 - for proof of service
- Any additional copies of FOC 88 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail one copy with attachments to the other party. If there is a custodian or guardian, mail one copy and the attachments to him/her. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your records.

2. Return to the county clerk.

Once you have mailed the response and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The county clerk will deliver one copy to the friend of the court.

3. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the motion and your response along with all supporting papers and any witnesses who are willing to testify.

1. Because you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your response. You can use this list as a reminder to bring up the points you think are important.
3. If you think you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
6. When your case is called, be prepared to state:
 - 1) your name.
 - 2) that you are representing yourself.

- 3) that you want to respond to the motion for a custody order or to change a custody order.
- 4) the facts or reasons for your response (**bring papers such as reports that support your facts or reasons including income information such as pay stubs, W-2 forms, income tax forms, etc.**).
- 5) whether you have witnesses in court who are willing to testify.

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Do not interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge or referee makes a decision, the other party is to prepare the order (using the instructions on the packet for FOC 89, "Order Regarding Custody") even if it is not what is asked for in the motion or your response to the motion.

NOTE: If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo hearing before the judge. Use the packet for FOC 68, "Objection to Referee's Recommended Order."

INSTRUCTIONS FOR COMPLETING "RESPONSE TO MOTION REGARDING CUSTODY"

Please print neatly. After filling in the form, you will need to make at least five copies.

Items A through J must be completed before your response can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get your copy of the Motion Regarding Custody (form FOC 87) and copy the Case No. from that paper onto this form.
- B** Also use the motion to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third Party" box. Copy the names from the motion onto this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this response form.
- The other party is the "moving party." Once you have written the names where they belong, you must check the box "moving party" in the same box as the other party's name.
- C** **Check only one box.** If you have a judgment or order for custody, divorce, separate maintenance, or paternity, read it carefully to find out if there is any information in it about custody. If there is information about custody, check box a. If there is no information about custody, check box b.
- D** Check this box only if you checked box a. in **C** above. Read your court papers for custody, divorce, separate maintenance, or paternity to find out who was ordered to have custody. Write this information here along with the name(s) of the child(ren).
- E** State who the child(ren) are living with now, the address or location where the child(ren) are living, and the date the child(ren) started living there even if it is different than what was ordered.
- F** Check whether you agree or do not agree with what was said in the Motion form (FOC 87). If you check the box "do not agree", **explain in** as much **detail** as possible what you do not agree with and why. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to four copies of this form.
- G** Check whether you agree or do not agree with what was said in the Motion form (FOC 87). If you check the box "do not agree," **explain in** as much **detail** as possible what you do not agree with and why. The judge or referee will review these causes using factors from the Child Custody Act to determine the best interests of the child. Print this information as neatly as you can. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to four copies of this form.
- H** Check this box only if **H** is checked on the Motion form (FOC 87). Then check whether you agree or do not agree with what was said in the Motion form (FOC 87). If you check the box "do not agree," **explain in** as much **detail** as possible what you did agree on. If you need more space, use a separate sheet of paper. You will need four copies of this sheet to attach to four copies of this form.
- I** If you agree with the request in the Motion form (FOC 87), check box a. If you do not agree with the request, check box b. If you checked box b., **explain in** as much **detail** as possible why you do not agree with the request in the Motion form and what you want the court to order. If you need more space, use a separate sheet of paper. Print your explanation as neatly as you can. You will need four copies of this sheet to attach to four copies of this form.
- J** Write in today's date and sign your name.
- Now go to the county clerk's office with the original and five copies of this form and the four copies of each separate sheet. The clerk will attach one copy of each separate sheet to four of the copies. The clerk will return four copies to you. Read page 3 of this booklet for details on mailing this form to the other party.
- K** On the date you mail one copy (and the separate sheets) to the other party, write in the date and sign your name on the remaining three copies. Return to the county clerk with two copies. Read page 4 of this booklet for details.

You must read this booklet for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**RESPONSE TO
MOTION REGARDING CUSTODY**

(A) CASE NO.

Court address

Telephone no.

(B) Plaintiff's name, address, and telephone no. moving party

Third party name, address, and telephone no. moving party

v

Defendant's name, address, and telephone no. moving party

- (C)** 1. a. On _____ a judgment
Date
- or order was entered regarding custody.
- b. There is currently no order regarding custody.

- (D)** 2. The plaintiff defendant third party was ordered to have custody of the following child(ren):

- (E)** 3. The child(ren) have been living with _____ at _____
Name(s)
- _____ since _____
Complete address Date

- (F)** 4. I agree do not agree that circumstances have changed as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed.

- (G)** 5. I agree do not agree that proper cause exists as stated in the motion.
Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet of paper if needed.

- (H)** 6. I agreed with the other party to custody, parenting time, and support:
 a. exactly as stated in the motion.
 b. but not as stated in the motion.
If b. is checked, explain in detail what you did agree on. Include all necessary facts. Use a separate sheet of paper if needed.

- (I)** 7. a. I agree with what is being asked for in the motion.
 b. I do not agree with what is being asked for in the motion and ask the court to order custody, parenting time, and support as follows: If b. is checked, explain in detail why and what you want the court to order. Use a separate sheet of paper if needed.

(J) _____
Date

Responding party's signature

CERTIFICATE OF MAILING

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

(K) _____
Date

Responding party's signature

**Form FOC 10 / 52
and Form FOC 89**

**UNIFORM CHILD SUPPORT ORDER
AND ORDER REGARDING
CUSTODY AND PARENTING TIME**

Use this form if:

- you had a hearing on your Motion Regarding Custody (form FOC 87) and both you and the other party (and a third party) agree to sign the order without another hearing; or
- you had a hearing on your Motion Regarding Custody (form FOC 87) and the other party (and a third party) will not sign the order; or
- you and the other party (and a third party) have agreed on the custody, parenting time, and support and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all necessary copies? YES
3. Get the judge's signature? (NOTE: See pages 3-5 for details) YES
4. Return to the clerk's office with **all** copies of the signed order? YES
5. Make sure the clerk stamps all copies of the signed order? YES
6. Keep one copy of the signed order for yourself? YES
7. Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? YES
8. Give two copies of the completed form to the clerk of the court? YES

If you cannot answer "yes" to all the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding custody, parenting time, and support. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the custody you want. **Note:** Regardless of the custody you ask for, the court is required to use the Child Custody Act in deciding what custody should be. If you filed the motion form FOC 87, you are responsible for preparing the order even if it is not what you asked for.

If you have any questions about the steps in the process, refer to pages 3 through 5 of this booklet for details.

What instructions are in this packet:

Pages 3 and 4 - Instructions for getting a stipulated (mutually agreed upon) order signed.

Page 5 - Instructions for getting an order signed after a hearing.

INSTRUCTIONS FOR GETTING A STIPULATED (MUTALLY AGREED UPON) ORDER SIGNED
(when both parties have signed the order without a hearing)

»» SIGNING AND FILING OF ORDER

NOTE: A hearing on a stipulated order is not necessary unless the judge requests it.

1. Fill out the order form.

Use the instructions on page 6. Be careful not to make mistakes.

Make at least five copies of the form after you have filled it out.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.
- b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order to the judge and get signed copies.

Since the other party or third party has signed the order, contact the clerk of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask how to get at least four copies of the order after it is signed by the judge.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) one copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by first-class mail.

What you need for service:

One copy of FOC 10 / 52 and 89 - for the other party

Two copies of FOC 10 / 52 and 89 - for proof of service

Any additional copies of FOC 10 / 52 and 89 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren)

Mail one copy to the other party. If there is a custodian or guardian, mail one copy to that person. Then fill out the Certificate of Mailing on the front of the remaining three copies. Keep one copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the Certificate of Mailing on the remaining three copies, return to the county clerk's office with two copies. Remember to keep one copy for your own records. The clerk will deliver one copy to the friend of the court.

INSTRUCTIONS FOR GETTING THE ORDER SIGNED AFTER A HEARING

»» SIGNING AND FILING OF AN ORDER

1. Fill out the order form.

Normally you will fill out the order at the hearing on the motion. Use the instructions on page 6. Be careful not to make mistakes.

Make copies of the form based on the instructions on either page 3 of this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Contact the friend of the court office and ask if the order must be approved by the friend of the court. Then complete either step a or b below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with the original and five copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, contact the office to find out when to pick up the order. Go back and pick up the order. Then complete step 3 below.
- b. If the order does not need to be approved by the friend of the court, complete step 3 below.

3. Get the order signed by the judge.

After you have filled out the order, you must have it signed by the judge. **If both you and the other party sign the order to show you both approve the order, then go to pages 3 and 4 of this booklet for further instructions on getting the order signed by the judge.** Otherwise you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.
(Use the packet for form FOC 53, Notice of Hearing to Enter Order.)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.
(Use the packet for form FOC 54, Notice to Enter Order without Hearing.)

**INSTRUCTIONS FOR COMPLETING "ORDER REGARDING CUSTODY AND PARENTING TIME"
AND "UNIFORM CHILD SUPPORT ORDER"**

Please print neatly. After filling in the form, you will need to make copies. Items A through E and form FOC 10/52 must be completed before the order can be given to the judge for signature. Please read the instruction for each item. Then fill in the correct information for that item on the form.

A Before you fill in the Case No., get your copy of the Motion (form FOC 87) or your court papers for custody, divorce, annulment, separate maintenance, family support, or paternity. Copy the Case No. from that paper onto this form.

B Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third party" box. Copy the names from these court papers onto all pages of this form. For example, if your name is in the box that says "plaintiff," then you should write your name in the "plaintiff" box on this order form.

C Fill in this information only if there was a hearing on a Motion Regarding Custody.

D If you filed a Motion Regarding Custody (form FOC 87) and the other party will not sign the order, a hearing to enter the order is required. Check the box "after hearing."

If you filed a Motion Regarding Custody (form FOC 87) and the other party will sign the order without a hearing to enter the order, check the box "on consent of the parties."

If you and the other party are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box "on consent/stipulation of the parties." Even if you have checked this box, the court may still require a hearing. If a hearing is required, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

E Check the box for item 2 only if you filed a Motion Regarding Custody (form FOC 87). Check the box for item 3 only if the other party filed a Response to Motion Regarding Custody (form FOC 88). Use the following instructions for items 4 through 16.

Check only those boxes that say what the judge or referee ordered at the hearing on the motion. Then write in the blank spaces provided what the judge or referee ordered at the hearing. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form.

If you did not check item 2, you and the other party are stipulating to the order. This means that you both have agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must write in as much detail as possible exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it. If the parties agreed to parenting time in a foreign country/nation that is not a party to the Hague Convention, check item 16, then write the names of the parent and the foreign country/nation.

Complete FOC 10/52 using the instructions for that form. Note that the most recent support order supersedes all prior orders regarding support and that all continuing support provisions must be restated in the most recent order.

If you filed a motion (form FOC 87) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign the order. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order. If you and the other party are stipulating to the order, you both must sign the order.

Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court's approval. To find out how to get the order signed, contact the friend of the court office for instructions. See either page 3 or 5 of this booklet for details. On the date you serve a copy on the other party, write in the date and sign your name on the remaining three copies.

Return to the county clerk with two copies.

You must read this booklet and other booklets dealing with orders for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**ORDER REGARDING CUSTODY AND
PARENTING TIME (PAGE 1)**

(A) CASE NO.

Court address

Court telephone no.

(B) Plaintiff's name, address, and telephone no.

Third party's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

(C) Date: _____

Judge: _____

Bar no.

- (D)** 1. This order is entered after hearing. on consent/stipulation of the parties.

THE COURT FINDS:

- (E)** 2. A motion requesting custody, parenting time, and support or a change to custody, parenting time, and support was filed.
3. A response to the motion was filed.
4. A change of circumstances does does not exist that warrants a custody order or a change in custody.
5. Proper cause does does not exist that warrants a custody order or a change in custody.
6. It is is not in the best interests of the child(ren) to establish change parenting time.
7. A material change of circumstances exists that warrants a change in the support order.
8. It is in the best interests of the child(ren) to dismiss the motion.

IT IS ORDERED:

9. The motion regarding custody, parenting time, and support is dismissed. The prior order remains in effect.
10. Custody is granted as follows:

Name(s) of child(ren): _____

- Joint legal to plaintiff. defendant. third party.

Unless otherwise agreed, a parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with MCL 722.31.

- Joint physical to plaintiff. defendant. third party.

- Sole legal to plaintiff. defendant. third party.

- Sole physical to plaintiff. defendant. third party.

11. Parenting time is established changed as follows:
Explain in detail what the court has ordered.

12. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide a child so as to promote the affectionate relationship between a child and the mother and a child and the father. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary, or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.

13. The parent with primary physical custody shall notify the friend of the court in writing whenever the address of a minor child changes. The domicile of the minor child may not be moved from the State of Michigan without prior approval of the court.

14. The Uniform Child Support Order is incorporated by reference (form FOC 10/52).

(See page 2 for the remainder of the order.)

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**ORDER REGARDING CUSTODY AND
PARENTING TIME (PAGE 2)**

(A) CASE NO.

Court address

Court telephone no.

(B) Plaintiff's name

v

Defendant's name

15. Except as provided in item 16, neither parent shall exercise parenting time in a foreign country/nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

16. Based on written agreement of the parties, _____ may exercise parenting time in _____, which is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

Name

Name of foreign country/nation

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

Date

Judge

CERTIFICATE OF MAILING

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

Date

Signature

COURT USE ONLY

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address _____ Court telephone no. _____

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

- This order is entered after hearing. after statutory review. on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with _____ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, unless otherwise ordered in item 12 or 13: Standard provisions have been modified (see item 12 or 13):

1. The children who are supported under this order and the payer and payee are:

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective _____, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
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:	\$	\$	\$	\$	\$

Support was reduced because payer's income was reduced.

(Continued on page 2.)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 2) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address Court telephone no.

Plaintiff's name

v

Defendant's name

1. **Item 1** (continued).

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____ % by the plaintiff and _____ % by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____ .

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18. The child-care obligation for each child ends August 31 following the child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses.

Post-majority Support: The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age: (Specify name of child and date obligation ends.)

2. **Insurance.** For the benefit of the children, the plaintiff defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy
 up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.
 not to exceed 5% of the plaintiff's/defendant's gross income.
3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.
4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.

(Continued on page 3.)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER (PAGE 3) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address _____ Court telephone no. _____

Plaintiff's name	v	Defendant's name
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- 8. **Redirection and Abatement.** Subject to statutory procedures, the friend of the court : 1) may redirect support paid for a child to the person who is legally responsible for that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
- 9. **Fees.** The payer of support shall pay statutory and service fees as required by law.
- 10. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
- 11. **Prior Orders. This order supersedes all prior child support orders and all continuing provisions are restated in this order.** Past-due amounts owed under any prior support order in this case are preserved and paid at the rate calculated using the arrearage guideline in the Michigan Child Support Formula.
- 12. **Michigan Child Support Formula Deviation.** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.
- 13. **Other:** (Attach separate sheets as needed.)

Plaintiff (if consent/stipulation)	Date	Defendant (if consent/stipulation)	Date
------------------------------------	------	------------------------------------	------

Plaintiff's attorney	Date	Defendant's attorney	Date
----------------------	------	----------------------	------

Prepared by: _____
Name (type or print)

Date	Judge	Bar no.
------	-------	---------

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203. I certify that I also served the Deviation Addendum (FOC 10d) with this order.

Date	Signature
------	-----------

COURTUSE ONLY

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF COURT SERVICES (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
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Court address Court telephone no.

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

This order is entered after hearing. on stipulation/consent of the parties.

An order exempting this case from friend of the court services was entered on _____ .
(NOTE: If there is no order exempting this case from friend of the court services, form FOC 10/52 must be used.)

IT IS ORDERED, unless otherwise ordered in item 8 or 9: Standard provisions have been modified (see item 8 or 9).

1. The children who are supported under this order and the payer and payee are:

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective _____, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
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:	\$	\$	\$	\$	\$
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

(Continued on page 2.)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF COURT SERVICES (PAGE 2) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

Court address _____ Court telephone no. _____

Plaintiff's name _____

v

Defendant's name _____

1. **Item 1** (continued).

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____ % by the plaintiff and _____ % by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____ .

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18. The child-care obligation for each child ends August 31 following the child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses.

Post-majority Support: The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age: (Specify name of child and date obligation ends.)

2. **Insurance.** For the benefit of the children, the plaintiff defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy

up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.
 not to exceed 5% of the plaintiff's/defendant's gross income.

3. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. Further details, as prescribed by 29 USC 1169(a)(3), are stated in item 9.

4. **Retroactive Modification and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.

5. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify each other in writing, within 21 days of any change in: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603.

6. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.

7. **Prior Orders.** This order supersedes all prior child support orders and all continuing provisions are restated in this order. Past-due amounts owed under any prior support order in this case are preserved.

8. **Michigan Child Support Formula Deviation** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.

(Continued on page 3.)

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**UNIFORM CHILD SUPPORT ORDER,
NO FRIEND OF COURT SERVICES (PAGE 3)**

CASE NO.

EX PARTE TEMPORARY MODIFICATION FINAL

Court address

Court telephone no.

Plaintiff's name

v

Defendant's name

9. Other: (Attach separate sheets as needed.)

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

Date

Judge Bar no.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203. I certify that I also served the Deviation Addendum (FOC 10d) with the order.

Date

Signature

COURT USE ONLY

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER DEVIATION ADDENDUM (PAGE ____)	CASE NO.
--	---	-----------------

Court address _____ Court telephone no. _____

Plaintiff's name	v	Defendant's name
------------------	---	------------------

THE COURT FINDS:

1. Paragraph(s) _____ in the preceding pages of the uniform order deviate from the Michigan Child Support Formula and are warranted to avoid an unjust or inappropriate result.
(specify paragraph number)
2. Pursuant to MCL 552.605(2), it has been determined from the facts of this case that:
 - a. The child support obligation that would be ordered by applying the Michigan Child Support Formula is:

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Children supported:	1 child	2 children	3 children	4 children	5 or more children
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:	\$	\$	\$	\$	\$
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____% by the plaintiff and _____% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____.

Insurance. For the benefit of the children, the plaintiff defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy

up to a maximum of \$ _____ for plaintiff. up to a maximum of \$ _____ for defendant.

not to exceed 5% of the plaintiff's/defendant's gross income.

(SEE SECOND PAGE)

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**UNIFORM CHILD SUPPORT ORDER
DEVIATION ADDENDUM (PAGE ____)**

CASE NO.

Court address

Court telephone no.

Plaintiff's name

v

Defendant's name

(Item 2 continued.)

b. Applying the Michigan Child Support Formula is unjust or inappropriate because: (Specify the deviation factors relied on.)

c. The child support order deviates from the Michigan Child Support Formula as follows:

(Specify which provisions of the child support formula create an unjust or inappropriate result and explain how this order deviates from the provisions.)

d. The value of property or other support awarded instead of the payment of child support: (If not applicable, put none)

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

NOTE: When deviating, this form must be completed, attached, and served along with the rest of the Uniform Child Support Order. The proof of service on the Uniform Child Support Order must indicate this form was included.

Tab Page:
Item 6

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	DOMESTIC RELATIONS JUDGMENT INFORMATION, PAGE 1 <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

USE NOTE: Complete this form and file it with the friend of the court (**do not file this form with the office of the clerk of the court**) when the first temporary custody, parenting-time, or support order is entered and when submitting any final proposed judgment awarding custody, parenting time, or support. Mail a copy to each party and file proof of mailing with the court (may use form MC 302, Proof of Mailing).

The information previously provided is changed is unchanged. (Complete only the fields that have changed.)

Date

Signature

Plaintiff Information

Defendant Information

Name		Name	
Address		Address	
Social security number	Telephone number	Social security number	Telephone number
E-mail address		E-mail address	
Employer name, address, telephone number, and FEIN (if known)		Employer name, address, telephone number, and FEIN (if known)	
Driver's license number and state		Driver's license number and state	
Occupational license number(s), type(s), issuing state(s), and date(s)		Occupational license number(s), type(s), issuing state(s), and date(s)	

CUSTODY PROVISIONS

sole, plaintiff = P sole, defendant = D joint = J other = O _____
(must identify)

Child's name	Social security number	Date of birth	Physical custody P, D, J, O	Child's primary residence address	Legal custody P, D, J, O

SUPPORT PROVISIONS

Support provisions are stated in the Uniform Support Order.
Medical Support provisions are stated on page 2 of this form.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	DOMESTIC RELATIONS JUDGMENT INFORMATION, PAGE 2 <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

MEDICAL SUPPORT PROVISIONS: List the name of each insurance provider for the plaintiff and the defendant. Then enter the name of each child in this case who is covered by that provider and the type of coverage provided.

Plaintiff's Insurance Coverage

Provider name and address	Policy/Group no.	Cert. no.	Child(ren)'s name(s)	Medical	Dental	Optical	Other

Defendant's Insurance Coverage

Provider name and address	Policy/Group no.	Cert. no.	Child(ren)'s name(s)	Medical	Dental	Optical	Other

Tab Page
Item 7

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**REQUEST TO REOPEN
FRIEND OF THE COURT CASE**

CASE NO.

Court address

Telephone no.

Plaintiff's name, address, and telephone no.

Defendant's name, address, and telephone no.

v

Attorney:

Attorney:

1. On _____ an order was entered exempting this case from friend of the court services.
Date

I REQUEST that the friend of the court case be reopened upon filing of this request with the friend of the court office. Attached is a completed Verified Statement (form FOC 23).

I request support services under Title IV-D of the Social Security Act.

Date

Signature

CERTIFICATE OF MAILING

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

Date

Signature

Tab Page:
Item 8

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO.
---	------------------------------	-----------------

Court address

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name(s), address(es), and telephone no(s).
--

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
--------	----------------------	-------------

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

PROOF OF SERVICE

SUMMONS AND COMPLAINT
Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served personally a copy of the summons and complaint,

I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

Michigan Compiled Laws Annotated
Michigan Court Rules of 1985
Chapter 3. Special Proceedings and Actions
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.206

RULE 3.206 PLEADING

Currentness

(A) Information in Complaint.

(1) Except for matters considered confidential by statute or court rule, in all domestic relations actions, the complaint must state

(a) the allegations required by applicable statutes;

(b) the residence information required by statute;

(c) the complete names of all parties; and

(d) the complete names and dates of birth of any minors involved in the action, including all minor children of the parties and all minor children born during the marriage.

(2) In a case that involves a minor, or if child support is requested, the complaint also must state whether any Michigan court has prior continuing jurisdiction of the minor. If so, the complaint must specify the court and the file number.

(3) In a case in which the custody of a minor is to be determined, the complaint or an affidavit attached to the complaint also must state the information required by [MCL 722.1209](#).

(4) The caption of the complaint must also contain either (a) or (b) as a statement of the attorney for the plaintiff or petitioner, or of a plaintiff or petitioner appearing without an attorney:

(a) There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the person[s] who [is/are] the subject of the complaint or petition.

(b) An action within the jurisdiction of the family division of the circuit court involving the family or family members of the person[s] who [is/are] the subject of the complaint or petition has been previously filed in [this court]/[____ Court], where it was given docket number ____ and was assigned to Judge _____. The action [remains]/[is no longer] pending.

(5) In an action for divorce, separate maintenance, annulment of marriage, or affirmation of marriage, regardless of the contentions of the parties with respect to the existence or validity of the marriage, the complaint also must state

(a) the names of the parties before the marriage;

(b) whether there are minor children of the parties or minor children born during the marriage;

(c) whether a party is pregnant;

(d) the factual grounds for the action, except that in an action for divorce or separate maintenance the grounds must be stated in the statutory language, without further particulars; and

(e) whether there is property to be divided.

(6) A party who requests spousal support in an action for divorce, separate maintenance, annulment, affirmation of marriage, or spousal support, must allege facts sufficient to show a need for such support and that the other party is able to pay.

(7) A party who requests an order for personal protection or for the protection of property, including but not limited to restraining orders and injunctions against domestic violence, must allege facts sufficient to support the relief requested.

(B) Verified Statement.

(1) In an action involving a minor, or if child support or spousal support is requested, the party seeking relief must attach a verified statement to the copies of the papers served on the other party and provided to the friend of the court, stating

(a) the last known telephone number, post office address, residence address, and business address of each party;

(b) the social security number and occupation of each party;

(c) the name and address of each party's employer;

(d) the estimated weekly gross income of each party;

(e) the driver's license number and physical description of each party, including eye color, hair color, height, weight, race, gender, and identifying marks;

(f) any other names by which the parties are or have been known;

(g) the name, age, birth date, social security number, and residence address of each minor involved in the action, as well as of any other minor child of either party;

(h) the name and address of any person, other than the parties, who may have custody of a minor during the pendency of the action;

(i) the kind of public assistance, if any, that has been applied for or is being received by either party or on behalf of a minor, and the AFDC and recipient identification numbers; if public assistance has not been requested or received, that fact must be stated; and

(j) the health care coverage, if any, that is available for each minor child; the name of the policyholder; the name of the insurance company, health care organization, or health maintenance organization; and the policy, certificate, or contract number.

(2) The information in the verified statement is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the statement that is served on the other party.

(3) If any of the information required to be in the verified statement is omitted, the party seeking relief must explain the omission in a sworn affidavit, to be filed with the court.

(C) Attorney Fees and Expenses.

(1) A party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding.

(2) A party who requests attorney fees and expenses must allege facts sufficient to show that

(a) the party is unable to bear the expense of the action, and that the other party is able to pay, or

(b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply.

Credits

[Adopted January 28, 1993, effective May 1, 1993, 441 Mich; amended October 1, 1997, effective January 1, 1998, 456 Mich; September 11, 2002, effective January 1, 2003, 467 Mich; April 1, 2003, effective September 1, 2003, 468 Mich.]

Editors' Notes

COMMENTS

1993 Staff Comment

Former subrule 3.204(A) has been rewritten [effective May 1, 1993] as subrule 3.206(A) to clarify the pleading requirements for different types of domestic relations actions. Subrule (B) is similar to former subrule 3.204(B), except that the term “alimony” has been replaced by the term “spousal support,” and there are several additions to the information that must be provided. For instance, it is now necessary to include in the verified statement the driver's license number and physical description of each party, any other names by which a party is known, and information about health care coverage. Also, the verified statement must now disclose the estimated weekly gross income of each party instead of the estimated after-tax income, and there must be a sworn affidavit identifying the reason for any omissions in the verified statement. Former subrule 3.204(C) has been eliminated; Rule 3.209 governs actions to be taken when parties reconcile. Subrule (C) governs attorney fees and expenses.

Staff Comment to 1998 Amendments

The amendment of MCR 3.206 relates to statutory changes made by 1996 PA 388, which created the family division of the circuit court. The amendment is effective January 1, 1998.

New MCR 3.206(A)(4) creates a requirement for identifying pending or prior family division actions involving members of the same family. References to that provision are included in MCR 5.931(B)(8), governing delinquency proceedings, and MCR 5.961(B)(7), governing child protective proceedings.

The amendment of Rule 3.206 of the Michigan Court Rules implements recent statutory changes that have created a family division of the circuit court. This amendment will remain in effect until further order of the court.

Staff Comment to 2002 Amendment

The September 11, 2002, amendments of MCR 3.206, [3.214](#), [3.705](#), [3.706](#), [3.708](#), 5.982, and [8.119](#), which were given immediate effect, are related to the group of domestic violence statutes enacted in December 2001 that took effect April 1, 2002.

The changes in MCR 3.206 and [3.214](#) are related to 2001 PA 195, which adopted the Uniform Child-Custody Jurisdiction and Enforcement Act, [MCL 722.1101 et seq.](#) There is also some nonsubstantive reorganization of [MCR 3.214](#).

The amendment of [MCR 3.705](#) implements the statutory provisions regarding the statement of reasons for granting or denying personal protection orders. See 2001 PA 196.

The amendment of [MCR 3.706](#) incorporates the statutory provisions regarding enforceability of Michigan personal protection orders in other jurisdictions. See 2001 PA 200 and 201.

[MCR 3.708](#) and 5.982 are amended to include foreign protection orders, which are made enforceable in Michigan by 2001 PA 197.

[MCR 8.119\(F\)](#) is amended to conform to 2001 PA 205, which directs that when a motion to seal court records involves allegations of domestic violence, the court is to consider the safety of the potential victim in ruling on the motion.

Note of January 22, 2003:

By order dated September 11, 2002, this Court amended Rules 3.206, [3.214](#), [3.705](#), [3.706](#), [3.708](#), 5.982, and [8.119](#) of the [Michigan Court Rules](#), effective immediately. 467 Mich xxvii-xxxi (No. 2, 2002). At the same time, the Court stated that it would consider at a future public hearing whether to retain the amendments, which relate to a group of statutes concerning

domestic violence that were adopted in December 2001. Notice and an opportunity for comment at a public hearing having been provided, the amendments are retained.

Staff Comment to 2003 Amendment

The April 1, 2003, amendment of MCR 3.206(C), effective September 1, 2003, was suggested by the Michigan Judges Association to (1) reduce the number of hearings that occur because of a litigant's vindictive or wrongful behavior, (2) shift the costs associated with wrongful conduct to the party engaging in the improper behavior, (3) remove the ability of a vindictive litigant to apply financial pressure to the opposing party, (4) create a financial incentive for attorneys to accept a wronged party as a client, and (5) foster respect for court orders.

MI Rules MCR 3.206, MI R SPEC P MCR 3.206
Current with amendments received through 1/1/16

End of Document

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Tab Page
Item 9

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	DISMISSAL	CASE NO.
---	------------------	-----------------

Court address Court telephone no.

Plaintiff's name(s) and address(es)

Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name(s) and address(es)

Defendant's attorney, bar no., address, and telephone no.

NOTICE OF DISMISSAL BY PLAINTIFF

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case with without prejudice as to:
- all defendants.
 - the following defendant(s): _____
2. I certify, under penalty of contempt, that:
- a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.
 - b. All costs of filing and service have been paid.
 - c. **No answer or motion has been served upon the plaintiff by the defendant** as of the date of this notice.
 - d. A copy of this notice has been provided to the appearing defendant/attorney by mail personal service.

Date

Plaintiff/Attorney signature

STIPULATION TO DISMISS

- I stipulate to the dismissal of this case with without prejudice as to:
- all parties.
 - the following parties: _____

Date

Plaintiff/Attorney signature

Date

Defendant/Attorney signature

ORDER TO DISMISS

IT IS ORDERED this case is dismissed with without prejudice. Conditions, if any: _____

This order resolves the last pending claim and closes the case.

Date

Judge Bar no.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	NOTICE OF INTENT TO DISMISS FOR NO PROGRESS	CASE NO.
---	---	-----------------

Court address

Court telephone no.

Plaintiff's/Petitioner's name, address, and telephone no.
Plaintiff's/Petitioner's attorney, bar no., address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney, bar no., address, and telephone no.

Probate In the matter of _____

TO: All attorneys of record and unrepresented parties.

You are notified that:

1. No steps or proceedings appear to have been taken in this matter in 91 days.
2. The action will be dismissed for lack of progress 28 days after the date of this notice unless the parties show that progress is being made or that the failure to prosecute is not because of the fault or lack of reasonable diligence of the party seeking affirmative relief.

Date

Clerk/Register

APPLICATION FOR IV-D CHILD SUPPORT SERVICES (For Domestic Relations Filings Only)		FOR OFFICE USE ONLY		
State of Michigan County Friend of the Court (FOC)		App Request Date	App Returned Date	IV-D Case No.
<p>Instructions: This is an application for IV-D child support services, and is intended only for parents filing a domestic relations case (divorce, annulment, separate maintenance, paternity, or custody) on their own or through their own attorney. This form is not intended for people without children or those who are not a party to a domestic relations case. This application is designed to be used with a Verified Statement, Judgment Information Form, or other similar court form.</p> <p>AUTHORITY: 45 Code of Federal Regulations 302.33. Completion of this application for IV-D child support services is voluntary.</p>				
Domestic Relations Filing/Docket Number: (If available)	Who does the child(ren) live with most of the time? (This information is used for administrative purposes only and has no impact on any pending custody hearings.) <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Both			
What is your relationship to the child(ren) for whom you are applying for child support services? <input type="checkbox"/> Mother <input type="checkbox"/> Father				
A. MOTHER'S NAME (First, Middle, Last)			MOTHER'S SOCIAL SECURITY NUMBER	
B. MOTHER'S MAILING ADDRESS (Street, City, State, Zip Code)			MOTHER'S TELEPHONE NUMBER	
C. FATHER'S NAME (First, Middle, Last, Suffix)			FATHER'S SOCIAL SECURITY NUMBER	
D. FATHER'S MAILING ADDRESS (Street, City, State, Zip Code)			FATHER'S TELEPHONE NUMBER	
E. FAMILY VIOLENCE DISCLOSURE I believe that disclosure of my address or other identifying information may result in physical or emotional harm to me or the child(ren). If yes, additional information will be requested by FOC staff. <input type="checkbox"/> Yes <input type="checkbox"/> No				
F. ACKNOWLEDGEMENT FOR CHILD SUPPORT RECIPIENT If I am sent money in error or overpaid, the Michigan Office of Child Support (OCS) will take action to correct this error. By checking the "Yes" box below, I give OCS permission to pay back the error or overpayment by keeping 25% (or otherwise as directed below) from my future child support payments. If I later change my mind, I must contact the Friend of the Court office. Failure to check "yes" has no effect on my eligibility for IV-D child support services. <input type="checkbox"/> Yes, (Circle one if different than 25%) 10% 50% <input type="checkbox"/> No, please contact me before you try to recover an amount from my support payments.				
G. ACKNOWLEDGEMENT FOR APPLICANT I understand that I must provide my Social Security number pursuant to the Social Security Act, 42 USC 666(a)(13), in order for Michigan's child support program to provide services. I have received or have had an opportunity to review a copy of DHS Publication 748, <i>Understanding Child Support, A Handbook for Parents</i> . I understand that I can ask for a printed copy, or find it online at www.michigan.gov/ChildSupport in the Popular Forms section. I request child support services available under Title IV-D of the Social Security Act for the child(ren) listed in my domestic relations court filing (refer to DHS Publication 748 for a list of available services). _____ Applicant or Attorney of Record Signature (Signature is required)			Return this completed application to your local Friend of the Court office.	
_____ Applicant or Attorney of Record Printed Name If signed by an Attorney, s/he is acting on behalf of _____ <div style="text-align: center;">Name (Required)</div>			_____ Date	
The Michigan Department of Health and Human Services does not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, genetic information, sex, sexual orientation, gender identity or expression, political beliefs or disability.				

Tab Page
Item 11

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	SUPERVISION ORDER (SUPPORT ENFORCEMENT) (PAGE 1)	CASE NO.
--	---	-----------------

Court address Court telephone no.

Plaintiff(s) name(s), address(es), and telephone no(s).	v	Defendant(s) name(s), address(es), and telephone no(s).
Plaintiff's attorney, bar no., address, and telephone no.		Defendant's attorney, bar no., address, and telephone no.

IT IS ORDERED:

- 1. The respondent is placed under the supervision of the friend of the court office for _____ days, and either of the following applies:
 - a. The respondent shall participate in the services listed below. Unless a provider is named, the respondent may choose a provider from the court-approved list available from the friend of the court office.
 - _____ parenting program.
 - A parenting skills program sponsored by _____ .
 - Participate and complete anger management counseling, sponsored by _____ .
 - _____ work program, sponsored by _____ .
 - _____ job skills program
 - A public service program sponsored by _____ .
 - Job referral at the friend of the court
 - A work detail program operated by the county sheriff
 - _____ agency providing voluntary life skills training
 - _____ counseling (credit, job, anger, drug, alcohol, etc.)
 - A community corrections program sponsored by _____ .
 - Obtain a drug and alcohol screen and assessment and comply with the recommended plan from _____ .
 - Other:

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	SUPERVISION ORDER (SUPPORT ENFORCEMENT) (PAGE 2)	CASE NO.
--	---	-----------------

Court address Court telephone no.

Plaintiff's name

v

Defendant's name

This hearing is adjourned until _____ and referred to the friend of the court for a review and a
Date
 recommendation to the court on the needs of the respondent. The recommendation shall contain specific programs or services the respondent would benefit from while being supervised by the friend of the court. The friend of the court shall provide the recommendation to the court and to the respondent at least _____ days before the hearing.

The respondent may agree, in writing, to the recommendation. If the respondent agrees to the recommendation, it becomes immediately effective and the adjourned hearing is cancelled.

If the respondent objects or the court disagrees with the recommendation, the court will hold the hearing or the court may adjourn the hearing again.

2. The friend of the court shall monitor the terms of this order, including:
 - a. Respondent's continued compliance with current support and/or parenting time order;
 - b. Respondent's compliance with an arrerage plan.
3. Respondent must report to the friend of the court on a _____ basis, at the request of the friend of the court, or whenever there is a change in employment or contact information.
4. If respondent fails to follow the terms and conditions of supervision, the friend of the court shall file a motion supported by an affidavit pursuant to MCL 600.1701 *et seq.* The court may either issue an order to show cause or issue a bench warrant for respondent's arrest to bring the responde before the court to show cause why respondent has not complied with this order.

_____ Date

_____ Judge _____ Bar no.

Tab Page
Item 12

Michigan Compiled Laws Annotated
Michigan Court Rules of 1985
Chapter 3. Special Proceedings and Actions
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.210

RULE 3.210 HEARINGS AND TRIALS

Currentness

(A) In General.

- (1) Proofs or testimony may not be taken in an action for divorce or separate maintenance until the expiration of the time prescribed by the applicable statute, except as otherwise provided by this rule.
- (2) In cases of unusual hardship or compelling necessity, the court may, upon motion and proper showing, take testimony and render judgment at any time 60 days after the filing of the complaint.
- (3) Testimony may be taken conditionally at any time for the purpose of perpetuating it.
- (4) Testimony must be taken in person, except that the court may allow testimony to be taken by telephone in extraordinary circumstances, or under [MCR 2.407](#).

(B) Default Cases.

- (1) This subrule applies to the entry of a default and a default judgment in all cases governed by this subchapter.
- (2) *Entry of Default.*
 - (a) A party may request the entry of a default of another party for failure to plead or otherwise defend. Upon presentation of an affidavit by a party asserting facts setting forth proof of service and failure to plead or otherwise defend, the clerk must enter a default of the party.
 - (b) The party who requested entry of the default must provide prompt notice, as provided by [MCR 3.203](#), to the defaulted party and all other parties and persons entitled to notice that the default has been entered, and file a proof of service.
 - (c) Except as provided under subrule (B)(2)(d), after the default of a party has been entered, that party may not proceed with the action until the default has been set aside by the court under subrule (B)(3).

(d) The court may permit a party in default to participate in discovery as provided in Subchapter 2.300, file motions, and participate in court proceedings, referee hearings, mediations, arbitrations, and other alternative dispute resolution proceedings. The court may impose conditions or limitations on the defaulted party's participation.

(e) A party in default must be served with the notice of default and a copy of every paper later filed in the case as provided by [MCR 3.203](#), and the person serving the notice or other paper must file a proof of service with the court.

(3) *Setting Aside Default Before Entry of Default Judgment.* A motion to set aside a default, except when grounded on lack of jurisdiction over the defendant or subject matter, shall be granted only upon verified motion of the defaulted party showing good cause.

(4) *Notice of Hearing and Motion for Entry of Default Judgment.*

(a) A party moving for default judgment must schedule a hearing and serve the motion, notice of hearing, and a copy of the proposed judgment upon the defaulted party at least 14 days before the hearing on entry of the default judgment, and promptly file a proof of service when:

(i) the action involves entry of a judgment of divorce, separate maintenance, or annulment under subrule (B)(5)(a);

(ii) the proposed judgment involves a request for relief that is different from the relief requested in the complaint; or

(iii) the moving party does not have sufficient facts to complete the judgment or order without a judicial determination of the relief to which the party is entitled.

(b) If the action does not require a hearing under subrule (B)(4)(a) and if the relief can be determined based on information available to the moving party that is stated in or attached to the motion or complaint, the moving party for default judgment may either:

(i) schedule a hearing and serve the motion, notice of hearing, and a copy of the proposed judgment upon the defaulted party at least 14 days before the hearing on entry of the default judgment, and promptly file a proof of service, or

(ii) serve a verified motion for default judgment supporting the relief requested and a copy of the proposed judgment upon the defaulted party, along with a notice that it will be submitted to the court for signing if no written objections are filed with the court clerk within 14 days. If no written objections are filed within 14 days after filing, the moving party shall submit the judgment or order to the court for entry. If objections are filed, the moving party shall notice the entry of default judgment for hearing.

(c) Service under this subrule shall be made in the manner provided by [MCR 3.203](#) or, as permitted by the court, in any manner reasonably calculated to give the defaulted party actual notice of the proceedings and an opportunity to be heard.

(d) If the default is entered for failure to appear for a scheduled trial or hearing, notice under this subrule is not required.

(5) *Entry of Default Judgment.*

(a) A judgment of divorce, separate maintenance, or annulment may not be entered as a matter of course on the default of a party because of failure to appear at the hearing or by consent, and the case must be heard in open court on proofs taken, except as otherwise provided by statute or court rule.

(b) Proofs for a default judgment may not be taken unless the judgment fee has been deposited with the court clerk and the proposed judgment has been given to the court. Nonmilitary affidavits required by law must be filed before a default judgment is entered in cases in which the defendant has failed to appear. A default judgment may not be entered against a minor or an incompetent person unless the person is represented in the action by a conservator or other representative, except as otherwise provided by law.

(c) The moving party may be required to present evidence sufficient to satisfy the court that the terms of the proposed judgment are in accordance with law. The court may consider relevant and material affidavits, testimony, documents, exhibits, or other evidence.

(d) In cases involving minor children, the court may take testimony and receive or consider relevant and material affidavits, testimony, documents, exhibits, or other evidence, as necessary, to make findings concerning the award of custody, parenting time, and support of the children.

(e) If the court does not approve the proposed judgment, the party who prepared it must, within 14 days, submit a modified judgment under [MCR 2.602\(B\)\(3\)](#), in conformity with the court's ruling, or as otherwise directed by the court.

(f) Upon entry of a default judgment and as provided by [MCR 3.203](#), the moving party must serve a copy of the judgment as entered by the court on the defaulted party within 7 days after it has been entered, and promptly file a proof of service.

(6) *Setting Aside Default Judgment.*

(a) A motion to set aside a default judgment, except when grounded on lack of jurisdiction over the defendant, lack of subject matter jurisdiction, failure to serve the notice of default as required by subrule (B)(2)(b), or failure to serve the proposed default judgment and notice of hearing for the entry of the judgment under subrule (B)(4), shall be granted only if the motion is filed within 21 days after the default judgment was entered and if good cause is shown.

(b) In addition, the court may set aside a default judgment or modify the terms of the judgment in accordance with statute or [MCR 2.612](#).

(7) *Costs.* An order setting aside the default or default judgment must be conditioned on the defaulted party paying the taxable costs incurred by the other party in reliance on the default or default judgment, except as prescribed in [MCR 2.625\(D\)](#). The order may also impose other conditions, including imposition of a reasonable attorney fee.

(C) Custody of a Minor.

(1) When the custody of a minor is contested, a hearing on the matter must be held within 56 days

(a) after the court orders, or

(b) after the filing of notice that a custody hearing is requested,

unless both parties agree to mediation under [MCL 552.513](#) and mediation is unsuccessful, in which event the hearing must be held within 56 days after the final mediation session.

(2) If a custody action is assigned to a probate judge pursuant to [MCL 722.26b](#), a hearing on the matter must be held by the probate judge within 56 days after the case is assigned.

(3) The court must enter a decision within 28 days after the hearing.

(4) The notice required by this subrule may be filed as a separate document, or may be included in another paper filed in the action if the notice is mentioned in the caption.

(5) The court may interview the child privately to determine if the child is of sufficient age to express a preference regarding custody, and, if so, the reasonable preference of the child. The court shall focus the interview on these determinations, and the information received shall be applied only to the reasonable preference factor.

(6) If a report has been submitted by the friend of the court, the court must give the parties an opportunity to review the report and to file objections before a decision is entered.

(7) The court may extend for good cause the time within which a hearing must be held and a decision rendered under this subrule.

(8) In deciding whether an evidentiary hearing is necessary with regard to a postjudgment motion to change custody, the court must determine, by requiring an offer of proof or otherwise, whether there are contested factual issues that must be resolved in order for the court to make an informed decision on the motion.

(D) The court must make findings of fact as provided in [MCR 2.517](#), except that

(1) findings of fact and conclusions of law are required on contested postjudgment motions to modify a final judgment or order, and

(2) the court may distribute pension, retirement, and other deferred compensation rights with a qualified domestic relations order, without first making a finding with regard to the value of those rights.

(E) Consent Judgment.

(1) At a hearing that involves entry of a judgment of divorce, separate maintenance, or annulment under subrule (B)(5)(a), or at any time for all other actions, any party may present to the court for entry a judgment approved as to form and content and signed by all parties and their attorneys of record.

(2) If the court determines that the proposed consent judgment is not in accordance with law, the parties shall submit a modified consent judgment in conformity with the court's ruling within 14 days, or as otherwise directed by the court.

(3) Upon entry of a consent judgment and as provided by [MCR 3.203](#), the moving party must serve a copy of the judgment as entered by the court on all other parties within 7 days after it has been entered and promptly file a proof of service.

Credits

[Adopted effective January 28, 1993, effective May 1, 1993, 441 Mich; amended April 3, 2001, effective July 1, 2001, 463 Mich; December 30, 2003, effective May 1, 2004, 469 Mich; August 26, 2014, effective January 1, 2015, 497 Mich; November 26, 2014, effective January 1, 2015, 497 Mich.]

Editors' Notes

COMMENTS

1993 Staff Comment

Subrule (A) [effective May 1, 1993] expands the authority of the court to render judgment in certain cases after 60 days, which reflects current practice and perceived public concern. It also expressly permits the taking of testimony by electronic means, but only in extraordinary circumstances. Subrule (C) is similar to former subrule 3.206(F), with the addition of a provision for timely hearing if mediation is unsuccessful, and a provision about custody actions pursuant to [MCL 722.26b](#).

Staff Comment to 2001 Amendment

The April 3, 2001 amendment of Rule 3.210, effective July 1, 2001, was based on a recommendation from the Michigan Judges Association and made clear that, in deciding whether an evidentiary hearing is necessary, the court must first determine whether there are contested factual issues that must be resolved in order to make an informed decision.

Staff Comment to 2004 Amendment

Coincident with its order of partial affirmance and remand in [Molloy v Molloy, 466 Mich 852 \(2002\)](#), the Supreme Court opened an administrative file to examine the extent to which, and the procedures by which, *in camera* testimony may be taken from children in custody cases. The adoption of subrule (C)(5) on December 30, 2003, effective May 1, 2004, clarified that the interview is to focus on the child's custodial preference and that the information received may be applied only to that factor.

Staff Comment to First January 1, 2015 Amendment

The amendments of MCR 3.210 clarify default and default judgment procedures to be used in domestic relations cases. The amendments also allow parties to reach agreement on issues related to property division, custody, parenting time, and support, and enter a consent judgment on those issues if the court approves.

Staff Comment to Second January 1, 2015 Amendment

The new court rule allows courts to use videoconferencing in civil court proceedings (including domestic relations proceedings) upon request of a participant or sua sponte by the court, subject to specified criteria and standards published by the State Court Administrative Office (SCAO). Amendments of MCR 3.210 and [MCR 3.215](#) provide cross references to the new court rule. Adoption of [MCR 2.407](#) does not affect [MCR 3.904](#), MCR 5.738a, and [MCR 6.006](#). In addition, as relevant to the rule amendments in this order, Administrative Order No. 2014-25, also issued today, requires SCAO to adopt videoconferencing standards, and requires courts to comply with those standards.

MI Rules MCR 3.210, MI R SPEC P MCR 3.210
Current with amendments received through 1/1/16

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