Frequently Asked Questions
(and Answers from the SCAO/FOCB)

FAQ 2004-01 **October 1, 2004**

2004 Public Acts Affecting Friends of the Court and Circuit Courts Supplement

Effective October 1, 2004, February 28, 2005, and June 30, 2005, new laws take effect that will change several practices in the courts and friends of the court (FOC) offices. Recently, the SCAO has received several questions related to the payment of fees.

This FAQ answers common questions related to the statutorily changes.

#1 Q. Where can I find a copy of the 2004 Public Acts Affecting Friends of the Court and Circuit Courts?

A. You can access the new laws that will changes several practices in the courts and friend of the court (FOC) offices by going to: http://courts.michigan.gov/scao/resources/publications/focbnewsletters/2004FOCLegislation.pdf

#2 Q. Does the judgment entry fee apply to prejudgment orders?

A. The clerk does not need to collect the judgment entry fee on prejudgment orders. The statute states that the entry fee is paid on a "final judgment or order." Prejudgment orders are temporary pending the final judgment in the case and would not qualify for the fee.

#3 Q. Does the judgment entry fee apply to change of residence or domicile orders?

A. The fee applies to change of residence or domicile only when custody or parenting time provisions also change. An order changing only the residence or domicile is not subject to the fee.

#4 Q. Does the fee apply to orders entered in cases that are filed before October 1, 2004.

A. Yes. The date of the order controls.

#5 Q. Is a fee charged for mediation cases?

A.

a. A fee is charged in mediation cases when the order is entered after a motion or complaint is filed. An exception could be made when the court orders the fee waived, based on friend of the court involvement.

b. A fee is not charged for an order on cases that are mediated when no motion or complaint has been filed.

#6 Q. Is a fee charged for orders issued between the date an action is filed and the date a final order is issued concluding the action?

A. No fee is charged for entry of orders issued from the date of filing until the final order in the case.

#7 Q. Who should courts and friend of the court offices call with any questions on the new laws?

A. If a court or friend of the court office has additional questions or comments, they should contact Steven Capps at 517-373-5975, or by email at cappss@courts.mi.gov.