

**Friend of the Court -- Cyndi J. Hunt**

Monday-Friday 8:30 a.m. to 5:00 p.m.

Room 209

400 Elm Street, Big Rapids, Michigan 49307

(231) 592-0115

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**24 Hour FOC Information Line -- Phone: 1-877-543-2660**

This section of the County's website provides information about duties and procedures for the friend of the court, rights and responsibilities of parties in family law matters, and information about basic court procedures in domestic relations cases.

Family law matters can be difficult and painful. The family division of the circuit court is responsible for resolving the legal concerns which affect your family.

Children need both parents. When you cooperate, you reassure your children that change will be positive. You also build the foundation for your new parental relationship and responsibilities. Your children will always want you both to be part of their lives, to attend their high school or college graduations, to be at their weddings and the birth of their children, and to be part of other major life events. They want to be able to say that, despite what mom and dad may have felt toward one another, they always treated each other with courtesy and respect and never put us (the children) in the middle of their dispute.

We will do our best to handle your case quickly and fairly. Please follow the suggestions in this website and you will be well on your way to doing your part.

**ACKNOWLEDGEMENT**

Much of the information in the Friend of the Court section of the website is derived directly from the Friend of the Court handbook. Copies of the handbook are available at the Friend of the Court office.

**DISCLAIMER**

Although this website is periodically reviewed and updated to include information to help answer the most common questions, what follows is not an exhaustive list of all policies, civil procedure or domestic relation laws. To ensure you are fully informed it is always advisable you either research your issue at a public law library or you consult with an attorney. As for the materials and information made available throughout this website, the Mecosta County Friend of the Court is not responsible for the accuracy, adequacy, or completeness, or for the results obtained by using them.

## **Contacts:**

### **Mecosta County Friend of the Court**

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P.O. Box 508  
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- Friend of the Court – Cyndi Hunt
- Hours: Monday through Friday, 8:30 a.m. until 5:00 p.m. Staff are available for telephone calls from 9:00 a.m. until 4:30 p.m.

### **Osceola County Friend of the Court**

- Mailing Address:  
301 West Upton  
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[Michigan State Disbursement Unit \(MiSDU\)](#)

[Interactive Voice Response Unit \(IVR\)](#)

**Forms:** All forms are PDF documents and will open in a new window. If you experience difficulty downloading any of these forms please let us know!

[Change in Personal Information](#)

[Child Care Verification](#)

[Complaint for Enforcement of Healthcare Expense Payment](#)

[Direct Deposit Authorization](#)

[Motion Regarding Support](#)

[Motion Regarding Custody](#)

[Motion Regarding Domicile/Legal Residence](#)

[Motion Regarding Parenting Time](#)

[Motion Regarding Post Judgment Transfer of Domestic Relations Cases](#)

[Objection to Referee's Recommended Order \(with Transcript\)](#)

[Pin Change](#)

[Request for Health Care Expense Payment](#)

[Request for Patenting Time Enforcement Assistance](#)

[Response to Motion Regarding Custody](#)

[Response to Motion Regarding Domicile/Legal Residence](#)

[Response to Motion Regarding Parenting Time](#)

[Response to Motion Regarding Support](#)

[Temporary Payment Coupon](#)

[SMILE Program, Start Making It Livable for Everyone](#)

[Standard Parenting Time Schedule \(Revised 1/2014\)](#)

[Uninsured Healthcare Expenses Brochure](#)

## RIGHTS AND RESPONSIBILITIES OF THE PARTIES

Each party has the right to:

- Request a meeting with the friend of the court employee investigating a dispute about custody, parenting time, or support.
- Request the friend of the court to recommend whether a support or health insurance order should be modified. See Support Modification Actions Started by Parties.
- Expect the friend of the court to perform the duties required by Michigan statute and court rule.
- Be treated fairly and courteously by friend of the court employees.
- File a grievance with the friend of the court office concerning an employee or office procedure.
- Consult with his or her attorney about any questions or concerns.
- Proceed in the case without friend of the court assistance (opt out) if agreed to by the other party and ordered by the court.

**Each party has a responsibility to:**

- Inform the friend of the court, in writing, of the following information:
  - current residential and mailing addresses,
  - current employer or source of income's name, address, and telephone number,
  - current telephone number,
  - any occupational or driver's license held, and the driver's license number,
  - social security number, unless exempt by law from disclosing that number,
  - current residence of children,
  - current information regarding health care coverage available as a benefit of employment or maintained by either party (may do so using the [Change in Personal Information Form](#)).
- Provide other information required by law to help the Friend of the Court carry out its duties.
- Obey all court orders.
- Keep Friend of the Court appointments, or take the time to cancel or reschedule the appointment.
- Treat the Friend of the Court employees courteously.

## **FRIEND OF THE COURT DUTIES**

Michigan law created friend of the court offices in 1919. At least one office serves each circuit court's family division.

### **The Friend of the Court offices have the following duties:**

- When parents cannot agree, or when directed by the judge, to conduct investigations and make reports and recommendations to the court regarding:
  - custody,
  - parenting time,
  - child support, medical support, and sometimes spousal support.
- To offer voluntary mediation services to help settle disagreements about custody or parenting time.
- To provide enforcement services on custody, parenting time, and support orders.
- In cooperation with the Michigan State Disbursement Unit (MiSDU), to collect, record, and distribute support payments as ordered by the court.
- To help the court enforce orders for custody, parenting time and support.
- To inform the parties they may decline Friend of the Court services.
- To make available standardized court forms that parties may use to file motions and responses regarding custody, parenting time and support.
- To inform parties of the availability of joint custody.

### **The Friend of the Court has no authority to do the following:**

- Investigate abuse and neglect.
- Change an order.
- Investigate criminal activity.
- Give legal advice to either party

Together with the Office of Child Support (OCS), local FOC offices administer all aspects of Michigan's child support program. OCS is part of the Michigan Department of Human Services (DHS). OCS administers the child support requirements of the federal Social Security Act.

OCS also coordinates efforts to find absent parents, oversees the Michigan State Disbursement Unit (MiSDU), and manages income tax intercepts and certain other enforcement remedies.

This handbook describes the general duties of the FOC. Some specific procedures vary by county. You may discuss any questions regarding local or statewide procedures or requirements with your local FOC office or with your attorney.

To become familiar with some family law and FOC legal terms, please refer to the [glossary](#) at the end of this publication.

## **Opting Out of All Services Offered by the FOC**

Parties who agree they do not need the FOC's services do not have to use them. They may file a joint motion to opt out and, if the court approves it, the parties then must deal with each other directly. Before the court may approve a motion to opt out, the parties must sign and file a document that summarizes the available FOC services and acknowledges that the parties have chosen not to use those services.

The opt-out motion should be filed at the same time as the complaint that starts the case. If an opt-out motion is filed, the court must order the FOC not to open a case file unless one or more of the following are true:

- A party is eligible for (Social Security Act) Title IV-D services (see the glossary at the end of this document for a description of IV-D Services) because the party is receiving or has applied for public assistance.
- A party has applied for IV-D services.
- A party has asked the FOC to open a case file.
- There is evidence of domestic violence or bargaining inequality, coupled with evidence that the opt-out request is against the best interests of a party or the parties' child.

Even after the court case has been started and the FOC has opened a file for that case, the parties may file an opt-out motion requesting the court to order the FOC to close its file. The court will issue the order unless one or more of the following are true:

- A party objects to the closure.
- A party is receiving public assistance.
- Within the previous 12 months, a support arrearage has existed or a custody or parenting time violation has occurred.
- Within the previous 12 months, a party has asked the FOC to reopen its case file.
- There is evidence of domestic violence or bargaining inequality coupled with evidence that the request is against the best interests of a party or the parties' child.

Parties who "opt out" must assume full responsibility for administering and enforcing the court's orders. To assure a proper accounting of support payments and their consideration in future proceedings, the parties may make support payments through the MiSDU even after a FOC case file is closed. At any time, a party can cause the FOC office to reopen its case file by applying for public assistance or by requesting any service from the FOC.

## **PROCEDURES OF THE COURT**

### **STARTING A COURT CASE**

No court can require a party to use an attorney. However, anyone who wants to start a court case must follow the Michigan Court Rules and Michigan Laws. Because most cases involve difficult legal and factual questions, most people want to be represented by an attorney.

YOU MAY CONTACT LANSING TO START A CASE VIA THEIR TOLL FREE NUMBER 1-866-540-0008.

### **Plaintiff's Complaint**

Each case begins with the plaintiff (the person requesting the court's assistance) filing papers which ask the court to order something (a complaint) concerning another party (the defendant). Among the things a complaint may ask the court to do are the following:

- Grant a divorce.
- Order child support or spousal support.
- Establish paternity.
- Grant an order for custody of a child.
- Establish parenting time with a child.

### **Service**

The plaintiff must arrange for the defendant to be served with a summons and a copy of the complaint. The summons tells the defendant to answer the complaint. Whenever minor children are involved or spousal support is being requested, a friend of the court informational handbook (this handbook or one like it) must be given to the defendant, along with the summons and complaint.

### **Defendant's Answer to Complaint**

The defendant usually is allowed 21 days to answer the complaint. If the defendant does not answer within 21 days, the judge may enter an order granting the plaintiff's requests.

### **HEARINGS**

After a complaint and an answer have been filed, either party may file a motion asking the court to decide the custody, parenting time, and child support issues. Often the FOC may provide a type of alternative dispute resolution or conduct an evaluation before the court makes a decision regarding custody, parenting time, or child support. The court usually holds a hearing to get the information it needs to decide those issues.

Both parties must be notified of the time and place of a hearing. This advance notice gives the parties an opportunity to appear at the hearing and tell the judge or referee what they think the court should do.

## **COURT ORDERS**

When a court makes a decision, it must sign a written order summarizing the decision. Someone must prepare the order. Usually, one of the attorneys prepares the order, but sometimes the judge prepares it. Either way, an order is not enforceable until a judge signs it and someone files the signed order with the county clerk. A referee can only recommend an order and prepare it; the recommended order does not become enforceable until a judge signs it or until it enters because neither party objected within a certain amount of time. If you disagree with an order and want to challenge it, your options include filing a motion for a rehearing (by the judge who issued the order) or filing an appeal (to a higher court). You cannot change an order by filing a grievance or by complaining to other government agencies.

### **Preliminary Orders**

Courts sometimes enter temporary orders that remain in effect only until the parties have an opportunity to present more detailed evidence and arguments at a later hearing. This often happens in divorce cases.

**ExParte Orders** (temporary orders entered at the request of one party before any formal hearing).

A judge will enter an ex parte order without the other party present when the judge believes that serious harm will occur if the judge defers issuing any orders until the opposing party has the opportunity to speak with the judge. Ex parte orders usually are intended to keep the situation stable until the judge can hear from both parties. A party who disagrees with an ex parte order may file a written objection to the order or file a motion asking the court to change or cancel the order. Even if an objection or motion is filed, the ex parte order will remain in effect until it is changed by the court.

When an ex parte order deals with custody, parenting time, or child support, the order will include a notice that a written objection or a motion to change the order may be filed within 14 days. If a party files an objection, the FOC will try to help the parties settle the dispute without going to court. If the parties cannot agree, the FOC will provide the forms and instructions that a party who is not represented by an attorney will need to schedule a court hearing.



## Temporary and Final Orders

After the court decides a motion challenging an ex parte order, it will enter a temporary order with instructions that the parties must follow until a final judgment order (or a modified temporary order) is entered.

Orders including judgment orders that deal with custody, parenting time, and child support can be changed, but only the court can modify an order; the FOC cannot. Normally, a court will change an order if both parties have agreed to the change. Otherwise, the court will modify an order only after one party (or the FOC) files a motion and the court holds a hearing on the motion.

**The parties' agreement to change a previous court order will be recognized by the court and the FOC only after the judge signs and enters a new order that approves the agreement. Merely telling or writing to tell a FOC employee or a Department of Human Services worker that the parties have agreed to something cannot change the court's previous order.** Sometimes, the law requires the FOC to ask the court to change an order. (See Parenting Time Enforcement and Modification of a Support Order).

Parties' agreements are only recognized by the court and the friend of the court when they are entered as an order of the court. Simply notifying a friend of the court employee or a Department of Human Resources worker of an agreement does not change the court order. Sometimes, the law requires the friend of the court to ask the court to change an order. (See Parenting Time Enforcement and Modification of a Support Order).

## Referee Decisions

A referee is an attorney who is appointed by the chief judge of the circuit court to preside over hearings involving domestic relations issues. A referee hearing is similar to a hearing before a judge. The referee's decision may have immediate effect. A party may file an objection to a referee's determination and request a de novo hearing before the presiding judge. The objection and a request for a hearing must be in writing and must be filed with the circuit court clerk within 21 days after the referee's recommendation is mailed. Objections in Mecosta County are filed using an Objection to Referee's Recommended Order Form.

*Related Form:* [Objection to Referee's Recommended Order](#)

## Reconciliations and Dismissals

Not every case ends with separated parents. If parties are trying to work out their differences and wish to have enforcement of their order stopped, they may file a motion with the family division of the court to request an order to suspend automatic enforcement. Enforcement of a support obligation cannot be stopped except by court order.

If the parties wish to stop all further action on a case, they must file a proposed order of dismissal with the court and provide a copy to the FOC. In that situation, when the State of Michigan has provided financial assistance to the parties' children or spouse while the case was pending, the support payer must pay any previously-ordered child or spousal support to the State of Michigan. This reimbursement may be less than the amount of assistance, but it cannot be more. The exact support amount will depend on how much support the court's order required. Finally, before the case may be dismissed, the support payer must pay any amounts owed to the court or the county. If those requirements are met, the court will sign an order dismissing the case.

### **Enforcing Orders When One of the Parents Leaves Michigan**

The obligation to pay child support does not end when a parent leaves Michigan, even if it is the custodial parent and the parties' children who move. Both parents must tell the FOC whenever they move. The support payer must continue to pay support and the friend of the court must continue to enforce the court order.

If a support payer leaves Michigan and stops paying as ordered, there are laws that allow Michigan courts to have their support orders enforced in other states. For example, every state has passed the Uniform Interstate Family Support Act (UIFSA), a law that allows one state's court to set and enforce support obligations when the parents live in or earn an income in different states. Under UIFSA, a court in another state may be required to use its laws to withhold the payer's income, enforce the order, set or modify a support order, or assist with finding the payer's assets. For more information, see [The Uniform Interstate Family Support Act \(UIFSA\) \(PSA 29\)](#).

## **INFORMATION ABOUT CUSTODY, PARENTING TIME, AND SUPPORT**

### **CUSTODY**

There are many different kinds of custody arrangements. For any arrangement, the court must decide who will make the major decisions about each child. The court also must decide how much time the child will spend with each parent.

Parents are encouraged to reach their own agreements regarding custody. When parents cannot agree, the judge will decide by analyzing the “best interests of the child” factors listed in the Michigan Child Custody Act. Those factors will be analyzed at a hearing during which the parents may present evidence and arguments about each factor.

At either parent’s request, the court must consider ordering “joint custody,” an arrangement in which both parents participate in making the major decisions that affect their child. If both parents agree to a joint custody arrangement, then the court must order it unless the court determines that joint custody is not in the “best interests of the child.” The court must state on the record its reasons for granting or denying the request for joint custody. The court also may consider ordering joint custody even if neither parent has requested it. A judge who is considering ordering joint custody must consider both the “best interests” factors and also whether the parents will be able to cooperate and usually agree on important decisions affecting their child’s welfare.

If the court determines that a child’s interests are not adequately represented in the custody proceedings, the court may appoint a lawyer-guardian ad litem to represent the child in the court proceedings. If the parties have the ability to pay, the court may require them to pay the lawyer-guardian ad litem’s fees.

For more information about child custody issues, see [Michigan Custody Guidelines](#).

### **Child Custody Act Factors**

- The love, affection and other emotional ties existing between the parties involved and the child.
- The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- The capacity and disposition of the parties involved to give the child love, affection, and guidance and continuation of the educating and raising of the child in its religion or creed, if any.
- The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- The permanence as a family unit, of the existing or proposed custodial home or homes.
- The moral fitness of the parties involved.

- The mental and physical health of the parties involved.
- The home, school, and community record of the child.
- The reasonable preference of the child, if the court deems the child to be sufficient age to express preference.
- The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent- child relationship between the child and the other parent.
- Domestic violence, regardless of whether the violence is directed against or witnessed by the child.
- Any other factors considered by the court to be relevant to particular child custody dispute.

*Related Forms:* [Motion Regarding Custody](#) and [Response to Motion Regarding Custody](#)

### **Child Custody Questions**

- Can a custody order be changed if both parents agree?

Both parents may sign an agreement and present an order to the court. If the judge approves and signs the consent order, it will then become the new custody order.

- Do I need an attorney to file a motion to change custody?

You may file the motion on your own, and the FOC will provide the forms and instructions that you will need. However, the court will expect you to follow the same rules that an attorney must follow. There are many complex issues in a custody case and most people prefer to have an attorney represent them. The FOC cannot file a motion for you, nor can that office provide you with an attorney or tell you what to say in the motion.

- Can the FOC assist parties in reaching an agreement regarding custody?

Yes. The FOC provides domestic relations mediation when there is a custody dispute and both parties agree to participate in mediation. (See Alternative Dispute Resolution in the [glossary](#) at the end of this document).

- If a motion for custody has been filed, and the parents cannot reach an agreement on their own, what will the friend of the court do?

The FOC must:

- Offer mediation services to the parties.
  - If the judge directs, investigate the custody issue and file a written report and recommendation based upon the “best interests of the child” factors listed in the Michigan Child Custody Act.
- May I receive a copy of the FOC’s custody report and recommendation?

Upon request, and before the court acts on the recommendation, the FOC must give each party or that party's attorney a copy of the report, including the custody recommendation and a summary of the information used in making the recommendation.

- What happens if I have custody according to the court's order, but the other parent does not return the child to me as required by the order?
  - You may contact the FOC office and request that it enforce the order.
  - You may contact your attorney.
  - If you believe the other parent will refuse to return the child, you may contact the police or the prosecuting attorney and ask either to file a parental kidnapping charge.
- How do I enforce the custody order if the other parent takes our child to another country?

When a child who is a U.S. citizen is illegally kept outside of this country, the U.S. State Department's Office of Children's Issues will work with the local U.S. embassy and the other country's government to assist the child and the lawful custodial parent. However, because child custody disputes are private legal disputes between the two parents, the State Department has no jurisdiction to force the other parent to obey a court order. If the parents cannot reach an agreement, this kind of child custody dispute often must be resolved by judicial proceedings in the country where the child and the other parent are living. The State Department will help the lawful custodial parent file the appropriate documents with the foreign authorities. It also will monitor and report on the foreign judicial or administrative proceedings.

- How do I contact the Office of Children's Issues at the U.S. Department of State?

You can write to: Department of State, Office of Children's Issues, SA-29, 2201 C Street, NW; U.S. Department of State, Washington, DC 20520-2818.

You also may call 1-888-407-4747, fax 202-736-9080, or go to the State Department's website for [foreign travel](#).

- Is the Friend of the Court allowed to investigate child abuse or neglect?

No, the FOC does not have that authority. Abuse or neglect should be reported (in the county where the custodial parent and children live) to the Department of Human Services' (DHS) Child Protective Services Division.

A judge will consider allegations of abuse or neglect when making a decision on custody or parenting time. The FOC office has a duty, when ordered by the court, to conduct custody or parenting time investigation. Concerns about abuse or neglect should be disclosed to the FOC during this type of investigation. However, both the judge and the FOC will rely on Child Protective Services to investigate and evaluate the abuse or neglect allegations.

- May my child enroll in my local school, even though the child lives in another school district with the other parent most of the time?

When the parents live in different school districts, Michigan law allows a child to attend a school in either district, regardless of which parent has custody. When a child regularly resides in two school districts, which often happens when the parents have true joint custody, the child may attend school in either or both districts.

## **PARENTING TIME (previously called visitation)**

A parenting time order specifies when a child will spend time with each parent. During parenting time, that parent is responsible for all routine decisions affecting the child. The Michigan Child Custody Act states:

“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. If the parents of a child agree on parenting time terms, the court shall order the parenting time terms . . . [unless it is shown] that the parenting time terms are not in the best interests of the child. 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.” (MCL 722.27a)

That statute also lists factors that the judge may consider when determining the frequency, duration, and type of parenting time. (MCL 722.27a[6]).

[\*Parenting Time Guidelines\*](#) are posted on the [Michigan Supreme Court](#)’s website.

## **Parenting Time Enforcement by the FOC**

The FOC is required to enforce parenting time orders. The FOC office usually will initiate enforcement action when it receives a written complaint stating specific facts that show a violation of an order governing custody or parenting time. However, the FOC may decline to respond for any of the following reasons:

- The alleged violation occurred more than 56 days before the complaint is made.
- The complaining party has previously made two or more similar complaints that were found by the court to be unwarranted and the complaining party has failed to pay the costs assessed in those prior proceedings.
- The court order does not include an enforceable parenting time provision.

The FOC starts enforcement proceedings by sending a copy of the written complaint to the accused party within 14 days after the FOC office receives the complaint. If it finds that the court’s order has been violated, the FOC may suggest “makeup” parenting time, start an action requiring the party to show cause why the court should not find the party

in contempt, file a motion to modify existing parenting time provisions, schedule mediation, or schedule a joint meeting with the parties.

## **Parenting Time Modification**

A party may file a motion to change the parenting time order. The FOC office has printed forms and instructions for filing this type of motion. You may want to hire an attorney to assist you with the motion.

*If both parents agree to change the parenting time arrangement, they may sign an agreement and present an order to the court. It is important to remember that, even though the parties have agreed to a change, the current order remains in effect until the judge signs a new order and it is filed with the county clerk.*

*Related Forms:* [Motion Regarding Parenting Time](#) and [Response to Motion Regarding Parenting Time](#)

*Related Publication:* [Mecosta Standard Parenting Time Schedule](#)

## **Parenting Time Questions and Answers**

- My order for parenting time states I will have “reasonable” parenting time. What does this mean?

An order that grants “reasonable” parenting time assumes that you and the other parent will agree to a parenting time schedule that is convenient for both of you and the child.

If you and the other parent cannot agree on a “reasonable parenting time” schedule you may:

- Ask the other parent to agree to attend mediation with the FOC or seek counseling (either with you or separately).
- Ask the FOC to determine whether the order is specific enough to allow the office to offer assistance.
- File a motion on your own or contact an attorney.
- My order lays out a specific parenting time schedule. I would like to change that schedule. What can I do?

First, ask the other parent to agree to a change. If you agree, then both of you should sign the agreement, or otherwise prove to the court that you agree. The judge usually will sign an order that is based on the parents’ agreement. Remember that the agreement by itself is not enforceable; it must first be converted into a new court order.

If you cannot agree on the changes, either parent may ask the FOC to mediate the dispute. The FOC will provide mediation services if both parents agree to participate. If no

agreement is possible, you may file a motion asking the court to order a new parenting time schedule. You may file the motion on your own, or have an attorney file it for you.

- The other parent is not making the child support payments required by our court order. Do I have to allow parenting time?

Yes, you must continue to obey the order's parenting time provisions. Ask the FOC to enforce the child support provisions. (see [Enforcement Methods](#)).

- The other parent is not sending or returning clothing or other personal items that our child uses during parenting time. Can the FOC can do something about that?

The FOC can only enforce the court's written orders. If your court order does not say anything specific about transferring clothing or other personal items, try to work it out with the other parent directly or with help, such as FOC mediation services. If that is unsuccessful, you may file a motion requesting a new court order that will require that clothing or other personal items be transferred along with your child before and after parenting time.

- The other parent is not obeying the parenting time order. What can I do?

File a written complaint with the FOC. (see [Parenting Time Enforcement](#)).

- If I think that the other parent is under the influence of alcohol or drugs, do I have to let the children go with that other parent for scheduled parenting time?

That is your decision as a parent. If you violate the court order in such a situation, you may have to explain your decision to the court at a "show cause" hearing held to decide whether you should be held in contempt of court for disobeying the parenting time order. That will be your opportunity to explain why your decision was in the best interests of the children. If the judge agrees, you will not be held in contempt or otherwise punished.

- The other parent will not let me telephone my children. What can the FOC do?

The FOC can only enforce the written orders of the court. If your court order does not provide for specific telephone call date and times, try to negotiate an agreement with the other parent. You may request FOC mediation or other methods of resolution. In addition, you may file a motion asking the court to modify the order to require that you be allowed to call your children.

- I think that my child is being abused during parenting time spent with the other parent. What should I do?

Report your concerns to the Department of Human Services' Child Protective Services Division in the county where the custodial parent and children live. The FOC does not have the authority to investigate abuse or neglect allegations, nor can it remove children



from the home of a person who commits or allows mistreatment. Only Child Protective Services can do that.

- My child does not want to spend time with the other parent. What can I do?

Parents must obey court orders regardless of the child's age and preferences. Each parent must try to promote a positive relationship between the child and the other parent. You may want to try the following:

- Work out a different arrangement with the other parent.
  - Seek counseling for your child, yourself, or the other parent.
  - Contact the FOC and request mediation.
  - File a motion asking the court to change your parenting time order.
- The other parent refuses to see our children. What can the FOC do?

The FOC cannot force a parent to see his or her children. To promote a positive relationship with the children and the other parent, you may wish to consider counseling, mediation, or filing a motion to change the parenting time order.

## **SUPPORT**

A support order is any order entered by the family division which requires the payment of support.

Support may include:

- Child support.
- Spousal support.
- Payment of confinement expenses (these are the mother's costs related to the birth).
- Payment of child care expenses.
- Payment of medical, dental, and other health care.
- Payment of educational expenses.

All support orders must be stated in a monthly amount which is due on the first day of the month. When an order takes affect on a day other than the first day of a month, or ends on a day other than the last day of the month, the support amount must be prorated for the partial month. Support is past due if it is not paid by the last day of the month in which it became due.

## **Support Investigations and Reports**

The FOC is required to periodically review an order's child support provisions, including health care. The FOC will ask the court to modify the order if a change is warranted (see [Modification of a Support Order](#)). As part of this periodic support review, the FOC may

request information from a parent's employer. That includes things like the parent's address, social security number, date of birth, earnings, and the details of any dependent health care coverage that is available as a benefit of employment. If a court so directs, the FOC will, in addition to the periodic reviews summarized above, evaluate the current order's support provisions and submit a written report and recommendation to the parents (or their attorneys) and the judge.

### **Child Support Formula**

Michigan law requires a standard child support formula to be used to determine how much child support a parent must pay. That standard formula considers the parents' incomes, how many children they have, and other factors. The court may set a support amount that differs from the formula number, but only if the judge explains in writing or during a court hearing why the formula number is "unjust or inappropriate". For more information about the child support formula, see [Facts About the Michigan Child Support Formula@ \(PSA 24\)](#).

More information is available on the [Michigan Supreme Court's](#) website.

### **Support Payments**

Unless otherwise ordered, support is paid through the Friend of the Court or the [State Disbursement Unit \(SDU\)](#). **Payments may be mailed to Michigan SDU, P.O. Box 30351, Lansing, MI 48909.**

When support received by the SDU sufficiently identifies to whom the support should be paid, it must be forwarded to the recipient within two business days of receipt.

*Related Form:* [Direct Deposit Authorization Form](#)

Support is normally paid through income withholding. If you are paying directly, please include your case number at the time of payment. Do not send cash through the mail.

Once a year, upon written request, the friend of the court will provide parties with a free statement of their account.

### **Statutory Service Fees**

Michigan law requires the friend of the court to charge the payer of support a fee for all child support cases. The current fee is \$42 per year.

### **Surcharge on Overdue Support**

Surcharges are added on January 1 and July 1 each year. The surcharge equals the average interest rate on money judgments, plus one percent. If the support payer has paid 90 percent or more of the support that was due in the previous six months, no surcharge

will be assessed. The court can also order that no surcharge be assessed, but a motion must be filed first.

### **Automatic Support Enforcement**

When support payments are more than one month past due, the FOC must begin enforcement action without waiting for a request for enforcement.

### **Enforcement Methods**

The friend of the court has several methods of collecting past due support. They include:

- **Immediate Income Withholding**

The FOC can require the support payer's employer (or other income source) to withhold some of the support payer's income and send the money to the MiSDU. The payer will be notified when the income withholding is issued. The payer has a right to challenge the income withholding at an administrative hearing. Also, the FOC can administratively adjust (usually by increasing) the income withholding, but the FOC office must first send the payer a notice of arrearage. The payer can object to the adjustment after receiving the notice of arrearage.

Most support orders entered or changed after December 31, 1990, must provide for income withholding even without a showing that the support payer has missed payments or is likely to do so. A judge who does not want to require income withholding must find "good cause" for departing from the general rule. Good cause exists when:

*All of the following exist:*

- The court makes a specific written finding that income withholding is not in the best interests of the child;
- All previously ordered support has been paid on time; and
- The payer agrees to keep the FOC informed of the name, address, and telephone number of his/her current source of income, and about any health care coverage offered by the payer's employer or coverage that the payer purchases directly from a health insurer.

*Or*

- Both parties and the court agree that income withholding will not take effect immediately because a satisfactory alternative payment arrangement has been made. Even in this situation, the payer must keep the FOC informed of the name, address, and telephone number of his/her current source of income, and about any health care coverage offered by the payer's employer or coverage that the payer purchases directly from a health insurer.

- **Contempt of Court (Show Cause) Hearing**

If support is not paid on time, the FOC or a party may begin a contempt action against the payer. The court will order the payer to appear in court and “show cause” why the court should not find the payer “in contempt of court.” For more information about show cause proceedings, see [Show Cause Proceedings in Domestic Relations Cases@ \(PSA 25\)](#).

Enforcement Officers present cases scheduled for enforcement before a staff attorney or Judge. The Friend of the Court does not directly represent either party in such a proceeding. The Enforcement Officer presents information from Friend of the Court records and may make a recommendation at the hearing. If an agreement is reached, the staff attorney will prepare an order by consent. If the parties are unable to agree, the Judge will make the actual decision as to the disposition. The Court may issue a bench warrant for parties that fail to appear at court ordered hearings and for failure to comply with prior show cause orders.

- **Income Tax Intercept**

If child support is overdue and the case otherwise satisfies certain statutory requirements, the FOC must request an income tax “intercept.” In such cases, any tax refund to which the support payer is entitled will be paid to the FOC, which will apply the money to pay past due support. For more information about tax intercepts, see [Tax Refund Offset Program@ \(PSA 13\)](#).

- **Other Enforcement Remedies**

If the payer is more than two months behind on the support payments, the FOC must report the arrearage to a consumer credit reporting agency and the court may suspend the payer’s driving, occupational, sporting, or recreational licenses. Also the FOC may place a lien on the payer’s real and personal property, which then can be sold to pay the support arrearage. For more information, see: [Friend of the Court Enforcement of Domestic Relations Orders \(PSA 27\)](#) and [Information About Using Liens to Obtain Past Due Support \(PSA 23\)](#).

- **Criminal Nonpayment of Support**

Under federal and Michigan law, failing to pay child support may be a felony criminal offense. The FOC does not have the authority to bring felony charges. Charges based on Michigan law are filed and prosecuted by county prosecutors or the Attorney General. Federal charges are filed and prosecuted by the United States Attorney’s office.

- **Health Care Enforcement**

The court may order one or both parents to provide health insurance coverage for the children. If the court orders a parent to obtain available health insurance coverage from an employer and the parent fails to do so, the FOC will send a medical support notice to

the parent's employer. The employer then must enroll the employee's children in the employer's plan and deduct the premiums from the employee's wages.

Some health care expenses are not covered by typical health care plans. Therefore, the court's support order also will require each parent to pay a percentage of those "noncovered expenses." As of October 1, 2004, some support orders will require that some of the noncovered health care expenses be included with the child support payment and paid in advance. These noncovered expenses are often referred to as "ordinary health care expenses." Ordinary health care expenses include things such as co-payments, deductibles and over-the-counter expenses. The FOC will help collect the other parent's share of those noncovered medical expenses if the following four conditions are satisfied.

- The amount exceeds the yearly annual ordinary amount in the order or the requesting parent is the support payer.
- One parent requested payment from the other parent within 28 days after receiving an insurer's determination that an expense was not covered.
- The other parent did not pay within 28 days after the request for payment was made.
- The Friend of the Court's assistance is requested within one year after incurring the expense, or within six months after the insurer has denied coverage, or within six months after the other parent failed to pay as required.

If the FOC receives a parent's request that meets those four requirements, the FOC will notify the other parent that, if no objection is filed within 21 days, the unpaid amount will become a support arrearage and subject to any of the enforcement processes summarized earlier. If an objection is filed, the FOC must schedule a court hearing to decide who is responsible for the amount that the health insurer did not pay.

*Related Forms:* [Request for Healthcare Expense Payment](#) and [Complaint for Enforcement of Health Care Expense Payment](#)

(NOTE: Normally, both forms are completed together.)

*Related Publication:* [Uninsured Healthcare Expenses Brochure](#)

## **Modification of a Support Order**

The FOC will review child support orders automatically once every 36 months if the child or one of the parents is receiving public assistance. In other cases, the FOC will conduct a review on written request by a party, but not more often than once every 36 months. If you need an immediate change in the support amount because of a change in your income or the other parent's income, you should file a court motion requesting the change. Simply notifying the FOC that one parent's financial situation has changed cannot automatically change the ordered support amount.

## **Threshold for Modification of the Support Order**

The FOC will ask the court to change the required monthly support payment if the difference between the current support amount and the amount determined by the standard child support formula (using the parties' most recent income data) is at least 10 percent or \$25.00 per month, whichever is less. If the difference between the current support amount and the current formula amount is less than that minimum threshold, the FOC is not required to request a change.

### **Party's Motion to Modify the Support Order**

A party may file a motion to change the support order. The office of the friend of the court will provide forms and instructions to any party who wishes to file this type of motion without the assistance of an attorney. A party may also contact an attorney to file a motion requesting a change in the amount of support.

*Related Forms:* [Motion Regarding Support](#) and [Response to Motion Regarding Support](#)

### **Agreement to Modify the Support Order**

If the parties agree to change the support amount to a different amount determined by the child support formula. Both parents may sign an agreement and present an order to the court. Once the order is signed by the judge, and filed with the county clerk, it becomes the new support order.

### **Retroactive Modification of Support Generally Not Allowed: Exception**

Once child support is ordered, a later increase or decrease in the support amount generally cannot apply to any time period before the motion for a change was filed. Michigan law recognizes one exception to that rule: a court may modify support retroactively if a party who has been ordered to do so has intentionally failed to report an income change to the friend of the court or has made a report that misrepresented that party's income.

### **Support Questions and Answers**

- How do I get an order for child support?

If no one has yet commenced a civil lawsuit that raises the child support issue, you first must file a complaint that includes a request that the court enter a child support order. If you and the other parent agree to establish support at the amount determined by the standard child support formula, you may sign an agreement. Once that agreement is put in the form of an order, signed by the judge, and filed with the county clerk, it becomes the court's support order. If you cannot agree to follow the formula, the judge will determine the appropriate support amount.

- Do I need an attorney to get a support order?

You are not required to have an attorney. However, you may find that you need an attorney's help to file the correct papers and otherwise follow the court rules.

- May I receive child support after my child reaches age 18?

Child support can continue up to age 19 ½ if the child attends high school on a full-time basis with a reasonable expectation of completing sufficient credits to graduate and the child continues to reside on a full-time basis with the person who receives the support payments.

- If I have been paying child support as required by the court's order but the custodial parent will not allow me the parenting time required by that order, do I have to keep paying support?

Yes, an order's parenting time and child support provisions are enforced separately (see [Parenting Time Enforcement](#)).

- The other parent is not paying child support as ordered. What can I do?

Contact the FOC for enforcement help if the other parent is more than one month behind on the support payments. You may also hire an attorney to start enforcement proceedings.

- My court order says to pay support through the Michigan State Disbursement Unit. May I pay the other parent directly?

No, and you might not receive credit for payments made directly to the other parent.

- If I am receiving TANF or Family Independence Program (FIP) public assistance, may I also receive child support?

No, in that situation, the MiSDU must send any support payments that it receives from the other parent to the Department of Human Services to offset the public assistance that you received.

- Will FOC make sure that child support money is spent on the children?

No, the law does not authorize the FOC to investigate how the custodial parent spends child support payments. However, the court may change the custody or support arrangements if you can show that the custodial parent has neglected the children's needs.

- Will the court modify the support order if the payer is in jail or prison?

The support amount is determined by the standard child support formula, which considers the parties' incomes. The FOC is required to initiate a review within 14 days of receiving notice that a parent has been incarcerated or released from incarceration.

## QUESTIONS REGARDING MISCELLANEOUS ISSUES

### Change of Domicile/Change of Legal Residence

- **How do I get the court's approval to change the children's residence outside of the state of Michigan?**

Parties may agree to a change of domicile (residence) by signing an agreement (stipulation). Once this agreement is put in the form of an order and signed by the judge, it will become an order of the court.

- **If you and the other parent cannot agree upon a change of domicile, you may:**
  - Contact the other parent and see if he or she will agree to mediation; or
  - File a motion on your own, or contact an attorney to help you file the motion. (see [Domicile/Legal Residence Factors](#)).

Notifying the friend of the court or filing a motion does not allow you to move your children farther than allowed by the order. You must obtain a court order granting a change.

**Related Forms:** [Motion Regarding Domicile](#) and [Response to Motion Regarding Domicile](#)

- **How do I get the court's approval to change the children's residence outside of 100 miles from my legal residence?**

Parties may agree to a change of domicile (residence) by signing an agreement (stipulation). Once this agreement is put in the form of an order and signed by the judge, it will become an order of the court.

If you and the other parent cannot agree upon a change of domicile, you may:

- Contact the other parent and see if he or she will agree to mediation; or
- File a motion on your own, or contact an attorney to help you file the motion. (see [Domicile/Legal Residence Factors](#)).

Notifying the friend of the court or filing a motion does not allow you to move your children farther than allowed by the order. You must obtain a court order granting a change.

**Related Forms:** [Motion Regarding Legal Residence](#) and [Response to Motion Regarding Legal Residence](#)

### Domicile/Legal Residence Factors



A child whose parental custody is governed by court order has, for the purposes of this section, a legal residence with each parent. Except as otherwise provided in this section, a parent of a child whose custody is governed by court order shall not change a legal residence of the child to a location that is more than 100 miles from the child's legal residence at the time of the commencement of the action in which the order is issued.

A parent's change of a child's legal residence is not restricted by subsection (1) if the other parent consents to, or if the court, after complying with subsection (4), permits, the residence change. This section does not apply if the order governing the child's custody grants sole legal custody to 1 of the child's parents.

This section does not apply if, at the time of the commencement of the action in which the custody order is issued, the child's 2 residences were more than 100 miles apart. This section does not apply if the legal residence change results in the child's 2 legal residences being closer to each other than before the change.

Before permitting a legal residence change otherwise restricted by subsection the court shall consider each of the following factors, with the child as the primary focus in the court's deliberations:

- Whether the legal residence change has the capacity to improve the quality of life for both the child and the relocating parent.
- The degree to which each parent has complied with, and utilized his or her time under, a court order governing parenting time with the child, and whether the parent's plan to change the child's legal residence is inspired by that parent's desire to defeat or frustrate the parenting time schedule.
- The degree to which the court is satisfied that, if the court permits the legal residence change, it is possible to order a modification of the parenting time schedule and other arrangements governing the child's schedule in a manner that can provide an adequate basis for preserving and fostering the parental relationship between the child and each parent; and whether each parent is likely to comply with the modification.
- The extent to which the parent opposing the legal residence change is motivated by a desire to secure a financial advantage with respect to a support obligation.
- Domestic violence, regardless of whether the violence was directed against or witnessed by the child.

Each order determining or modifying custody or parenting time of a child shall include a provision stating the parent's agreement as to how a change in either of the child's legal residences will be handled. If such a provision is included in the order and a child's legal residence change is done in compliance with that provision, this section does not apply. If the parents do not agree on such a provision, the court shall include in the order the following provision: "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 section 11 of the "Child Custody Act of 1970", 1970 PA 91, MCL 722.31."

If this section applies to a change of a child's legal residence and the parent seeking to change that legal residence needs to seek a safe location from the threat of domestic violence, the parent may move to such a location with the child until the court makes a determination under this section.

### **Enforcement of Judge's Verbal Ruling**

- **Why won't the FOC enforce what the judge said in court, even if it's not in the written order?**

The FOC's authority is limited to enforcing written orders. If you think a written order does not say what the judge said in court, first tell the person who prepared the order and request a change. If necessary, you can file a motion that asks the court to correct the order.

### **Property Settlement**

- **Can the FOC enforce property settlement provisions in my judgment of divorce?**

No, the FOC has no authority to enforce the court's property-division order. The court itself will enforce that order. If the other party does not comply with an order, you may file a motion asking the court to enforce the order.

### **Access to Friend of the Court Records**

- **May I review the FOC file for my case?**

Parties and their attorneys are entitled to see most of the information in their FOC file. There are exceptions for certain confidential documents. See Michigan Court Rule 3.218. The FOC may charge a reasonable fee for copying records.

- **May other persons see my friend of the court file?**

A FOC file is not public information.

### **Access to Other Records**

- **May I see my child's school, medical, and other records if my child lives with the other parent?**

Michigan law gives both parents the right to see certain records, regardless of the custody arrangement, including medical, dental, school, and day-care records. In addition, both parents are entitled to receive advance notice of meetings that concern their child's education. However, the FOC cannot enforce that law. You may wish to consult an attorney if you are denied any of those rights.

## **Adoptions, Marriages and Other Acts of Emancipation.**

- **What happens to my child support order and any support that may be owed if my minor child is adopted, marries, or enters the military service?**

When any of those “emancipating events” occur, the court will grant a motion ending the obligation to pay further child support. Copies of adoption orders, marriage records, or military service records should be provided to the court. Any overdue support must still be paid.

- **Will the FOC help find a missing parent?**

Yes, the state and federal governments have a parent locator service that may be used to locate a parent for any of the following purposes:

- Collect child support.
- Obtain a court order on child custody or parenting time matter, or enforce an existing order of either type.
- Enforce state or federal law prohibiting the unlawful taking or restraint of a child.

When using the parent locator service, the following information is very helpful:

- The missing parent’s full name, date of birth, and social security number.
- The missing parent’s last known address.
- Services or their designees.

## **TOP FAMILY LAW MYTHS**

- Myth: There is a magic age in Michigan where a child gets to decide where he/she wants to live.

Fact: The preference of a child is one of twelve factors when considering a custody change. The age and maturity of a child may be considered by the court when considering a custodial change.

- Myth: Joint physical custody means equal parenting time with both parents and no child support.

Fact: Joint physical custody may result in an array of parenting time arrangements to fit the needs of child/ren and support is calculated accordingly.

- Myth: We each have a child living with us therefore neither of us should pay support.

Fact: There is no child support amount attached to each child. The child support guidelines calculates child support based on each parent's actual income or the ability to earn income.

- Myth: If I can't see the children, I don't have to pay child support / If I didn't get child support, I don't have to send the children.

Fact: Child Support and Parenting Time are considered separate issues for enforcement purposes.

- Myth: A parent can sign off his/her parental rights.

Fact: The prosecuting attorney may file a petition to terminate parental rights in cases of severe abuse and neglect, however a parent cannot sign a document that releases his/her responsibility to support the child.

- Myth: I have the right to know how the child support money I pay is being spent.

Fact: There is no law that mandates the recipient of support account for how he/she spends the support money.

- Myth: If I send a letter stating I'm unemployed, the FOC will change the amount I pay for child support.

Fact: Child support can only be modified by either filing a petition or requesting a review of support if it has been three years since the last review of support.

- Myth: If I tell something to one person in the government, everyone else in the government who needs to know will find out about it.

Fact: Reporting of information must be done in writing directly to the Friend of the Court office.

- Myth: Even though the order says I must pay child support through the Friend of the Court, I can make support payments directly to my ex without consequences.

Fact: Direct payments are considered gifts and will not be credited against your support account unless a signed written request to forgive such money is sent to the FOC by the recipient of support.

- Myth: If I send a letter stating that my ex and I have reconciled, FOC will stop charging child support.

Fact: To modify a court order regarding child support, a petition must be filed or a written request to review support must be made if it has been three years since the last support review.

- Myth: My intercepted tax return will cover the child support so therefore I don't have to send in this month's support.

Fact: Child support must be paid on a monthly basis. Intercepted taxes may take up to six months to be applied to the account.

- Myth: My child told me that my ex was mean and yelled at her last weekend and she doesn't want to go back; therefore she should not have to go.

Fact: The court order regarding parenting time must be adhered to. The custodial parent is responsible for ensuring the child follows the court ordered parenting time and risks being in contempt of court if the order is disobeyed.

- Myth: I am unhappy at work. If I quit my job and take a lower paying job or start my own business, child support will be reduced to reflect this change.

Fact: If a payer of support quits a job, the court may view the act as an unexercised ability to earn income and refuse to modify the support amount.

- Myth: My children are with me during the school break, therefore I do not have to pay child support during this time.

Fact: Child support must continue to be paid on a monthly basis even though the children may be residing with the payer of support. Most orders entered into prior to October 1, 2008 allow for the payer of support to get a 50% retroactive abatement when the child spends six or more consecutive overnights.

- Myth: If I write a letter to the FOC saying I am injured and cannot work, child support will stop.

Fact: Child support will continue to charge and FOC will enforce support until the order is modified by the court.

- Myth: The other parent has not seen my child in a long time therefore he/she no longer has any parenting time rights.

Fact: The FOC will continue to enforce the parenting time until the order is modified by the court.

- Myth: My Ex and I have come to an agreement about parenting time and child support. If I send our agreement to FOC the court order is changed to reflect our agreement.

Fact: The Friend of the Court will continue to enforce the parenting time and child support order until the order is modified by the court. A petition must be filed to modify the court order.

- Myth: My child is involved activities that take precedence over parenting time. The other parent must make arrangements for the child to participate during his/her parenting time.

Fact: Each parent decides what activities the child participates in, if any, during his/her parenting time.

- Myth: My child is now living with me. If I write a letter telling the FOC this, custody will change and child support will stop.

Fact: If the child is residing with the payer of support on a permanent full time basis, the child support may be abated to reflect this change, but custody will not change until a petition is filed to modify the order.

## SMILE PROGRAM

**What is SMILE?** It is an educational program for divorced/separated parents with minor children. It provides information to help parents better the effects of divorce/separation. It assists parents to understand the needs of their children. It helps parents learn what they can do to create a nurturing environment so their children can cope with the divorce/separation and feel good about themselves. It provides information to prevent destructive game playing that is very common among divorced/separated couples and their children. It helps parents gain problem solving skills. It lets parents know they are not alone. It allows parents an opportunity to learn the functions the Friend of the Court provides. It provides information regarding custody, parenting time and child support.

**Why is SMILE important?** Separation and divorce is a process over which children have no control. Children should not be its victims. When parents are under stress, it is harder to be in touch with their children's pain and anguish. It takes time, effort and planning on the part of the parents to provide for the children's needs. In the crisis of divorce/separation, parents may put the children on hold while they attend to adult problems first. Sometimes divorced/separated parents find their roles and expectations are undefined and cloudy. If handled properly, divorce/separation need not be devastating for children.

[Smile Program Handbook](#) You can view and print the SMILE Program Handbook from this link. Takes approximately one minute to download at 56k.

2015 DATES	
6-8pm	2-4pm
January 20	February 17
March 17	April 21
May 19	June 16
July 21	August 18
September 15	October 20
November 17	December 15

**Cost: Free**

**Location:**

Green Charter Township Hall  
21431 Northland Drive  
Paris, MI 49338

**Directions & Map:** The Green Charter Township Hall is conveniently located. Go to [MapQuest](#)© to get a map and directions from your location to the Green Charter Township Hall.

The SMILE program also offers information about  
CUSTODY, PARENTING TIME and CHILD SUPPORT

Come find out the answers to these questions, and more...

- Is there a certain age in Michigan when a child gets to decide where he/she wants to live?
- If we share the child equally, isn't it true that no one will have to pay child support?
- If we each have a child living with us, wouldn't that mean that neither of us would pay support?
- Can I sign off my parental rights?
- Do I still have to pay support if I'm not seeing my child?
- Can I request to find out how my child support money I pay is being spent?
- Will my support go down when I'm unemployed?
- Do I still have to send the child if the other parent is not paying child support?
- Can I can make support payments directly to my ex?
- Why does FOC have a case for us if we're together? What happens if we get married?
- When do kids decide if they will go on parenting time?
- What things can I control when the children spend time with the other parent?
- What happens if we've worked everything out on our own?
- Does my ex have to take our child to extracurricular activities?
- What do I do if my ex refuses to send the children?
- Can both parents take the child to the doctor?



## COMPLAINTS

### Friend of the Court

- How do I file a complaint about the FOC?

The Friend of the Court Act includes a grievance process. You may use it to complain about an FOC office's operations or employees. A grievance may not be used to change the friend of the court's recommendation in your case, or to challenge a referee's recommendation or a judge's decision. Depending on the subject of your grievance and when you file it, you will receive a response from the FOC, the chief judge, or the local citizen advisory committee.

You can file a grievance in two ways:

- You may file a grievance about the FOC office's operations or employees with the local FOC office. You should use a grievance form that you can get from your local FOC office or from the [Michigan's One Court of Justice](#) website.

Within 30 days, the FOC must investigate your grievance and respond in writing or explain why a response cannot be provided within that time. If you are not satisfied with the FOC's response, you may file the same grievance with the chief circuit court judge.

- You may file a grievance about office operations with the citizen advisory committee.

Grievances filed with the citizen advisory committee may complain about only the friend of the court's office operations, not individual employees. Since the committee's role is advisory, it cannot decide the grievance. However, if the committee or subcommittee is reviewing, investigating, or holding a hearing on a grievance, the meeting will be closed to the public. After the committee or subcommittee meets, it then can report its findings to the chief judge and the county board of commissioners.

### Court Order

- How do I complain about a court order?

If you are represented, discuss your legal options with your attorney. Options include filing a motion for a rehearing or filing an appeal.

Orders are not changed under the grievance procedure or by complaints to other government agencies

## **Judge or Referee**

- How do I file a complaint about the conduct of a judge or referee?

The Judicial Tenure Commission reviews complaints that allege misconduct by judges or referees. The Commission can recommend that the Michigan Supreme Court discipline a judge or referee who has acted unethically. However, the Commission is not a court; that means that it cannot change a court order or a referee's recommendation. To obtain that relief, you must either seek rehearing by the same court or file an appeal.

If you wish to file a complaint about misconduct by a judge or referee, contact:

Judicial Tenure Commission  
Cadillac Place, Ste 8-450  
3034 W. Grand Blvd.  
Detroit, Michigan 48202  
(313) 875-5110

## **Attorney**

- How do I file a complaint about my attorney?

The Attorney Grievance Commission investigates complaints of misconduct by Michigan attorneys. If you wish to file a complaint (called a "request for investigation"), contact:

Attorney Grievance Commission  
Marquette Building, Suite 256  
243 West Congress Street  
Detroit, Michigan 48226  
(313) 961-6585

## **Other Local Human Services Agencies**

Your local FOC office may be able to provide a list of local human service organizations that can assist you in ways that the FOC cannot.

## GLOSSARY OF FREQUENTLY USED TERMS

**Abatement:** A reduction in child support based on the order (commonly 50% for six or more consecutive overnights).

**Adjournment:** Postponing or putting off a case or session of court until another time or place.

**Affidavit:** A written statement of fact that is verified by oath or affirmation.

**Alimony:** See spousal support.

**Alternative Dispute Resolution (ADR):** Alternative methods to help people resolve legal problems before going to court. ADR involves an independent third person, called a "neutral" who tries to help resolve or narrow the areas of conflict.

**Arrearage:** Money which is overdue and unpaid.

**Bench Warrant:** A court order for the arrest of a person, so that he or she may be brought before the court.

**Chief Judge:** In courts with two or more judges, one judge is selected as chief judge. The chief judge is the director of the administration of the court.

**Contiguous:** Being in actual contact; touching along a boundary or at a point.

**Domestic Relations Action:** Any action involving divorce, paternity, custody, parenting time, and support is considered a domestic relations action.

**Domicile:** The permanent home to which a person, when absent, always intends to return.

**Evidence:** The testimony of a witness, documents, or other items presented to a court to prove a fact.

**Department of Human Services (DHS):** The state agency that provides public assistance to families. The Child Protective Services and the Office of Child Support are divisions of DHS.

**Family Division of Circuit Court:** The division of the circuit court responsible for hearing cases about families and their children. The family division hears domestic relations matters, as well as juvenile matters formerly heard by the probate court.

**Friend of the Court:** In this website, depending on the context, "friend of the court" usually means an office that assists the circuit court's family division. The office investigates, makes recommendations and helps enforce orders that affect minor children. "Friend of the Court" also is the formal title of the person in charge of that office.

**Grievance:** A formal complaint filed for reason of unsatisfactory compliance with specified regulations.

**Hearsay:** A statement made by a person who is not in court, which is repeated in court to prove a fact. Most hearsay evidence is not allowed as evidence in court.

**Joint Custody:** An order of the family division which provides:

1. Parents will share in major decisions affecting their children (joint legal custody); or
2. Children will live with one parent part of the time and the other parent part of the time (joint physical custody).

**Jurisdiction:** The power of the court to decide cases before it. This power depends on the type of case and how closely connected the parties are to the county where the court is located.

**Legal Residence:** A child whose parental custody is governed by court order has a legal residence with each parent.

**Motion:** A formal request made in writing to the court. A motion is sometimes called a petition.

**Order:** The written and signed decision of the court.

**Party:** A person legally involved in a particular action.

**Payee:** The person, or agency, to whom support is sent. Also known as recipient.

**Payer:** The person who is ordered to pay support. Also known as an obligor.

**Petition:** See motion.

**Pleadings:** Papers filed by a party in a lawsuit stating claims against the other party, or the other party's defenses to those claims.

**Reconciliation:** When parties to a domestic relations action are attempting to work out their differences and remain as a family unit.

**Show Cause Hearing:** A court hearing which is held so that a person can present reasons why he or she should not be considered in violation of a specific court order. Also known as a "Contempt of Court" hearing.

**Spousal Support:** Money ordered to be paid permanently or for a specified period of time to support a spouse or former spouse.

**State Disbursement Unit:** A state office which collects and distributes support payments in accordance with the court's orders.

**Statute of Limitations:** In civil matters, the time limit on the right to seek relief in court for damages.

**TANF:** Temporary Assistance for Needy Families. Replaced Aid to Families with Dependent Children (AFDC or ADC). In Michigan, known as Financial Independence Program (FIP).

**Testimony:** The statement of a witness under oath which is given as evidence.

**Transcript:** A word for word record of proceedings at a hearing.

**Waive:** To give up a right, claim or privilege.

**Witness:** One who testifies to what (s)he has seen, heard, or otherwise observed.

## HELPFUL LINKS

[Michigan Office of Child Support](#)

[Department of Human Services](#)

[State Court Administrators Office](#)

[Federal Office of Child Support Enforcement](#)

[Michigan State Disbursement Unit](#)

[Friend of the Court Handbook](#)

[Smile Program Handbook](#)

## **DISCLAIMER**

Although this website is periodically reviewed and updated to include information to help answer the most common questions, what follows is not an exhaustive list of all policies, civil procedure or domestic relation laws. To ensure you are fully informed it is always advisable you either research your issue at a public law library or you consult with an attorney. As for the materials and information made available throughout this website, the Mecosta County Friend of the Court is not responsible for the accuracy, adequacy, or completeness, or for the results obtained by using them.