

This handbook is designed to acquaint you with the services of the Ottawa County Friend of the Court Office and to assist you in dealing with the Office. Chances are good that there will be a relationship between your family and the Friend of the Court for several years to come. We want this relationship to be a good one, and we hope that the following information will help.

Jennell Challa
Ottawa County Friend of the Court

*This handbook was most recently updated in 2008. Changes to law or policy may have occurred since this handbook was published. The Friend of the Court web site may contain updated information. (Please see www.miottawa.org/FOC)

TABLE OF CONTENTS

Your Friend of the Court Office	
The First Step	
Other Domestic Relations Matters	
Child Custody	
Child Support	
MiSDU information	
Changes in Address, Employer and Health Insurance	
Support Reviews	
Child Support Guidelines	
Public Assistance (TANF) and Child Support	
Arrears Surcharge	
Handling and Processing Fees	
Year End Statements	
Parenting time	
Enforcement of Parenting Time	
Who's Who at the Friend of the Court	
Communications/Mailing Address	
Interstate Support Enforcement	
Amendments to Judgments	
Moving a Child's Residence	
Referral Services	

Domestic Relations Mediation
Other Human Services
Grievance Procedure
Time Savers
Request for Services
Opt Out
Spousal Support
Reconciliations and Dismissals

YOUR FRIEND OF THE COURT OFFICE

Divorce or any other kind of family dispute is difficult for everyone, but it can be particularly traumatic for minor children. The Friend of the Court Office is part of the 20th Judicial Circuit Court – Family Division (herein referred to as “Family Court”) and is responsible for protecting the rights and interests of the children in domestic relations matters. The Friend of the Court Office has the following statutory duties:

- 1) To investigate, report, and recommend to the Family Court which parent (or in rare cases, a person other than a parent) should have custody of minor children, when ordered to do so by the Family Court.
- 2) To enforce all child support orders, including medical support orders, entered by the Family Court.
- 3) To insure that children's rights to parenting time with the non-custodial parents are protected, and to enforce parenting time rights ordered by the Family Court when parenting time is denied.

You may seek help in one or more of these areas. The following information is designed to help you understand what the Friend of the Court can do in a variety of situations, and how you may go about getting help. In order to receive services from the Friend of the Court office you will need to sign a “request for services” form that indicates that you are requesting services under Title IV-D of the Social Security Act.

THE FIRST STEP

When a divorce action involving minor children is filed in Ottawa County, the Friend of the Court immediately goes to work. Within a few days of filing, the Parties receive notice of a meeting with the Family Services Coordinator. This meeting is called a

"Coordination Conference." The coordination conference is designed to ensure that the rights of the children are immediately protected by the entry of Family Court Orders for temporary custody, support and parenting time.

Marriage is a legal contract, and it requires legal action--a lawsuit--to dissolve it. But this does not mean that anyone associated with the Court system--the lawyers, the Judges, or the Friend of the Court staff--wants the parents to fight over the issues, particularly when the interests of the children are concerned. To the contrary, experts in the field agree that the interests of minor children in divorce situations are best protected when their parents can reach agreements with minimal Court involvement.

For this reason, the Family Services Coordinator concentrates on determining whether the parents have already reached agreement on any issues. If not, the Family Services Coordinator will assist them in reaching agreements through informal mediation. If an agreement is reached, an Interim Order will be prepared for entry by the Court. If no agreement is reached, the Family Services Coordinator will prepare an Ex-Parte Order for custody, support, and parenting time based on the child's best interests. The Ex-Parte Order will be entered immediately by the Family Court.

After entry of the Interim or Ex-Parte Order, either Party may file a written objection with the Family Court and a hearing will be scheduled. If the Interim or Ex-Parte Order is modified as a result of the hearing, the new Order will be made effective the date of the initial Order. However, until the Family Court changes either Order, the Interim or Ex-Parte Order is enforceable and must be complied with.

OTHER DOMESTIC RELATIONS ACTIONS

The Family Court and the Friend of the Court are involved in other kinds of family actions besides divorce. These include:

- 1) Actions for Separate Maintenance: This is a "legal separation" where the Plaintiff does not seek the dissolution of the marriage. Although there are important legal distinctions between this action and a divorce, the Friend of the Court plays the same role as in divorce proceedings.
- 2) Paternity Actions: These actions establish a child's legal father. These actions are most often brought by the Prosecuting Attorney but may be brought by a Party through a private attorney. Child support is also set in a paternity action.
- 3) Family Support Act Actions: These actions seek a support Order when a parent has left the home and no divorce action has been filed. Again, these actions are typically brought by the Prosecuting Attorney but may be brought by Parties through private attorneys.

- 4) Interstate Actions: Michigan is a signatory to the Uniform Interstate Family Support Act (UIFSA), the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), and the Model Interstate Income Withholding Act. These laws are designed to assist support payees in other States secure enforcement of support obligations against payers who live in Michigan, or to secure enforcement in other States against support payers who do not live in Michigan.

If a case is a paternity action, family support action, or interstate action, coordination conferences are not held with the Family Services Coordinator except by special Order of the Family Court. Nevertheless, the Friend of the Court has the duty to enforce all support Orders and parenting time Orders that are entered by the Ottawa County Family Court. Mediation services are available in all of these matters if both Parties are willing to participate. Additionally, the Friend of the Court will seek to enforce parenting time Orders from other States if the children live in Ottawa County.

CHILD CUSTODY

Most divorcing parents are able to agree upon custody arrangements for their children. The Friend of the Court is committed to promoting agreements between parents, and can advise and assist parents who are able to reach agreements.

A custody dispute between separated or divorced parents is a stressful and agonizing ordeal for children. It is also painful for the parents, and the legal costs associated with a custody dispute are usually far more expensive than expected. Generally, no one wins in a custody dispute. Even when a party “wins,” so to speak, because the Family Court grants him/her custody, the children involved nearly always lose in some way.

The procedures adopted by the Family Court are designed to encourage settlement between the parents. Investigation by the Friend of the Court Office and the actual custody trial are last-resort measures, which are employed only after all efforts to resolve the dispute in a non-adversarial manner have failed. The Family Court's emphasis is placed upon enabling parents to co-parent cooperatively.

Custody disputes typically revolve around issue of joint custody. The law recognizes two distinct types of joint custody. “Joint legal custody” means that the parents share decision-making authority in important decisions affecting their children, and must consult with each other to reach joint parental decisions. “Joint physical custody” means that the Parties also attempt to split parenting time with the children on a more or less equal basis. The emphasis in both situations is upon cooperation and communication between the parents. The Court recognizes the importance of both parents remaining involved in the lives of their children after separation and divorce.

The Family Court's procedures for custody assessments are set forth below. If you intend to file a petition for custody assessment, please be advised you will need to comply fully with the Friend of the Court.

- 1) Filing the Petition and Answer: The Party seeking a custody assessment, whether it is a pre-judgment action or post-judgment action, must file a Petition for Custody Assessment. The Petition must set forth information that relates to the “Best Interest” factors of the Michigan Child Custody Act. After a Petition for Custody Assessment has been filed, the Judge will sign an order for the Friend of the Court to conduct a custody assessment. Petition forms are available from a Friend of the Court investigator.

- 2) Diversion Conference: After a custody assessment has been ordered by the Family Court, the Parties will receive notice to appear in the Friend of the Court Office for an initial conference. This “Diversion Conference” is intended to explore means of settling the dispute between the Parties without proceeding further in the custody assessment process. Special attention is focused upon the relationship between the parents, parental communication, the nature of the problems perceived by both Parties, and alternative ways of addressing those problems other than Court proceedings. The Diversion Conference can have one of three outcomes:
 - Settlement: The Parties may reach a solution to the custody issue, or of the problem(s) which led to the custody dispute. In this event, the Friend of the Court Office will prepare an order detailing the Parties’ agreement and either party may file an objection to the order within fourteen days.

 - Alternative Action: The Parties may elect to engage in mediation through a private mediator or through a referral from the Friend of the Court. In this event, further steps in the custody assessment procedure are typically postponed in order to provide time for the alternative action to be pursued.

 - Failure: If the parties do not settle the dispute or agree to engage in some form of mediation, the Friend of the Court may choose to refer the matter to another investigator for a more extensive custody assessment. If a full custody assessment is not deemed necessary, the Friend of the Court may enter an order that reflects the diversion worker’s recommendation regarding custody to which a fourteen day objection period would apply.

- 3) Family Court Hearing: The custody hearing is a formal hearing in which the rules of evidence are observed. This hearing will be scheduled within fifty-six days of the date the order for custody assessment was signed by the Judge. Witnesses may be called at the hearing on behalf of both Parties. During the course of a Friend of the Court Investigation, parents often reach an agreement to avoid a trial. Prior to the hearing, the Friend of the Court will provide both Parties and the Family Court Judge with any written reports or recommendations. Many times these recommendations serve as the basis for a settlement of the dispute and a hearing is avoided. If a hearing is held, the Family Court Judge will decide the custody issue and render an opinion.

CHILD SUPPORT

As the material lifeline upon which minor children depend, child support is a very important concern for the Friend of the Court. The Friend of the Court monitors thousands of child support orders. In each case, staff strive to secure and maintain regularity and reliability of support payments. When child support is ordered to be paid through the Friend of the Court, the payer and/or the employer is to make payments to the

**Michigan State Disbursement Unit (MiSDU)
PO Box 30351
Lansing Michigan 48909**

To contact the MiSDU by telephone, call the FOC main number (616-846-8210) and follow the prompts to be connected to MiSDU. MiSDU is also available on the web at www.misdu.com.

Michigan law now requires that MiSDU disburse child support electronically. (MCL 400.236(4)) The MiSDU must accomplish this either through direct deposit to an individual's bank account, or through use of a debit card. All customers, who are not exempt under the law, must choose to have their support payment either (1) electronically deposited into their personal bank account or (2) deposited to a debit card. The law permits limited exceptions to electronic disbursement including physical/mental disability barriers, language/literacy barriers and distance barriers to banks/ATMs. If you need more information to help you make this choice, please contact the MiSDU debit card information line at 1-877-464-3324 or go to www.misdu.com.

Divorce actions and actions for separate maintenance involve much more than issues of custody, parenting time, and support. These cases also involve property settlement issues and disputes regarding the payment of household bills during the pendency of the divorce. The Friend of the Court has no statutory duty to handle these matters and cannot assist the Parties in resolving these issues. If property settlement issues arise, a Party should seek the assistance of an attorney.

Federal and State laws have made most child support payers subject to Orders of Income Withholding. Income Withholding is a system in which the employer or other source of income of a payer deducts the child support from the salary, wages, or other compensation of the payer and sends it to the MiSDU in much the same manner as taxes are deducted and sent to the various units of government responsible for collecting them. A payer may be exempted from income withholding if the payee agrees, if there are no support arrears, and if the children are not receiving any form of public assistance. Self-employed payers are not subject to income withholding. Payers not subject to Income Withholding pay child support and fees directly to the MiSDU by mail or online at www.misdu.com. Despite the above mentioned exception, most child support is collected through income withholding.

To fulfill its duty to enforce child support orders, the Friend of the Court Office maintains accounts for all court-ordered child support, reviews accounts periodically to identify child support delinquencies, and initiates enforcement actions when delinquencies occur. Such actions may include:

- Issuing an Order of Income Withholding to a source of income, regardless of any prior agreements by the Parties to the contrary.
- Issuing an Order to Show Cause for the payer to appear before the Court at a contempt hearing for violation of the support order.

At a contempt hearing, a payer may be found in contempt of Court if the payer had or has the capacity to make the required payments but has failed to do so, or if the payer failed to exercise proper diligence to remain employed or to become employed, and the inability to pay support resulted from the payer's conduct or inaction.

Because incarceration is a possible result of a contempt hearing, the payer is entitled to be represented by an attorney. If the payer is unable to afford an attorney and requests representation, an attorney will be appointed by the court at public expense. The Court may require that the payer subsequently reimburse the court for the cost of the attorney.

Failure to appear at a Court hearing to enforce support will result in the Court issuing a warrant for the arrest of the delinquent payer. When taken into custody by a peace officer, the payer will have an opportunity to post a cash bond or be brought before the Court. If the arrest is on a weekend, holiday, or some other time when the Court is not in session, the payer will be permitted to post a cash bond, which will be forfeited if the payer does not appear in Court as directed. If the payer is unable to post a cash bond, the payer will remain in custody until the Court reconvenes.

Criminal enforcement of support is also an enforcement mechanism. Under federal and Michigan law, failing to pay child support may be a felony criminal offense. Friend of the Court Offices do not themselves 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.

CHANGES IN ADDRESS, EMPLOYER AND HEALTH INSURANCE

State law requires that all address changes be reported in writing to the Friend of the Court, as well as changes of employment, names and addresses of new employers, and complete information as to health insurance for the children available at places of employment, insurance group and contract numbers, and the names of children enrolled in insurance programs. Failure to report a new address may result in an avoidable arrest if a payer does not appear in Court following a mailed order to appear. Address changes (including incarceration) should be reported in writing in a letter. Putting new return addresses on envelopes sent to the Friend of the Court is not sufficient. It is also in the

best interest of payers to report layoffs, firings, and significant increases or decreases in wages and other earnings. All sources of income must be reported.

SUPPORT REVIEWS

The Friend of the Court reviews support accounts periodically to determine whether child support Orders should be modified consistent with state and federal laws.

Independent of any action by the Friend of the Court, a Party who believes that a support obligation should be raised or lowered can seek a Court determination of the issue. The Friend of the Court will provide forms and an instruction packet enabling a Party to file a Petition for a support modification without the assistance of an attorney. A Party should contact the Friend of the Court and ask for the forms and instructions to file a Petition to Modify Support. Forms can be sent by return mail or collected at the Office. A \$20 filing fee and \$40.00 order entry fee are charged by the County Clerk for initiating such an action. Filing a Petition results in a hearing before a Family Court Referee. A Party dissatisfied with the Referee's decision may file a written objection within twenty-one days of the issuance of the recommended or interim order and have the issue heard by a Family Court Judge.

A party may also seek to amend a support Order through the assistance of an attorney. The Attorney will then file the Petition to Modify Support, represent the Party at the Referee hearing, and, if necessary, at the De Novo hearing before the Family Court Judge.

When a Petition to Modify Support is filed, the nonmoving party's failure to appear at the hearing will most often lead to the petition being granted because the nonmoving party chose not to contest the modification.

CHILD SUPPORT GUIDELINES

State law requires that all Court orders refer to the support schedules set forth in the Michigan Child Support Manual when setting a support obligation. This guideline is developed and issued by the Friend of the Court Bureau of the State Court Administrative Office. Courts may deviate from the guidelines under certain circumstances. When the guidelines are not followed, the support Order must explicitly state that the support amount deviates from the schedules, must set forth the amount of support which the schedules recommend, and must explain why application of the schedules in the particular case would be unjust or inappropriate.

PUBLIC ASSISTANCE (TANF) AND CHILD SUPPORT

Under Michigan law, when the children of a support payer are receiving TANF payments, support payments made to the MiSDU under a child support Order are sent to

the State of Michigan to partially defray the cost of public assistance. When support payments exceed the amount of the TANF grant paid to the children, the public assistance case is closed by the Department of Human Services (DHS), formerly Family Independence Agency, and direct payments from the MiSDU to the custodial parent are resumed.

A parent applying to the DHS for a TANF grant must assign to the State of Michigan the right to support payments from the payer. This assignment includes the right to any past-due support arrears which may be owed by the payer. When these arrears are paid, they are paid to the State of Michigan, unless the amount exceeds the total amount the family has received in TANF payments. In that event, any excess over the amount of TANF payments made to the family is paid to the custodial parent. Any questions about this procedure should be directed to the Support Specialist of the DHS or to your Friend of the Court Investigator.

ARREARS SURCHARGE

Surcharges are assessed twice per year, on January 1 and July 1. Surcharges are assessed based on a variable rate. The variable rate is calculated by MiCSES (Michigan Child Support Enforcement System) based on the 5-year United States Treasury amount. The formula uses the T-Note plus one, then divided by two and then divided by 100 i.e.: $[(T\text{-Note} + 1)/2/100]$.

The purpose of the surcharge is twofold: To encourage prompt payment of current support and any arrears which may accrue by assuring that a child support delinquency does not operate as an interest-free loan for the payer, and to compensate custodians and minor children for late payments.

When collected by the MiSDU, the surcharge monies are directed to the custodians and minor children, as is the child support itself. If the State of Michigan is the payee of the support, the State receives the surcharge. No portion of the surcharge is retained by the Friend of the Court or the Family Court.

HANDLING AND PROCESSING FEES

The Friend of the Court is required by statute to charge each payer a statutory handling and processing fee. These fees are transmitted to the County Treasurer and State of Michigan.

YEAR END STATEMENTS

Many support payers and payees need a statement at the end of each year which tells them how much they paid or received in child support during the year. These statements

are not generated automatically to every client of the Office, but they are available from the Friend of the Court upon request. Requests for annual statements must be made in writing.

PARENTING TIME

In addition to child support, the Friend of the Court monitors and enforces the rights of the minor children to Court-ordered parenting time with the non-custodial parent. In many cases, parenting time provided in Judgments of Divorce or other Orders states "at such reasonable times and places as the Parties may mutually agree." In other cases, specific schedules of parenting time are provided by the Family Court Order, with days and times listed.

An Order for "reasonable parenting time as the Parties shall agree" does NOT entitle the custodial parent to completely deny or to unreasonably restrict parenting time. Nor does it permit the non-custodial parent to visit any time he or she chooses. The purpose of such an Order is to promote agreement to a sensible and reasonably flexible parenting time schedule which will be enjoyed by children and parents alike.

If a parenting time Order is specific it must be followed closely, except when the Parties agree to a change. Any changes intended to be made permanent should be put in writing and sent to the Friend of the Court. The Friend of the Court can only enforce a Family Court Order, not a private unwritten agreement between the Parties.

If the parenting time Order is not specific, but the Parties have agreed on times to transfer the children, these times should be carefully observed. The fewer problems surrounding parenting time, the more enjoyable the parenting time experience will be for the children. It is also necessary for the parents to communicate regarding parenting time. This communication should be communicated directly between the parents and not through children or third parties.

If a Party believes a parenting time Order should be changed, that Party should first discuss the proposed change or changes with the other Party and attempt to arrive at an agreement. If an agreement is reached, the Parties may report their agreement to the Friend of the Court through their Investigator, and a Stipulation containing the agreement will be sent to each Party for signature. When returned to the Friend of the Court with both signatures, an Order will be prepared and sent to the Family Court for entry. Copies of the new Order will be provided to the Parties. There is no charge for this service.

If no agreement is reached, the Party seeking a change can follow the same procedure available for changing support Orders, described above. The Friend of the Court has available forms and a packet of instructions for modifying a parenting time Order. A party requesting a modification should follow the instructions and file the Petition (with payment of the \$20.00 fee and \$80.00 order entry fee to the County Clerk) and a hearing will be scheduled before a Referee. Again, if one Party objects in writing to the entry of

the referee's recommended or interim Order, a De Novo hearing will be scheduled before a Family Court Judge.

A party may also file a Petition to Modify Parenting Time through an attorney, who will then provide representation at the Referee hearing, and if necessary at the De Novo hearing before the Family Court Judge.

There are many questions that can arise about parenting time. Parties may refer their questions in writing to the Friend of the Court.

ENFORCEMENT OF PARENTING TIME

When children and a parent are unreasonably deprived of parenting time, the Friend of the Court may be requested to take enforcement action. Parties should put an alleged parenting time violation in writing citing the specific provisions of the order that have been violated along with the date of the order violation. The Friend of the Court may file a Petition and Order to Show Cause against a parent who is alleged to have violated a parenting time order. Usually, attempts will first be made to resolve problems informally, either through correspondence or through a meeting with the parents. If this is not effective, an Order to Show Cause may be issued. Parties also may initiate a Show Cause proceeding with the assistance of their own attorney. A party who is the subject of a parenting time show cause hearing may request a hearing to modify the existing parenting time order. The hearing to modify the Order must be held prior to or at the same time as the show cause hearing.

At the Show Cause hearing, a parent who is determined by the Judge to be in violation of parenting time provisions may be found in contempt of court and sanctions may be imposed which include jail confinement, a fine, and an Order for make-up parenting time. Upon a proper petition and hearing, the Family Court may also amend a parenting time order.

Parenting time is NOT dependent upon support. Nonpayment of support does not excuse a denial of parenting time, and a parenting time denial does not excuse nonpayment of support. As required by law, the Friend of the Court enforces both of these Orders independently.

WHO'S WHO AT THE FRIEND OF THE COURT

The term "Friend of the Court" refers both to an individual (the director of the office) and the office as a whole. Set forth below are some of the office's positions, and a description of the duties associated with these positions:

Family Services Coordinator. Often a parent's first contact with the Friend of the Court, this person's duties are described above. In addition to the information provided earlier,

the Family Services Coordinator also forwards your case to an investigator and provides you with the name and phone number of your Investigator.

Investigators. Your Investigator is the caseworker assigned to your family's case. After the interview with the Family Services Coordinator, your Investigator is in charge of all follow-up services. For example, you should contact your Investigator in writing if:

- you have a financial problem that affects your ability to pay child support (including incarceration, loss of employment, disability)
- you are behind in child support and need to make arrangements to catch up and avoid court action.
- you don't understand a provision in your Judgment of Divorce or other Order.
- you need a suggestion as to how to handle some problem with your former spouse which concerns the children.
- you have a parenting time problem.
- you and the other parent wish to make some changes in the arrangements outlined in your Judgment (support, custody or parenting time) and want to know how to go about incorporating those changes into your existing order.

Please contact your Investigator in writing. Address the envelope to your Investigator by name and mail your letter to him or her at: Friend of the Court, P.O. Box 566, Grand Haven, Michigan, 49417.

Alternatively, you may call for an appointment. "Quick questions" over the phone are discouraged because your Investigator simply cannot advise you properly without taking the time to review your file. The main office number is: (616) 846-8210. Toll free numbers from more distant locations are: Hudsonville/Grand Rapids area (616) 662-6060; or Holland area (616) 392-3111. MiSDU may be reached by calling one of the above numbers, and then choosing option 4 from the IVR main menu.

Referees: To assist the Family Court in hearing petitions to modify support and parenting time Orders, the Court has established a system in which these matters are heard by Referees. Referees are attorneys and are appointed by the Court. Referee hearings are more informal than hearings before a Judge. Referees also conduct paternity arraignments and support hearings initiated by the Prosecuting Attorney's Office.

Most petitions to modify support or parenting time filed by a Party or an attorney are assigned by the Clerk of the Court to a Referee. The Referee hears the evidence from both sides, and prepares a Recommended Order that is entered by the Family Court if neither Party files a written objection to the Recommended Order. If a written Objection is filed by either Party, a hearing will then be scheduled with a Family Court Judge to determine the issue. Alternatively, the Referee may enter an interim (or temporary) order that is immediately effective. On some occasions, support and parenting time modifications will be scheduled directly with a Judge. A Judge's Order will be entered by the court without an objection period.

If you are notified that the other Party in your case has filed a Petition to modify a support or parenting time Order in your case, you may request the Friend of the Court to supply you with the necessary forms and instructions to file a Response to the Petition. Your response allows you to indicate your position and to ask the Referee for the relief you deem appropriate.

As noted above, a Party need not hire an attorney to file a Petition to modify an existing Order. However, nothing prevents the other Party from doing so. A Referee will not adjourn or delay a hearing merely because one Party decides that proceeding without an attorney is a mistake.

COMMUNICATIONS

All communications with the Friend of the Court Office should be in writing. This includes general inquiries, notice of address or employment changes, notice of earnings changes, and complaints concerning support or parenting time. Each time you write, make sure that you identify your case by docket number, your name, and the name of the other party (Plaintiff and Defendant). If names have changed, identify the case by the name used at the time the case was filed.

Correspondences may be addressed to: Friend of the Court
P.O. Box 566
Grand Haven MI 49417

Additionally, many case specific questions can be answered by the Office's automated voice response system at (616) 846-8210. This system allows clients to access their case information twenty-three hours per day, seven days per week. Available information includes general office information, specific account data such as last payment received and checks issued, enforcement information, and the schedule for upcoming enforcement hearings. Information is updated on a daily basis. Additionally, you may follow the prompts in the voice response system to reach a Friend of the Court representative.

INTERSTATE SUPPORT ENFORCEMENT

When a Party in an Ottawa County divorce or other domestic relations matter moves to another state, it need not affect the manner of paying support. Payments may continue to be made through the MiSDU and will be directed to the proper payee.

However, if the payer moves from Ottawa County and support payments cease, or if a support payee from another state moves into Ottawa County and is not receiving support, or if a payer moves here and is not paying support to the payee in another State, it may be necessary for action to be taken under the Uniform Interstate Family Support Act (UIFSA). If you are involved in a situation of this nature, consult your Friend of the Court Investigator for instructions on initiating an interstate enforcement action.

Depending upon the other state or states involved, these actions may be very time-consuming.

AMENDMENTS TO JUDGMENTS

Situations often change after a divorce is finalized, and such changes may require the revision of Family Court Orders. Amendments to custody, support, and parenting time Orders may be requested by filing a Petition with the Court or may be modified upon agreement of the Parties.

In the interest of promoting agreements, the Friend of the Court Office will assist parents who wish to discuss their case with an Investigator. In this circumstance, the Parties should call the office to schedule an appointment. If an agreement is reached, the Friend of the Court Office will reduce the agreement to writing (called a "stipulation") and prepare an Order for presentation to the Family Court. These services are free of charge. When parents are unable to reach agreement, they are referred to their attorneys or provided forms to file Petitions on their own behalf.

MOVING A CHILD'S RESIDENCE

After a divorce is finalized, a custodial parent may wish to move to another state with the parties' children. State law prohibits an interstate transfer of the children's residence without prior approval of the Court. Additionally, state law prohibits either party to change a child's residence more than one hundred miles from the child's residence at the time the case was filed without the Family Court's approval. An Order may be prepared on the basis of the Parties' written agreement, or through a Petition for amendment and a hearing. Should this situation arise in your case, contact your Friend of the Court Investigator as soon as you know of any plans to move.

REFERRAL SERVICES

On occasion, families will be referred by the Friend of the Court or by the Family Court for psychological evaluations to provide input to the Court in its decision-making process regarding custody. Limited public funding is available to pay for this service. On occasion, the Friend of the Court Office may recommend ongoing psychological counseling for family members to assist them in coping with serious emotional or psychological problems. In such cases, the financial responsibility for such services normally will rest with the family. Some families have insurance to meet such expenses. Public and private nonprofit agencies, such as Ottawa County Community Mental Health, Child and Family Services, and Tri-Cities Ministries charge for counseling services on a sliding fee scale based on ability to pay.

DOMESTIC RELATIONS MEDIATION

Mediation is a process through which Parties with a mutual desire to settle a dispute seek the assistance of an impartial third party to help them in reaching agreement. The third party is called a "mediator." The Friend of the Court and office investigators use mediation techniques to promote compliance with court orders and to assist parties to amicably resolve their disagreements. Many stipulations leading to new or amended Orders are arrived at in this manner through a conference in the Friend of the Court Office, without the necessity of a hearing. In some circumstances, mediation services may be provided by an outside agency such as the Center for Dispute Resolution.

OTHER HUMAN SERVICES

Problems in domestic relations matters are often complex and beyond the ability of the Friend of the Court to solve. However, there may be other agencies who can help.

If our Office cannot provide direct assistance, the Office maintains a list of community agencies who may be able to help. Feel free to write to your Investigator for assistance in connecting you with the proper agency.

GRIEVANCE PROCEDURE

State law provides recourse to a person who believes that he or she has been mistreated by a Friend of the Court employee, or who believes that improper procedures have been followed by the Office. Under these circumstances, a person may complete a Grievance Form to file with the Friend of the Court. Grievance Forms are available at the Friend of the Court Office. The Director of the Friend of the Court Office must investigate the grievance and respond in writing. If the aggrieved person is not satisfied, he or she may file the grievance a second time with the Chief Judge of the Circuit Court.

TIME-SAVERS

Be familiar with the terms of your Court Orders. From time to time, and certainly at the beginning of your divorce or other action, you should read the Judgment or Orders that the Family Court has entered. These set forth your rights and duties and should answer many of your questions.

Deal directly with Friend of the Court staff. Always contact the Friend of the Court Office personally. Do not attempt to entrust your dealings with the Office to any other third party, such as your current spouse, your parents (unless the client is a minor), or friends. Friend of the Court staff are prohibited by law from discussing your case with nonparties (your current spouse, parents or friends). Information provided to the Friend

of the Court is confidential and will be handled as such by the Friend of the Court staff. Staff may of course discuss your case and cooperate with your attorney.

Interpreter Services. Contact the Circuit Court at (616) 846-8320 to arrange for an interpreter for all Court hearings and appointments with Friend of the Court employees if services are needed.

Inform your investigator of agreements you enter. If you enter into agreements with the other Party regarding custody, child support, or parenting time, be sure that the Friend of the Court office is informed in writing. Some of these agreements may require amendments or changes in the provisions of the Judgment of Divorce or other Order. If informed of the agreement, your investigator can advise you if any changes to your Orders are necessary and can also provide guidance for making such changes.

Inform your investigator when you move. When you move, provide your new address to us in writing. Simply filling in your new address on the return address portion of an envelope is NOT SUFFICIENT. Support payees must notify us because support checks are NOT FORWARDED. Support payers or non-custodial parents must notify the office of both your new address (by street number, not just post office box or general delivery station) and your new employer's name and complete address along with any new insurance information.

Identify your case on all correspondence. On all correspondence, refer to your case by case name ("Smith v. Smith") and docket number. This is the number which appears on the upper right-hand corner of all Petitions and Orders (e.g. 00-123456-DM).

Provide your investigator with all required information. The Friend of the Court must be furnished with the following information in writing:

- Names, Social Security number, and date of birth of both parties and the children.
- Current complete addresses of both parties.
- Names and addresses of both parties' employers, or complete information about self employment.
- All sources of income of both parties, including wages, salaries, pensions, Social Security or veterans benefits, interest, investment income, rental income, income from land contracts, retirement income, workers' compensation, TANF, Child Care Benefits, Medicaid, income from trusts or estates, proceeds from sale of real or personal property, court settlements or pending court claims, disability insurance income, longevity pay and bonuses, and the amounts of each type of income.
- The residence address(es) of the child(ren).
- Telephone numbers of the Parties.
- Driver's license numbers of the Parties.
- Changes in addresses, employers, insurance, earnings or other income, minor status of
the children, and telephone numbers, as changes occur.

Generally, attorneys will collect this information and provide it to the Friend of the Court at the initiation of cases. However, it is the responsibility of the Parties to assure that information provided is complete, and updated as changes occur.

REQUEST FOR SERVICES

Federal law and regulations (specifically Title IV-D of the Social Security Act) require that in order to be eligible for certain services of the Friend of the Court, a "Request for Services" form must be filled out by the party entitled to receive support payments and filed with the Office. The Office supplies this form. If this form is not on file in your case, a party may not receive services to which he or she is entitled. Contact your Investigator to verify this form has been filed in your case or to obtain a form to complete.

OPT OUT

Parties who agree that they do not need the Friend of the Court's services do not have to use them. They may file a joint motion to "opt-out" and, if the Court approves, they may deal with each other directly instead of using the Friend of the Court as an intermediary. Before the Court may approve a motion to opt-out, the parties must sign and file a document that summarizes the Friend of the Court's 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 Friend of the Court 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 because the party is receiving or has applied for public assistance.
- A party has asked the Friend of the Court 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 Friend of the Court has opened a case file, the parties may file an opt-out motion requesting the Court to order the Friend of the Court 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 parenting time violation has occurred.

- Within the previous 12 months a party has asked the Friend of the Court 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 of the parties' child.

Parties who opt-out must assume full responsibility for administering and enforcing the Court's order.

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 Friend of the Court case file is closed.

SPOUSAL SUPPORT

The Friend of the Court may also enforce a spousal support (alimony) order. The system for doing so is much the same as in the case of child support. If spousal support is contemplated in your case, or if it has already been ordered, check to see whether it is to be paid through the MiSDU. If so, you will have the Office's assistance collecting delinquent payments and a regular account of payments will be kept. Your attorney can give you additional information.

MEDICAL SUPPORT

Judgments of Divorce must contain provisions requiring the maintenance of various kinds of health insurance for children, and allocating responsibility for uninsured health costs. If these Orders are not complied with in your case, contact your Friend of the Court Investigator. The Friend of the Court may seek to enforce these provisions as well.

RECONCILIATIONS AND DISMISSALS

Parties involved in a divorce or separate maintenance action sometimes reconcile before the action has resulted in a Judgment. If the Parties are attempting reconciliation and no longer wish enforcement of temporary Orders for custody, support, and parenting time, they must provide the Friend of the Court with a written notice, signed by both Parties or their attorneys. Such notice will have the effect of suspending enforcement of custody, child support and parenting time until the reconciliation attempt succeeds or fails. If the divorce action is dismissed, the parties must provide the Friend of the Court with an order of Dismissal so that your case may be appropriately closed. Please be advised, however, that even in the case of a dismissal, any outstanding fees and any child support owed to the State of Michigan or another State are still required to be paid.

BACK COVER

FOR FUTURE REFERENCE:

Take a moment to fill in the following information in the spaces provided here. Keep it handy each time you write or call the Friend of the Court, and always reference your case name and file number in any correspondence or communication.

CASE NAME:

_____ v. _____
Plaintiff Defendant

Docket No.: _____

Investigator's name:

Main Telephone Number:

Grand Haven: 616-846-8210
Holland: (616) 392-3111
Grand Rapids/ Hudsonville: (616) 662-6060

Fax Number:

(616) 846-8128

Mailing address:

Friend of the Court
P.O. Box 566
Grand Haven, MI 49417

Main Office address:

Friend of the Court
414 Washington Street – Room 206
Grand Haven, MI 49417

Main Office hours:

Monday 7:30 a.m. to 8:00 p.m.
Tuesday through Friday 7:30 a.m. to 5:00 p.m.

Holland Office address

12185 James St.- Suite 150
Holland, MI 49424

Holland Office hours:

Wednesday 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

Web Resources:

www.miOttawa.org/FOC

www.misdu.com

Interpreter Services for hearings and appointments:

Contact Circuit Court: (616) 846-8320