Friend of the Court Handbook

55th Judicial Circuit Court

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To view the most current version of the model handbook and other FOCB publications, please visit the Michigan Supreme Court's website at
https://www.courts.michigan.gov/administration/offices/friend-of-the-court

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INTRODUCTION

The friend of court (FOC) was established in 1919. Its purpose was to serve families by providing information to the court about the families and to make sure the court knew when a parent refused to follow the court's orders. Today, the mission is much the same, but modern. The FOC provides many services to families, including:

- Keeping track of support payments.
- Requiring the payer's employer to withhold a portion of the payer's check for child support.
- Working with employers to deposit support payments directly into a payee's account or on a debit card (in addition to checks).
- Reviewing child support orders when a parent's income changes.
- Calculating the amount of support required by the Michigan Child Support Formula.
- Providing mediation and other alternative dispute resolution services to help parents resolve custody, parenting time, and child support disputes without going to court.
- Investigating and making recommendations to the court to help the court resolve custody, parenting time, child support, or medical support disagreements.
- Helping the court when a parent does not follow custody, parenting time, or support orders.
- Providing forms for parents to use to file motions and responses about custody, parenting time, support, change of domicile, and repayment plans.

The FOC cannot:

- Investigate criminal activity.
- Investigate abuse and neglect (but FOC employees must report suspected abuse and neglect).
- Change an order.
- Give legal advice.

The Family Division of the 55th Circuit Court decides divorce, paternity, custody, and support matters. The FOC helps the court with these types of cases.

This handbook summarizes the FOC office's duties and procedures, provides information about parents' rights and responsibilities, and describes some basic court procedures. You can discuss any questions regarding local or statewide procedures or requirements with the FOC office or with your attorney.

This handbook uses the term "parent" to describe people who have FOC cases because most FOC cases involve parents. When a nonparent is involved with the FOC office, this handbook applies but there may be some minor exceptions. If you are a nonparent, please talk with your FOC to determine whether a provision in this handbook applies to your case.

PARENTS' RIGHTS AND RESPONSIBILITIES

You have the right to:

- Meet with the person who investigates custody or parenting time disputes before the person makes a recommendation about the dispute.
- Ask for a change to the order for support or health insurance (see page 10).
- File a grievance about an FOC employee or an FOC office procedure (see page 15).
- Hire and consult an attorney. The FOC does not represent either parent.
- Decline ("opt out") all FOC services if you and the other parent agree, and the court approves (see below).

You must provide the following information, and any changes, in writing to every FOC office that you have a case with:

- Address where you live.
- Address where you want all notices and documents sent (if different from where you live).
- Your employer's (or other source of income) name, address, and telephone number.
- Your telephone number (residential or mobile).
- Your occupational, recreational, or driver's licenses and license number(s).
- Your social security number, unless exempt by law from disclosing that number.
- Your children's address.
- Health care coverage available through your employer or that you buy from an insurer.
- Other information required by law to help the FOC carry out its duties.

OPTING OUT OF FRIEND OF THE COURT SERVICES

You and the other parent can file a joint motion to opt out of the FOC's services. A motion is a document you file with the court to ask the court to do something. If the court approves the motion, you and the other parent must work together to do what the court orders without the FOC's help.

To make sure there is a record of support payments, parents can make payments through the Michigan Support Disbursement Unit (MiSDU), even after an FOC case closes.

If at any time a parent applies for certain types of public assistance, requests any service from the FOC, or requests that a case be reopened, the FOC will reopen the case. In these situations, the court can request that you, the other parent, or the FOC prepare a written order to reopen the case.

Filing an Opt-Out Motion at the Start of the Case

If you and the other parent file an opt-out motion at the same time the case starts, the FOC will only open a case file if one or more of the following is true:

- A parent qualifies for Title IV-D services because the parent receives certain types of public assistance (see page 15 for Frequently Used Terms).
- A parent has applied for Title IV-D Services.
- A parent has asked the FOC to open a case file.
- There is evidence of domestic violence or bargaining inequality, and evidence that the opt-

out request is against the best interests of a parent or the child.
- The parents have not signed and filed a document that acknowledges the FOC services the parents are giving up.

Filing an Opt-Out Motion After the FOC Opens the Case

After the FOC opens a case, you and the other parent can file an opt-out motion requesting the FOC close it. The FOC will not close the case if one or more of the following is true:

- A parent objects.
- A parent qualifies for Title IV-D services because the parent receives certain types of public assistance.
- A parent qualifies for Title IV-D services because the parent received certain types of public assistance and owes money to the State of Michigan.
- Within the past 12 months, there has been unpaid support.
- Within the past 12 months, there has been a custody or parenting time order violation.
- Within the past 12 months, a parent has asked the FOC to reopen its case.
- There is evidence of domestic violence or bargaining inequality along with evidence that the request is against the best interests of a parent or the child.
- The parents have not signed and filed a document that acknowledges the FOC services the parents are giving up.

COURT PROCEDURES

Starting a Case

If you want to start a court case, you must follow Michigan Court Rules and Michigan law. You might want to be represented by an attorney.

Plaintiff's Complaint
A case begins when a parent (the plaintiff) files a "complaint" that asks the court to decide a dispute between the plaintiff and the other parent (the defendant). The plaintiff can ask the court to:

- Grant a divorce.
- Establish child support (including medical support) or spousal support.
- Establish the child's legal father (paternity).
- Establish custody of a child with one (or both) parents.
- Establish each parent's parenting time with a child.

Service on Defendant
The plaintiff must serve the defendant with a summons, the complaint, and this handbook. The summons tells the defendant to answer the complaint.

Defendant's Answer to the Complaint
The defendant must answer the complaint within the time provided by law (usually 21 days, but sometimes 28 days). If the defendant does not answer within that time, the judge can enter an order granting the plaintiff's requests without holding a hearing.

Court Hearing
After both a complaint and an answer have been filed, the court usually holds a hearing to find out what it needs to decide the case. At the hearing, the parents can tell the court what they want it to decide.

Court Order
After the court decides the case, a parent or a parent's attorney prepares a written court order. The decision is not final until a judge signs the order, and the order is filed with the court clerk.

If you think an order does not say what the judge said in court, first speak to 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.

The FOC can only help carry out a judge's decision once it is in an order signed by the judge. If you disagree with an order after it is signed by the judge, you can file a motion for a rehearing or appeal to a higher court. You cannot change a court order by filing a grievance or by filing a complaint to other government agencies.

Courts sometimes enter **preliminary orders** that remain in effect only until the parents present more information and arguments at a hearing. Examples are orders after a Facilitative and Information-Gathering Conference (see page 6) and ex parte orders.

A judge will enter an **ex parte** order (an order entered without first hearing from both parents) when the judge believes serious harm will occur if the judge waits for a hearing or response from the other parent. Ex parte orders usually try to keep a situation stable until the judge can hear from both parents. An ex parte order remains in effect until the court changes it.

You can file an *Objection to Ex Parte Order and Motion to Rescind or Modify (FOC 61)* within 14 days of the order being issued to ask the court to change or cancel the order. If you file an objection, the FOC will try to help you and the other parent settle the dispute without going to court. If you and the other parent cannot agree, the FOC will provide forms and instructions for you to schedule a court hearing.

After a court decides a challenge to an ex parte order, the court will enter a temporary order the parents must follow until it enters a new or final order. An ex parte order becomes a temporary order if no objection is filed within 14 days.

You can file a motion requesting a **temporary order** at any time. The court can modify a temporary order at any time following a hearing and upon a showing of good cause. A temporary order remains in effect until the court changes it.

A **final order** or judgment is an order that decides all the parents' issues after a hearing, trial, or the parents' agreement.

Changing an Order

The FOC cannot change a court order; only a court can. Normally, a court will change an order if both parents agree to the change. Otherwise, a court will change an order only after the court holds a hearing on a request to change the order.

Even if both parents agree to change a court order, the court and the FOC can follow the agreement only after the judge signs an order that approves the agreement.

Referee Hearings and Recommendations

A referee can hear testimony and arguments on issues in a domestic relations case. A referee is not a judge but recommends an order to the judge. The court can make the referee's recommendation a temporary order. A referee's recommendation becomes a final court order if:

- No parent files a written objection with the court clerk within 21 days after the referee serves the recommendation on the parent, or
- Ater a parent's objection, the court holds a hearing, and the judge decides to approve and sign the referee's recommended order.

You might want to talk with an attorney about how to object to a referee's recommendation and request a hearing before a judge.

Reconciliations and Dismissals

Some cases do not end with the parents divorced or separated. If you and the other parent try to work out your differences and no longer want the court to enforce an order in your case, you and the other parent can file a motion asking the court not to enforce the order.

If you and the other parent want to stop all further action in a case, you must file a joint motion asking the court to dismiss the case. If the State of Michigan provided financial assistance to a parent or the children, or if the payer has other debts under the order, the payer can be required to pay any unpaid debts on the case before the court will dismiss the case.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution (ADR) is a process to try to settle disputes without going to court. ADR is less formal than a court hearing. Parents can participate in ADR, which allows them to settle a case without much court involvement. Parents often like ADR better than going to court because the parents make the decisions instead of the court. The court must still enter an order, but the court order is usually what the parents agreed to.

Check with your local FOC office to find out what ADR services are available.

FOC Domestic Relations Mediation (MCR 3.224)

The FOC offers mediation to help parents resolve custody and parenting time disputes. The court may order parents to mediation, or the parents may agree to attend mediation. The mediator will write down the parents' agreements. The parents may review the agreement with their attorneys.

Except for information about violent or criminal activity, discussions during mediation are confidential. If domestic violence is discovered before or during mediation, FOC mediation can only occur if the survivor agrees, and other safety precautions are taken.

An FOC mediator may not share information about what happened during mediation, except for what is stated in the parties' agreement.

Court Rule Domestic Relations Mediation (MCR 3.216)

The court may refer family matters to mediation if the parents agree, if a parent requests mediation, or on the court's own initiative.

Unlike the FOC mediation above, MCR 3.216 mediation is not limited to only custody or parenting time issues. The parents may agree to have the case mediated by any qualified person. If the parents cannot agree on a mediator, the court will assign one. With limited exceptions, information discussed during the mediation is confidential. The MCR 3.216 mediator is entitled to a fee. The parents usually share that expense equally.

If the court orders mediation, the parents must attend the mediation and they may bring their attorneys. If the parents reach an agreement, they will be asked to sign a written agreement. The parents must then have the mediation agreement entered as a court order.

Joint Meeting

In a joint meeting, an FOC employee meets with the parents to resolve a custody or parenting time complaint, or an objection to a support recommendation. After a joint meeting, the FOC employee may recommend a court order, which the court may enter if no parent objects.

FOC Facilitative Information-Gathering (FIG) Conferences

In an FOC FIG conference, an FOC employee meets with the parents to try to resolve custody, parenting time, or support issues. If the parents do not agree, the FOC prepares a report, a recommended order, or both. If the FOC recommends an order, the court may enter it and give the parents an opportunity to object and have a hearing, or the court may hold the order until the parties have an opportunity to object and have a hearing. Discussions during FIG conferences are nonconfidential and may be shared.

CUSTODY

There are two types of custody. **Physical custody** is who the child primarily lives with. **Legal custody** is who can make important decisions for the child, like the child's school or medical decisions. Both types of custody can be either sole or joint.

Parents are encouraged to reach their own custody agreements. When parents cannot agree, the court analyzes the "best interests of the child" factors listed in the Michigan Child Custody Act to determine custody.

For more information about custody, see the *Michigan Custody Guideline*.

Sole Custody

Sole physical custody means the child primarily resides with one parent. **Sole legal custody** means one parent makes important decisions for the child without having to ask the other parent.

Joint Custody

Joint custody is available to parents. **Joint physical custody** means the child resides alternately with each parent. **Joint legal custody** means that the parents work together to make important decisions for their child, like school or medical decisions.

The child does not have to live an equal amount of time with each parent for them to have joint physical or joint legal custody.

At a parent's request, the court must consider ordering joint custody. If both parents agree to joint custody, the court must order it unless the court determines that joint custody is not in the child's best interests. Before ordering joint custody, a court must consider the "best interests" factors and whether the parents will be able to cooperate and agree on important decisions affecting the child's welfare. The court must state its reasons for granting or denying joint custody.

Custody and Parenting Time Investigations

The FOC investigates custody and parenting time issues when the court orders an investigation. When the FOC completes its investigation, it files a report and recommendation with the court. The FOC must give each parent and their attorneys a copy of the report, including the recommendation and a summary of information used to make the recommendation. If the parents request the investigation and the court orders it, the FOC may charge the parents for the expense of conducting the investigation.

Changing Custody

After the court orders custody, the court can change custody if a parent convinces the court that proper grounds exist. If you want to change a custody order, you can hire an attorney or file a

Motion Regarding Custody (FOC 87). You can also find forms and instructions on the Michigan Legal Help website.

If you file a motion without an attorney's help, you must follow the same rules an attorney must follow. There are many complex issues in a custody case, and many parents prefer to have an attorney represent them. The FOC cannot file a motion for you, provide an attorney, or tell you what to say in the motion.

Change of Domicile/Legal Residence

Moving Over 100 Miles Away from the Other Parent
If parents have joint legal custody, do not live 100 miles away from each other, and one parent wants to move the child's residence over 100 miles away from the other parent, both parents can sign an order allowing the parent and child to change residence. The order must be filed with the court, and the parent wanting to move cannot move the child until the judge signs the order.

If the parents cannot agree, the parent wanting to move can:

- Use the FOC's ADR services.
- File a motion that asks the court to enter an order approving the move.

Moving to a Different State
If a parent wants to move the child to another state, even to a location closer than 100 miles from the other parent's residence, the parent wanting to move must get a court order to do so. Notifying the FOC of the parent's intent to move, or filing a motion requesting the court's approval, does not automatically allow a parent to move the child. The parent must get a court order approving the move before the parent and child move.

PARENTING TIME

A parenting time order says when a child will spend time with each parent. A parent is responsible for all routine decisions that affect the child during parenting time. The Michigan Child Custody Act says how a judge may order parenting time. The State Court Administrative Office's *Parenting Time Guidelines* provides information on creating a parenting time schedule. Contact your local FOC office to find out about local guidelines.

Changing Parenting Time

After a judge orders parenting time, a judge can change the parenting time order only if a parent convinces the judge there is good cause to change it.

If you want to change parenting time, you should first ask the other parent to agree to a change. Even if the other parent agrees, the parents must follow the current parenting time order until the new agreement is written out, signed by the judge, and filed with the court. Once the judge approves the agreement, it becomes a new order.

If no agreement is possible, you can file a *Motion Regarding Parenting Time* (FOC 65) asking the court to change the parenting time order. You can file the motion yourself or hire an attorney.

SUPPORT

The Office of Child Support, the Prosecuting Attorney's office, and the FOC office work together to establish and collect child support orders.

Costs in a Support Order

A "support order" is any court order for a parent to pay:

- Child support.
- Spousal support (formerly called "alimony").
- Medical, dental, and other health care expenses for a child.
- Expenses for the birth of a child.
- Genetic testing costs.
- Childcare expenses.
- Educational expenses.

Support orders include a $3.50 monthly fee that is required by Michigan law.

Eligibility for Child Support

A person can receive child support if all the following apply:

- The person is the minor child's parent or has responsibility for the minor child.
- The minor child lives in the person's home.
- The child is financially dependent on the person.
- One or both parents do not live with the child.
- The court has ordered a child support payment.

When Support is Due

All support orders state an amount due on the first day of each month. Support is past due (becomes an arrearage) if not paid by the last day of the month. When an order starts after the first day of a month, support is prorated for the partial month.

When Support Ends

Child support usually ends the last day of the month the child turns 18. Child support can continue up to age 19.5 if the child attends high school on a full-time basis with a reasonable expectation of graduating, and the child continues to live on a full-time basis with the person who receives the support payments. Support will end on the last day of the month stated in the order.

Michigan Child Support Formula

Federal and state law require the court to use the Michigan Child Support Formula to set child support. The Formula considers each parents' income, certain expenses, parenting time, and other factors. The court may set a different support amount, but only if the judge explains in writing or during a court hearing why the Formula amount is not just or inappropriate. For more information about the Formula, see *Facts about the Michigan Child Support Formula* or the Michigan Child Support Formula webpage.

Changing a Child Support Order

Once the court orders support, the court can change support if a parent convinces the court that there is a substantial change in one or both parents' financial situation. Notifying the FOC that one parent's financial situation has changed does not change the child support amount.

Asking for a Change in Child Support

If you need a change in child support, you can file a *Motion Regarding Support* (FOC 50). The FOC provides forms and instructions for this type of motion, but the FOC cannot complete the motion for you. You can also hire an attorney to file the motion.

The court will use the Michigan Child Support Formula to decide the support amount.

FOC Review of the Child Support Order

The FOC must review child support orders once every 36 months if the child or parent receives cash assistance. In other cases, the FOC will review a child support order on a parent's written request once every 36 months, or if a parent shows there is a substantial change in one or both parents' financial circumstances. The court can also order the FOC to review a child support order.

After reviewing the parents' income, the FOC will ask the court to change the order if the Michigan Child Support Formula recommends an amount that is at least 10 percent or $50.00 per month different, whichever is greater. As part of its review, the FOC may request information from the parents, like:

- Parents earnings.
- Details of any health care coverage.
- Tax refunds.
- Job or education history.

Changing Support Because of Incarceration

If a payer is or will be incarcerated for 180 consecutive days or more without the ability to pay support, support charges must abate (pause). The payer must provide incarceration information to the FOC. Abatement of charges may go back to when incarceration started, but no earlier than December 30, 2021. Any arrears will remain on the case during abatement.

When the payer is released from incarceration, the FOC must review the support order. Support remains abated until a new order enters.

Retroactive Modification of Support
A change in child support cannot apply to any time before the date the motion for a change was filed unless a parent:

- Intentionally fails to report an income change to the FOC.
- Misrepresents their income.

Making Payments

Unless otherwise ordered, payers must make their payments to the Michigan State Disbursement Unit (MiSDU). When the MiSDU receives a payment, the MiSDU must forward the money to the payee within two business days. A payer should not pay the payee directly because the payer will not receive credit for the payment.

In most cases, the FOC works with the payer's employer to directly deposit support payments into a payee's account or debit card. A payer who pays the MiSDU directly should identify the case number with the payment.

Once a year, parents can ask the FOC to give them a free support account statement. Account information is always available through the MiSDU, on the MiChildSupport website, or by calling the FOC office that has the support order. The MiSDU's phone number is 1-877-543-2660.

PARENT DISAGREEMENTS

Even if a parent disagrees with a custody, parenting time, or child support order, the parent must still do what the order says until the judge changes the order.

Child Endangerment
Sometimes one parent might believe the other parent will put the child in danger (like if a parent shows up under the influence of alcohol or drugs when picking the child up for parenting time). Both parents must follow the court order. If you do not follow the court order because you believe the child is in danger, you could have to tell the court why you did not follow the order.

Remote Contact with the Child
If you and the other parent disagree on whether you can call, email, or text the child during the other parent's parenting time, you can:

- Use the FOC's ADR services.
- File a motion asking the court to change the order to allow you to call, email, or text the child.

The FOC can only act if a court order provides for these issues.

Child Abuse or Neglect
If you are concerned that the child is being abused or neglected, you should report your concern to the MDHHS Children's Protective Services (CPS) at 1-855-444-3911. Only CPS can investigate abuse or neglect allegations or remove a child from a parent.

The Child Does Not Want to Spend Time with the Other Parent
Both parents must follow the court order no matter the child's age and preferences. You must try to promote a positive relationship between the child and the other parent. If the child does not want to see the other parent, you can:

- Work out a different arrangement.
- Seek counseling for you or your child and suggest that the other parent do the same.
- Use the FOC's ADR services.
- File a motion asking the court to change the parenting time order.

The Other Parent Will Not See the Child
The FOC cannot force a parent to see their child. To promote a positive relationship between the child and the other parent, you can:

- Seek counseling for you or your child and suggest that the other parent do the same.
- Ask for mediation.
- File a motion to change the parenting time order.

The Parenting Time Order is Not Specific
A nonspecific parenting time order, like one that provides for "reasonable" parenting time, assumes the parents will agree to a parenting time schedule. If you and the other parent cannot agree, you can:

- Use the FOC's ADR services.
- Ask the FOC whether the order is specific enough to allow the FOC to help.
- File a motion to ask for a more specific order.

The Other Parent is Not Sending or Returning Items During Parenting Time
If the court order does not say anything about transferring clothes or other items the child uses, you and the other parent can try to work out an agreement. If that is unsuccessful, you can:

- Use the FOC's ADR services.
- File a motion asking that the order require the other parent to transfer clothes or other items along with the child.

Child Support is Not Spent on the Child
The law does not let the FOC investigate how payees spend child support.

Refusing to Pay Child Support because Parenting Time is Denied
A parent may not refuse to pay support because the other parent violates a parenting time order.

IF A PARENT DOES NOT FOLLOW AN ORDER

Parents are expected to do what the court order says. If you cannot follow the order because of things outside of your control, you should contact the FOC about what is happening. The FOC may be able to help you. If you knowingly do not follow the order, the court may have to act to ensure you follow the order.

Michigan laws and court rules say what can be done to ensure a parent follows the order. The FOC

is sometimes required to act for the court and to bring a violation of the order to the court's attention.

Custody or Parenting Time

Parent Files a Complaint (or a Motion)
If the other parent doesn't do what the order says, you can file a written complaint with the FOC. Your complaint should state facts explaining how the other parent is not following the order. Some FOCs have a form to file a parenting time complaint.

Instead of filing a complaint with the FOC, you or an attorney can file a motion and ask the court to enforce the order without the FOC's help.

FOC Reviews the Complaint
If you file a written complaint with the FOC that states facts explaining how the other parent is not following the order, the FOC will review the complaint to see if it can help resolve the complaint. The FOC may not be able to do anything if:

- The violation occurred more than 56 days before you made the complaint.
- You have made two or more complaints that the court found unwarranted, and you have not paid the costs assessed in those proceedings.
- The court order does not have an enforceable parenting time provision, like if the provision is nonspecific.

Results of Parenting Time Complaint
If the FOC can do something about the complaint, the FOC will send a copy of the complaint to the other parent within 14 days after the FOC receives the complaint. The FOC can respond to the complaint by:

- Applying "makeup" parenting time.
- Asking the court to decide if the parent who violated parenting time is in contempt.
- Filing a motion to modify parenting time.
- Scheduling mediation or a joint meeting with the parents.

Parental Kidnapping
If you believe the other parent will not return the child, you can contact the police or the prosecuting attorney and ask to file a parental kidnapping charge.

Support

When support payments are more than one month past due, the FOC must try to collect the support without waiting for a parent's request. The FOC can collect support, or compel a payer to pay support, using the following processes:

- **Income Withholding**. Instead of the payer having to remember to make payments, the employer can withhold money from a payer's paycheck. The employer will send the money to the MiSDU, who will send the money to the payee.
- **Contempt of Court.** The court can order the payer to come to a court hearing (called a show cause hearing) and explain why the payer is not following the order. If the payer does

not come to the hearing, the court can issue a bench warrant for the payer's arrest.

- **Income Tax Intercept**. The IRS can send the payer's tax refund to the MiSDU. This can also apply to state taxes.
- **Passport Suspension or Denial.** The federal government can suspend travel privileges.
- **License Suspension.** The court can suspend driver's, recreational, and occupational licenses.
- **Liens on Real and Personal Property**. The court can order payment from the sale of property.
- **Credit Reporting**. The FOC must report a payer to credit reporting agencies.
- **Surcharge.** The court can order a surcharge (interest).

For more information on these and other processes, see the Brochures and Handouts page of the Friend of the Court Bureau's website.

Health Care

The court can order a parent to provide health insurance for the children. If the parent does not provide court-ordered health insurance, the FOC will send a medical support notice to the parent's employer to enroll the children in the employer's plan. If a parent is ordered to provide health insurance and fails to do so, the parent can be held in contempt of court.

Coverage might be available through MI-Child or Medicaid programs. More information about public programs is available at the Michigan Medicaid Program website.

Uninsured Health Expenses

Parents must split the cost of uninsured health expenses. If the support order includes **ordinary medical expenses**, the payer pays their portion of the annual ordinary medical expense amount as part of the monthly support payment. The FOC can collect or compel the payment of ordinary medical expenses using the processes listed for collecting or compelling the payment of support.

Additional medical expenses are the payee's uninsured expenses that exceed the annual ordinary medical expense amount, and any uninsured medical expense paid by the payer. The FOC will help a parent collect the other parent's share of additional medical expenses if:

- The parent requests payment in writing from the other parent within 28 days after receiving an insurer's determination that an expense is not covered.
- The other parent does not pay within 28 days after the written request for payment.
- The parent asks for the FOC's help within one year after incurring the expense, within six months after the insurer has denied coverage, or within six months after the other parent fails to pay.

If a parent submits a request to the FOC that meets these three requirements, the FOC will notify the other parent of the amount due. If the other parent does not object within 21 days, the unpaid amount becomes an arrearage. If the other parent objects, the FOC must schedule a hearing to decide whether or how to pay the amount.

Intergovernmental Cases

An intergovernmental case is where the child resides in a different state, country, or Tribal nation than one of the child's parents. Child support does not end when a parent no longer lives in Michigan. If a support payer no longer resides in Michigan and stops paying, other states (and some foreign countries) may enforce the Michigan order. A court in another state can collect support, set or modify a support order, or help find the payer or the payer's assets.

As long as one of the parents or a child still resides in the state that issued the original order, then that state is the only state that can change the order. If a parent wants to change the order and no parent or child still lives in the state that issued the order, the parent must ask the state where the other parent resides to change the order.

For more information, see *The Uniform Interstate Family Support Act (UIFSA): Working Together to Collect Child Support*.

The Federal IV-D Child Support Program

Title Four, Part D (IV-D) of the Social Security Act establishes the federal child support program. It sets requirements all states must meet to get federal funds to find missing parents and their assets, to help establish paternity and child support, and to help collect support. The Office of Child Support, Prosecuting Attorney's office, and FOC receive federal funds to provide child support services to families.

Applying for IV-D Child Support Services
If you want to establish paternity or support, or collect child support, you can apply for IV-D child support services. To get an application or learn more about the application process, you can:

- Call the Office of Child Support at 1-866-540-0008.
- Visit or call a local MDHHS office, Prosecuting Attorney's office, or FOC office.
- Apply online.

All IV-D applicants are entitled to receive *Understanding Child Support: A Handbook for Parents*. You can contact your local FOC or MDHHS office for a paper copy.

Complaints about the FOC, Judges, Referees, or Attorneys

Filing a Complaint about the FOC

You can file a grievance (complaint) about the FOC in two ways: with the FOC, or with a Citizen Advisory Committee (CAC). A grievance cannot change the FOC's recommendation, a referee's recommendation, or a judge's decision.

Filing a Grievance with the FOC
If you have a concern about an FOC office's operations or employees, you can file a grievance with the local FOC office by:

- Writing a letter titled "Grievance."
- Filling out a grievance form from the local FOC office.
- Filling out the Friend of the Court Grievance (FOC 1a).

Within 30 days, the FOC must investigate the 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 can file the same grievance with the chief circuit court judge.

Filing a Grievance with a Citizen Advisory Committee (CAC)
If you have a concern about an FOC office's operations (not FOC employees), you can file a grievance with a CAC. CAC meetings are closed to the public. The CAC reports its findings to the chief judge and the county board of commissioners. To find out if your county has an active CAC, please contact your local FOC.

Reporting Misconduct of a Judge or Referee

The Judicial Tenure Commission (JTC) reviews allegations of judge or referee misconduct. The JTC can recommend that the Michigan Supreme Court discipline a judge or referee who has acted unethically. However, the JTC cannot change a court order or a referee's recommendation.

If you want 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
1-313-875-5110
www.jtc.courts.mi.gov

Filing a Complaint about an Attorney

The Attorney Grievance Commission investigates attorney misconduct. To file a complaint against your attorney (called a "request for investigation"), contact:

Attorney Grievance Commission
755 W Big Beaver Rd Ste 2100,
Troy, MI 48084
1-313-961-6585
www.agcmi.org

MISCELLANEOUS

Property Settlement

The FOC cannot enforce the court's property division order.

Access to Friend of the Court Records

An FOC file is not public information. However, certain individuals or agencies are allowed access. Parents and their attorneys can see most information in their FOC file. There are exceptions for confidential documents. The FOC may charge a reasonable fee for copying records.

If the FOC will not let you see its file, you can file a motion asking the court to allow you to see the file.

Access to the Child's Records

Michigan law gives both parents the right to see certain records, including:

- Medical.
- Dental.
- School.
- Day care.

Both parents are entitled to receive advance notice of meetings about their child's education; however, the FOC cannot enforce that law. You might want to talk with an attorney if you are denied any of those rights.

Adoptions, Marriages, and Military Enlistments Impact on Child Support

If the child is adopted, marries, or enters the military service, the court can stop child support. You should provide copies of adoption orders, marriage records, or military service records to the court, and pay any overdue support.

Parent Locator

The state and federal governments have a "parent locator service" to locate a parent for any of the following purposes:

- To collect child support.
- To obtain or enforce a child custody or parenting time order.
- To prohibit the unlawful taking or restraint (kidnapping) of a child.

Paternity Establishment

If the child's parents are married when the mother becomes pregnant or when the child is born, the court assumes the mother's husband is the legal father. If the child's parents are not married, there

are steps the mother or father can take to establish the father's paternity. If the mother or father applies for certain types of public assistance, MDHHS and the Prosecuting Attorney's office work together to establish paternity.

For more information, see the Establishing Paternity brochure.

FREQUENTLY USED TERMS

Arrearage – The amount of support payments that are overdue.

Bench Warrant – A court order to arrest a person and bring that person before the court.

Friend of the Court – In this handbook, "friend of the court" means the office that helps the circuit court's family division. The office investigates, makes recommendations, and helps parents follow court orders that affect minor children. "Friend of the Court" is the formal title of the person in charge of that office.

Motion – A formal written request that a court take a specified action. A motion is sometimes called a "petition."

Paternity – Fatherhood; a legal father for a child.

Payee – The person or agency entitled to receive support payments (also known as "recipient").

Payer – The person who must pay support (also known as the "obligor").

Public Assistance – Financial support provided by the state to individuals whose income falls below a certain level. Public assistance can include cash assistance (FIP), medical assistance, child daycare (CDC), food assistance (FAP), or foster care.

Reside or Residence – The permanent home to which a person, even when temporarily living elsewhere, always intends to return.

Spousal Support – Money paid to support a spouse or former spouse, (formerly called "alimony").

STATE AND LOCAL AGENCIES

Your FOC office may have a list of local human service organizations that can help you in ways the FOC cannot. The list of agencies below may be able to help answer your questions.

Michigan Department of Health and Human Services (MDHHS)

MDHHS is the state agency that provides public assistance to families and Child Protective Services (CPS). You can find out more about MDHHS, including contact information for the

different agencies within MDHHS, at http://www.michigan.gov/MDHHS. You can also contact MDHHS by mail at:

Michigan Department of Health and Human Services (MDHHS)
235 S. Grand Ave., P.O. Box 30037
Lansing, Michigan 48909

Reporting Abuse/Neglect
To report abuse or neglect of a child or adult, call MDHHS at 1-855-444-3911. For more information, visit https://www.michigan.gov/mdhhs/adult-child-serv/abuse-neglect.

Office of Child Support (OCS)
OCS is an agency within MDHHS. If you would like to apply for child support services or have general questions about child support, you can call 1-866-540-0008 or visit https://www.michigan.gov/mdhhs/adult-child-serv/child-sup.

MiChildSupport

MiChildSupport is a website where you can access your child support case information or begin a new child support case. To find out more, visit https://micase.state.mi.us.

National Domestic Violence Hotline

If you fear for your or your child's safety, the National Domestic Violence Hotline can provide tools and support to help. You can call 1-800-799-7233 or visit https://www.thehotline.org/.

Michigan State Disbursement Unit (MiSDU)

The MiSDU accepts and processes child support payments. To find out more, visit https://www.misdu.com. You can also contact the MiSDU by mail at:

MiSDU
P.O. Box 30351
Lansing, Michigan 48909

Michigan Legal Help

Michigan Legal Help is a website that has tools and information to help you understand and manage legal problems. To find out more, visit http://michiganlegalhelp.org.