

**13TH CIRCUIT COURT
FAMILY DIVISION**

*Friend
of the Court
Handbook*

**ANTRIM
GRAND
TRAVERSE
LEELANAU
COUNTIES**

Price: \$1.50

13th CIRCUIT COURT -- FAMILY DIVISION

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INTRODUCTION

This handbook provides information about the services of the Antrim, Grand Traverse and Leelanau County Friend of the Court Office (“FOC”). There will be a relationship between your family and the FOC for several years to come. We desire this relationship to be a good one, and, we trust the information in this handbook will be helpful. You will gain the greatest benefit from this handbook if you read it in its entirety.

FOC procedures and policies are based on the law. The laws regarding domestic relations change frequently. This handbook has been prepared based on current statutory requirements.

Family separation is extremely difficult for both parents and children. Parents can help their children by establishing regular routines and encouraging frequent and regular contact between children and the co-parent. Parents can also be supportive by encouraging the other parent’s involvement in the children’s day-to-day life through participation in school and other activities. The timely exchange of information regarding the children’s well-being is also recommended.

While you, your co-parent and the children no longer share the same home, the responsibilities and the rewards of being a parent continue forever. Your children will always want you both to be part of their lives, to attend high school or college graduations, to be at their weddings, the birth of their children, and participate in other major life events. Children want to proudly 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.

DOMESTIC RELATIONS ISSUES

In a domestic relations case, there are many issues involving the children. The FOC encourages parents to discuss these issues and reach agreements whenever possible. These issues include:

- How will decisions regarding the children be made? (legal custody)
- How and when will the children spend time with each parent? (custody and parenting time)
- How will financial responsibilities for the children be divided? (child support and child care)
- How will the children’s medical, dental and other health care expenses be met? (health care coverage)

- Will children be allowed to move permanently from the state of Michigan? (domicile)
- Will either parent be allowed to relocate more than 100 miles away from co-parent? (residence)

Decisions regarding these issues may be made in several ways:

- The parties may reach agreement by themselves, or, by working with their attorneys.
- The parties may reach agreement with the assistance of their FOC case manager, or, if they are unable to agree, the case manager may make a recommendation to the court for a decision.
- Mediation to assist parties in resolving their issues is available through the FOC, through dispute resolution center(s), or through private mediators.
- A family division referee may conduct a hearing on the issues and make a recommendation to the judge.
- The judge may come to a decision by conducting a hearing or trial.

THE OFFICE OF THE FRIEND OF THE COURT

STATUTORY RESPONSIBILITIES

Michigan law created friend of the court offices in 1919. At least one office serves each circuit court's family division. The 13th Circuit Friend of the Court serves Antrim, Grand Traverse and Leelanau counties.

The primary statutory responsibilities of the FOC offices are:

1. When parents cannot agree, or, when directed by the judge, to conduct investigations and make recommendations to the court regarding:
 - Custody
 - Parenting time; and
 - Child support, including medical support, and sometimes spousal support.
2. To offer mediation, when both parents agree to participate, as an alternative to litigation.

3. To enforce the orders of the court regarding custody, parenting time and child support.

The FOC works with your case through a set of legally prescribed actions. **The FOC does not provide emergency services.** If you or your child need(s) immediate attention, then a police agency, a hotline service or child protective services should be contacted. Similarly, the FOC does not:

- Represent or advocate for either parent;
- Give legal advice or prepare legal documents (complaints, motions, briefs, etc.) for parties;
- Provide counseling;
- Provide private investigative services;
- Arrest individuals; or
- Enforce or address issues that are not contained in the court's orders.

TYPES OF CASES HANDLED BY THE FRIEND OF THE COURT

STARTING A CASE

The Friend of the Court does not initiate court cases. It receives cases that have been filed from the court. To initiate a case, a complaint must be filed. You may file a complaint with the assistance of an attorney, you may choose to do so without the services of an attorney, or, you may seek to have a case filed on your behalf by the prosecuting attorney's office. See www.13thcircuitcourt.org and use the search bar to look up; Forms and Instructions for Starting a Case.

DIVORCE

A person who wants to end his/her marriage must initiate a case by filing a complaint for divorce. FOC does not initiate divorces, provide legal advice or prepare forms or pleadings. While you are not required to have an attorney, most people find it helpful to do so. The plaintiff must serve the summons and a copy of the complaint on the defendant. There is a minimum waiting period of six (6) months from the date of the filing of the complaint for divorce until the date the parties can be divorced.

At the final divorce hearing, the judge must find that there has been a breakdown in the marriage relationship to the extent that

the objects of matrimony have been destroyed and there is no reasonable likelihood that the marriage can be preserved.

In the 13th Circuit, all proposed judgments of divorce and orders involving minor children must be submitted to the FOC for review and approval. The FOC only reviews the child-related provisions.

FAMILY SUPPORT

A parent or guardian who has a minor child living with him/her and who is separated from the child's other parent, with no divorce case having been filed, may seek a family support order. A parent who has a child born out of wedlock may also seek a family support order once the father's paternity has been established. See discussion of paternity below.

A family support order does not prevent either party from filing for divorce if the parties are married. However, the family support order will remain in effect until a judgment of divorce is granted.

If you have a family support order, the case can become inactive if you marry your co-parent or if you begin living in the same household again. A marriage license or a written agreement of reconciliation signed by both parties must be presented. The case will become inactive when all amounts remaining due to third parties or the state have been paid.

PATERNITY ACTIONS

When a child is born to a mother who is not married to the child's father, legal processes can be used to establish the father's rights and responsibilities. If the child is born out of wedlock, the father and mother can sign an approved affidavit of parentage form to legally establish paternity.

If an affidavit of parentage is not signed by both parents, either parent can file a paternity action to have the court determine the legal father of the child.

Generally, paternity cases are started by the prosecuting attorney after a referral from the Michigan Department of Human Services, which makes referrals regardless of whether a person receives public assistance. A person may also file his/her own paternity action or contact a private attorney to file the action.

Under the Paternity Act, the court is allowed to apportion to both parents the reasonable and necessary expenses of pregnancy and birth based upon each parent's ability to pay. If Medicaid paid these expenses, the court cannot require the mother to repay.

Child support can be awarded back to the date the complaint for paternity was filed.

If the mother and father marry after the order of filiation, they should mail a copy of the marriage license to the FOC. This will stop support charges and eliminate any balance owed for reimbursement of confinement expenses. The case can be closed when all monies owed to third parties and to the state, have been paid.

INTERSTATE CASES

If you leave the state of Michigan, you must continue to pay support through the Michigan State Disbursement Unit (MiSDU). Let the FOC know the name and address of your new, out-of-state employer and the proper paperwork will be directed to that employer to continue your automatic income withholding.

If payments stop, the parent receiving support can ask that a child support agency in the state where you now live register the support order and take enforcement action pursuant to the Uniform Interstate Family Support Act (UIFSA).

The FOC or a private attorney can help with this process. Registration for enforcement allows another state to take the Michigan order and enforce the full amount of support as if it were that state's own order.

The FOC also registers other state's orders for support. Usually this occurs when the parent who pays the support moves to Michigan.

PROCEDURES OF THE FRIEND OF THE COURT

Every domestic relations matter begins with someone filing a complaint with the court clerk of the family court division of the circuit court. The person who files the complaint is referred to as the plaintiff. The defendant is the person against whom the complaint is filed. The complaint asks the court to enter a judgment resolving a number of issues. For example, a complaint may ask the court to grant a divorce, provide for child or spousal support, enter an order for custody/parenting time and divide the parties' real estate and personal property.

When FOC receives a copy of the complaint, summons and a verified statement, a case file is opened and a case manager is randomly assigned. The FOC case manager then schedules an initial conference with the parents. Parents are required to complete a case questionnaire and provide copies of tax returns and other financial information.

It is very important for parents to attend their initial FOC appointment. Legal custody, physical care arrangements, parenting time, child support, medical support and the domicile and residence of the children will all be discussed. Information is provided on the operation of the FOC and questions are answered.

Most parents are able to reach agreements on the physical care arrangements for their children and how they will share time with their children. It is usually best that these matters are decided by parents. The FOC is committed to promoting workable agreements between parents.

Following an appointment where the parents have agreed on the issues of physical care and parenting time, the case manager will prepare an order which embodies that agreement for the court's consideration and also provides the court with the appropriate child support calculation based upon the Michigan Child Support Formula.

When parents cannot agree, they have several options (discussed individually below). The end result is still the prompt issuance of a court order that specifies the terms of legal custody, physical care, parenting times and child and medical support.

DEFAULT

If a party fails to appear for his/her appointment and fails to provide the required financial information to the FOC, a recommendation for an order on custody, support and parenting time will be prepared and submitted to the court for entry. After entry, the order is mailed to both parties. Either party may file an objection to the order. The objection must be filed within 14 days from the date the order was mailed.

DOMESTIC RELATIONS MEDIATION

An alternative approach to resolution of disputes is domestic relations mediation. The FOC provides mediation services. The mediator assigned by the FOC is **not** the case manager assigned to the case. Parties may also opt for private mediation or a local dispute resolution center. The FOC has information on mediation services.

In mediation, a trained staff mediator, who is neutral and has no other duties with respect to your case, is assigned. All discussion is confidential. Agreement of the parties is the only method by which a decision can be reached. If an agreement is reached, the FOC or one of your attorneys will prepare a consent order for the judge to review and sign. If no agreement is reached, a decision must be made in one of the ways described ahead. The mediator will not make a decision for you.

It is hoped that when parents reach a mutually agreeable solution to the difficult problem of physical care and parenting times, with the aid of a trained mediator, that the best interests of the children will be served. By actively participating in the decision-making process, the parties are more inclined to live by the agreements made and avoid future disputes.

FRIEND OF THE COURT RECOMMENDATION

If the parties are unable to reach an agreement, the FOC case manager will submit a recommendation and a proposed order to the court.

The case manager will investigate each parents' circumstances, as well as those of the children. Contact may be made with knowledgeable persons (school, counselors, doctors, neighbors, day care providers, etc.) to gain helpful information. Unannounced home calls at the proposed residences may occur in cases where sanitary living conditions are an issue.

By law, the state of Michigan Child Support Formula (see "Child Support" heading for further discussion of the Formula) **must** be applied and support as calculated by the formula **must** be recommended. Deviations, even if there is agreement of the parties, may only be granted by the court. The judge must state the reasons for any deviation in writing or on the court record at a hearing set to address that issue; a deviation addendum must be attached to your order with the reasons indicated.

If the court signs the proposed order and either party disagrees with it, their objections must be filed with the court, with a request for a hearing. This is often done through your attorney. If you have no attorney, there are objection forms and written instructions available at the FOC.

FAMILY DIVISION REFEREES FOR DOMESTIC RELATIONS

In the 13th Circuit, there are referees appointed by the circuit judges. The referees may formally hear any domestic relations matter affecting minor children that is assigned to them. The judges alone may assign a matter to the referee.

The referee will use formal rules of evidence and procedure in all hearings. A record is made of all hearings. Typically any child-related dispute left unresolved may be referred to and scheduled for formal hearing before a referee. The referee may also hear objections filed to orders entered by the court upon FOC recommendations. The referee may hear motions for changes in custody, support, and parenting time. The referee may also conduct hearings to enforce prior orders of the court on any child-related provision of the current order.

Attorneys may represent you at a referee hearing or you may represent yourself. Any party may request that the judge conduct a *de novo* hearing on a matter that has been heard by a referee. Such a request must be made in writing within 21 days after the referee recommendation has been mailed to the parties. A *de novo* hearing might be a new decision based entirely on the record of the evidence presented at the referee hearing, a new decision based only on evidence presented at the *de novo* hearing or a new decision based partly on the record, supplemented by evidence that was not presented at the referee hearing. The judge may enter the referee recommended order as an interim order pending the *de novo* hearing.

RECONCILIATIONS

Not every divorce matter that begins ends in a divorce. You may work out your differences and stop the divorce action; this requires filing an order of dismissal in the Family Court. If your children received public assistance, the support obligated parent must make plans to pay back any support assigned to the state of Michigan. Fees, court costs and any other amounts owed to the FOC must also be paid before the case can be closed.

“OPTING OUT” OR FRIEND OF THE COURT CASE CLOSURE

Parties who agree that they do not need FOC services do not have to use them and may jointly file a motion to close their FOC case. If the court grants the parties’ motion, they will have no file with the FOC and no services will be provided to them. Before the court may approve a motion to “opt out”, the parties must sign and file a document that summarizes the FOC services and acknowledges that the parties have chosen not to use those services.

The “opt out” motion cannot be granted if:

- A party is receiving or has applied for public assistance. Public assistance includes Medicaid, child care assistance, food stamps and cash grant.
- A party has applied for IV-D services.
- Either party wants an open FOC case.
- 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.
- Within the preceding 12 months, a support arrearage has existed or a custody or parenting time violation has occurred.

Parties who “opt out” of FOC services must assume full responsibility for administering and enforcing the court’s orders. Parties may make support payments through the MISDU even if their FOC case is closed. An FOC file must be reopened if either party receives any form of public assistance. In the 13th Circuit, the FOC will re-open a case upon written request of either party.

PHYSICAL CARE ARRANGEMENTS AND PARENTING TIME

A number of parenting arrangements are possible. Joint legal custody means that parents will communicate and cooperate with one another and attempt to reach mutual decisions regarding major issues affecting their children. These decisions include, but are not limited to, major medical decisions, educational decisions, and religious upbringing, if any. Joint legal custody presumes the parents are capable of communicating amicably concerning the best interests of their children. Most parents have joint legal custody.

Sometimes, parents agree to physically divide time with their children, sharing the day-to-day responsibilities of child-rearing more or less equally. This arrangement is often referred to as joint or shared physical custody. This may be a good arrangement when parents can actually make it work in their new and changing circumstances. It does require a lot of effort and very good, effective communications.

CONTESTED CUSTODY

The Family Court Judges and the FOC encourage parents to reach agreement with regard to custody issues. If parents are unable to reach agreement, the decisions will be made by the court. Michigan law does not allow minors to choose with whom they live.

When custody is contested, the court will determine custody based on the “best interests” of the children. The court must consider each of the following factors of the Michigan Child Custody Act (MCLA 722.23; MSA 25.312(3)):

- (a) The love, affection and other emotional ties existing between the parties involved and the child.
- (b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
- (c) 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.

- (d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- (e) The permanence as a family unit, of the existing or proposed custodial home or homes.
- (f) The moral fitness of the parties involved.
- (g) The mental and physical health of the parties involved.
- (h) The home, school, and community record of the child.
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
- (j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent, or, the child and the parents.
- (k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.
- (l) Any other factor considered by the court to be relevant to a particular custody dispute.

PARENTING TIME

Michigan law presumes it to be in the best interest of a child to have a strong relationship with both parents. Parenting time is granted in a frequency, duration and type reasonably calculated to promote a strong relationship between the child and the parent granted parenting time. 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). This is true even if child support is not being timely paid.

Parenting time in court orders is usually stated in specific terms. The general division of parenting time allows flexibility so parents can work out the best alternating physical care and parenting time arrangements that they can mutually agree upon. Parenting time is best for children when it is done on a regular and consistent basis.

Specific parenting times assure a division of parenting time at a reasonable level in the event that agreements and arrangements

are difficult for the parents to reach between themselves. Changes in the schedule must be negotiated. If that is not possible, the court order **must** be followed. Parents are encouraged to be flexible with one another. One parent may wish to alter the schedule for an important family event. If a parent is considerate and courteous with such a request, then he or she is more likely to have their own need for a change met in the future. Do not expect the FOC or the court to intervene in changes to an existing court order for special events.

The court encourages each parent to share the work, efforts and rewards involved in raising children. The children need quality time with both parents. They benefit when both parents interact with each other positively. Keep in mind the children love **both** of their parents.

The parenting time schedule should be exercised in a prompt manner. In the event of unforeseen circumstances, a thirty (30) minute delay is allowed for picking up and returning the children. Notice of delay should be given to the other parent.

Communication and cooperation between parents will help ease any problems associated with exchanging the children. Showing courtesy and respect for your co-parent makes this process more workable for everyone, especially your children. If you don't feel you receive the same kind of treatment, it is still important for you and for your children to continue to act maturely and graciously. Avoid the temptation to respond in kind.

PARENTING GUIDELINES FOR BOTH PARENTS

1. Treat your co-parent with courtesy and respect. Children do not like to hear their parents criticizing each other. It saddens them and makes them have less respect for you and themselves.
2. Do not use your child as a source of information concerning events in each other's households or lives.
3. Do not rely on your child as the method of communication between adult parents. A child can learn to "play" parents, often accomplishing results no one wants. Parents talking to each other about the child's needs can stop unfavorable behavior.
4. Follow the schedule set for parenting times. If a change needs to be made, negotiate it with your co-parent in advance.
5. Be on time for parenting time exchanges. Your co-parent should not be expected to wait without prior communication.
6. Spend quality time with your child. Too often children are left with babysitters, relatives, new girlfriends or boyfriends, etc. Children need to spend some exclusive, non-sleep, non-work,

non-school time with each parent on a regular basis. That does not mean children must be on a continuous round of activities. Doing quiet or casual things with your child is important, too.

7. If your child is taking medicine, make sure to communicate the need so that it is given properly and consistently in both households. If your child is ill, contact your co-parent and seek medical attention if necessary. Minor illnesses should not interfere with the normal schedule for parenting time.
8. Send whatever items your children will need during their time with your co-parent and make sure your child returns with what he or she brought.
9. Avoid alcohol or drugs during and immediately prior to your parenting time.
10. Avoid conflicts in front of your child. If this happens often, wait outside the house or in your car for exchanges.
11. Both parents should work toward agreement in decisions regarding discipline so that one parent is not working against the other's efforts. Parents should also consult with each other and work toward agreements in other areas, such as in medical, dental and counseling services for their children.
12. Do not threaten your child with cutting off time with their father or mother. Allow your child to have fun and enjoy his or her time with your co-parent. Parents should always consider and work toward the emotional well being, health, happiness and safety of their child.
13. Work with your co-parent whenever it becomes necessary for someone else to pick your child up. Communicate and provide advance notice that a third party will be transporting the child. Co-parent, teachers and day care providers are not expected to turn children over to strangers.
14. If there is a problem with getting or returning the child at parenting times scheduled in the court order, keep track of the dates and reasons given for the problem and **write a letter** to your case manager. Before any further action can be taken through the court, you must have done everything required on your part by the court order to meet the schedule contained in that order, including actually appearing on time and at the place of a parenting exchange, even if your co-parent has advised you that the exchange will not occur. Never become abusive. Enlisting a police agency will not resolve the parenting time schedule issue. Police officers cannot act as the judge to determine whether or not the order has been violated. They can only try to keep the peace.

PARENTING TIME ENFORCEMENT

The FOC is required to provide enforcement services for parenting time orders. In the 13th Circuit, all provisions of the court's orders are uniformly enforced. The parenting time provisions of the court's order are as important as the financial provisions. A general or non-specific order for parenting time, e.g., "reasonable parenting time as the parties agree and arrange" is difficult for the court to enforce. If you are denied requested time with your child, cannot make arrangements with your co-parent and have a non-specific order, you should communicate your concerns, **in writing**, to your case manager and request a review of parenting time. The purpose of the review will be to establish a specific schedule of parenting time which is more enforceable by the court.

If you have a specific schedule of parenting time and you believe the court order has been violated, you should advise the FOC, **in writing**, as soon as possible of the date(s) of the alleged wrongfully denied parenting time. The FOC will initiate enforcement within 14 days of receipt of the written complaint, unless (1) the alleged violation occurred more than 56 days before the complaint is made, or (2) 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 FOC typically starts enforcement by sending a copy of the written complaint to the accused party. The accused party has 21 days to respond. A failure to respond is considered an admission that the parenting time was wrongfully denied. Further enforcement may include: "makeup" parenting time; a petition and order to show cause why the court should not find the party in contempt of its order; a motion for modification of existing parenting time provisions; mediation; or a joint meeting with the parties to attempt to resolve the problem.

If a hearing is scheduled, notice of the hearing will be given to both parties and both parties must appear. At the hearing, the court will hear from both parties and make a determination as to whether or not parenting time was wrongfully denied. The court may order make-up parenting time, assess fines and costs, or, order the offending party to jail.

The following are examples of explanations for denied parenting time which are generally not acceptable to the court:

1. The child refuses to go;
2. The parent did not want the child to go;
3. The co-parent is behind in child support payments;
4. The child had a minor illness;
5. The child had to go someplace else;
6. The child was not home;

7. Preconditions, not contained in the Order, were not met;
8. The weather was bad;
9. The child had no clothes to wear; and
10. Religious reasons, unless provided for in the court order.

The following are examples of explanations for denying parenting time which are generally acceptable:

1. The parent to exercise parenting time was impaired by drugs or alcohol at the time of the parenting exchange;
2. The parent did **not** show up for his or her parenting time within thirty (30) minutes of the time specified and/or at the place specified in the court order and did not notify the other party and make other arrangements in advance;
3. The child had a major illness;
4. The parent denied parenting time did not meet court ordered preconditions;
5. The parent denied parenting time had established a pattern of failing to appear for his or her scheduled parenting time;
6. A person unknown to the co-parent and child arrived to pick up the child for the other parent's parenting time; and
7. A peace officer intervened and canceled the exchange.

Make-up parenting time, when ordered, is of the same type of time wrongfully denied, e.g. weekend for weekend, holiday for holiday. When parents are able to agree on make-up parenting time, there often is no need for a court hearing. The FOC will keep a record of the time to be made-up, whether agreed upon by the parties or court-ordered. **Generally, the parent who has been wrongfully denied parenting time chooses the dates for make-up parenting time.**

FREQUENTLY ASKED QUESTIONS REGARDING CUSTODY AND PARENTING TIME

- **How do I get an order for custody?**

A court case must be started by the filing of a petition or complaint requesting custody. The FOC does not start cases or prepare or file pleadings for parents.

- **How do I change an existing order for custody?**

Once a custody order is entered, it may be changed in one of two ways. If parents agree, they may sign an agreement (stipulation) and obtain the FOC's approval. That agreement, if approved by a judge, will then change the custody order. In the absence of an agreement by the parties, the party seeking the change must file a motion with the court which will be scheduled for a court hearing.

- **Can I file my own motion to change custody?**

You may file your own motion. The FOC has forms and instructions for a party who wishes to file this type of motion. However, it is important to remember that the court will hold you to the same rules to which an attorney would be held. There are complex issues involved in a custody case and you may wish to have an attorney represent you. The FOC office cannot file a motion for you, provide legal advice, nor can it provide you with an attorney.

- **Is there any way the Friend of the Court can assist parties in reaching an agreement regarding custody?**

The FOC will provide domestic relations mediation when there is a custody dispute and both parties agree to participate in mediation. Mediation allows an impartial third party to assist parents to resolve their dispute. The mediator will not make a decision for you.

- **At what age can the child choose with which parent he/she will live?**

Eighteen. Children do not decide custody. Parents or the court decide custody. The reasonable preference of the child is but one of many factors the court considers in reaching a custody decision.

- **What happens if I have an order for custody and the other parent does not return the child to me as stated in the court order?**

- You may contact the FOC and request enforcement. Requests for enforcement must be **in writing**.
- You may contact your attorney.
- If you have reason to believe the other parent does not intend to return the child, you may contact the police or the prosecuting attorney and request that parental kidnapping charges be filed.

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

As parents, you have a responsibility to arrange a schedule of parenting time which is reasonable based upon the best interest of the child(ren) and your family situation.

If you cannot agree upon a “reasonable” schedule of parenting time, you have the following options:

- See if the other parent will agree to mediation or counseling.
 - Ask the FOC to review parenting time.
 - File a motion to revise parenting time.
- **I have a specific parenting time schedule that I would like to change. What can I do?**
 - See if you and the other parent can agree to a change. You may wish to participate in mediation. If a change is agreed upon, you may present it to the FOC as a proposed new court order of parenting time. An agreement between parties is not enforceable without a court order.
 - File a motion with the court stating the changes that have occurred which necessitate a change to the schedule of parenting time on your own or contact an attorney. The matter may be referred to the FOC for review.

- **Child support payments are not being made. Do I have to allow parenting time?**

Yes. The lack of payments does not justify a denial of parenting time and a denial of parenting time does not justify non-payment of support. The child has an independent right to spend time with both parents.

- **The other parent is not sending or returning clothing or other personal items for our child. Is there anything the Friend of the Court can do?**

No. The FOC enforces the written order of the court. If your court order does not address clothing or other personal items, there is nothing for the FOC to enforce. Even if you were able to obtain an order containing such a provision, these provisions are difficult for the court to enforce. Parents would be better advised to keep a change or two of clothes on hand for visits.

- **It appears that the other parent has been drinking or using drugs. Do I have to let the children go?**

That is your decision as a parent. If you deny parenting time in such a situation, you may have to explain to the court, at a “show cause” hearing, why you should not be held in contempt for your decision, which you felt was in the best interests of the children.

- **I am concerned that my child is being abused or neglected when with the other parent. What should I do?**

Report your concerns to the protective services division of the Department of Human Services. You may also wish to provide your FOC office with a written copy of your concerns so that they may be made a part of your file. The FOC, however, does not have the authority to investigate and remove children in abuse or neglect matters, nor can the FOC change your court order based upon allegations of abuse or neglect.

- **My child does not want to engage in parenting time with the other parent. What can I do?**

Parents are to obey court orders, regardless of the child's age. It is the parent's responsibility to promote a positive relationship with the child and the other parent. You may want to try the following options:

- Work out a different arrangement (one which will make the child more comfortable) with the other parent on your own or through mediation.
- File a motion with the court asking for a change in your parenting time order.
- Seek counseling for both parents and the children.

- **The other parent refuses to see our children. What can the Friend of the Court do?**

Neither the FOC nor the court can **force** a parent to engage in parenting time with his/her children. It is the parent's duty to promote a positive relationship with the children and the other parent.

- **What is "supervised" parenting?**

In some cases the court may require that any visits between the children and one of the parents be supervised by a third party. Some examples of circumstances under which this might occur include: a long absence of contact between the parent and child, a serious substance or alcohol abuse problem, or a history of inappropriate parenting behaviors. The visits may be supervised by an agreed-upon friend or relative, or, the FOC may be able to arrange for a neutral supervisor.

- **Is there a suggested parenting time schedule?**

Each family is unique and parents are strongly encouraged to devise their own schedules of parenting time. Absent special circumstances, the court does have a parenting time guideline, and it is available to parties at the FOC office.

- **The custodial parent is temporarily absent (out-of-town business or personal trip, short-term incarceration or hospitalization). Does the non-custodial parent automatically get care and custody of the child?**

No. For short term absences, the custodial parent may make alternate care arrangements which may or may not include the non-custodial parent. Any court-ordered parenting time must still occur. Remember to focus on what is in your child's best interests.

- **Can I take my child out of the country?**

The Child Custody Act requires that parenting-time orders prohibit exercising parenting time in a nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction, unless both parents provide the court with their written consent.

To identify which countries are parties to the Convention, lists are provided at: <http://www.hcch.net> or <http://travel.state.gov/content/childabduction/english.html>.

DOMICILE AND RESIDENCE CHANGES

The court's orders forbid moving the children's domicile from the state of Michigan without the prior permission of the court. The court's orders also forbid either parent from moving in excess of 100 miles from their co-parent when the parties have joint legal custody. Permission from the court to move the domicile or residence of the children is most easily received when parents agree in writing and submit their agreement to the FOC for approval. Modification of the existing court order is generally approved by the court.

If an agreement is not reached, the moving parent must file a motion with the court to attempt to receive the court's permission to move the children from the state of Michigan (change of domicile) or more than 100 miles away (change of residence). The court will hold a hearing on the motion and, based on the testimony offered, will decide whether or not to grant permission.

In deciding whether or not to grant the request to change the children's domicile or residence, the court considers:

1. Whether the prospective move has the capacity to improve the quality of life for both the parent and the child;
2. The history of compliance with and utilization of parenting time and whether the move is inspired by the parent's desire to defeat or frustrate parenting time and whether

the custodial parent is likely to comply with the substitute visitation orders when he or she is no longer subject to the jurisdiction of the courts of this state;

3. The extent to which the noncustodial parent who resists the move is motivated by the desire to secure a financial advantage in respect of a continuing support obligation;
4. The degree to which the court is satisfied that there will be a realistic opportunity for parenting time which can provide an adequate basis for preserving and fostering the parental relationship with the noncustodial parent if the move is allowed; and
5. Domestic violence.

A move which would place the children at a long distance from one of their parents is a distressing event. Long distance between parents hinders the parenting relationship between the children and the noncustodial parent in a way that is not easily solved. It is difficult to maintain regular and frequent parenting time when parents live at great distances from one another, and, as the children grow older and are involved with sports, jobs and other extracurricular activities, conflicts arise. Parents contemplating long distance moves are strongly encouraged to examine alternatives to such a disruption.

CHILD SUPPORT

CHILD SUPPORT FORMULA

It is the statutory responsibility of the FOC to investigate and make a recommendation to the court regarding the financial obligations of the parents concerning their minor children. In doing so, the FOC is required to use the Michigan Child Support Formula ("Formula").

The case manager cannot deviate from the Formula. Judges or referees are the only ones authorized to deviate from the Formula. That may only happen if the evidence and testimony produced at a hearing demonstrate that the application of the Formula is "unjust" or "inappropriate" in the particular case.

The judge or referee will have to make a record of the reasons found for allowing a deviation [2017 MCSF 1.04(E) contains the factors allowing for deviation].

The Formula considers the incomes of **both parents**. Incomes of new wives, husbands, or any other third party are **not** considered.

The Formula considers the number of overnights each parent has with the children, the number of children involved in the case and

the number of other children each parent has to support. Current tax tables are incorporated into each year's Formula.

Parental expenses and debts are not considered in the Michigan Child Support Formula.

The Michigan Child Support Formula Manual is available on the Michigan Supreme Court's website: <http://www.courts.michigan.gov/scao/services/focb/mcsf>.

A public calculator for child support determination is available online through MiChildSupport on the Department of Health and Human Services website: <http://micase.state.mi.us>

CHILD SUPPORT PAYMENTS

Unless otherwise ordered, support payers must make their payments to the State Disbursement Unit (MiSDU).

In most cases, child support is withheld from an obligor's paycheck and sent to the MiSDU by the employer.

If you are self-employed or otherwise not on income withholding, you must pay the MiSDU, whose address is:

MiSDU
P.O. Box 30351
Lansing, MI 48909-7851

Please write your case number on your check. You should also include the "FIP's code": Antrim County is 26009; Grand Traverse is 26055; Leelanau is 26089.

When a payment received by the MiSDU sufficiently identifies the case and the person to whom the support should be paid, the MiSDU will forward the money to the recipient within two business days.

Questions regarding receipts, distributions, lost checks, electronic funds transfers ("EFT's), coupons and other issues concerning the remittance of child support should be directed to the MiSDU.

You may also pay *in cash* at the FOC Office. If you claim you made a cash payment not reflected on your account, you must have a receipt.

PayNearMe: Another cash payment option which allows payment of child support at 7-Eleven, Family Dollar, or CVS pharmacies (further options may become available in time). You will need your social security number (or taxpayer identification number) and your docket number to make the payment. To sign up for this

option, visit misdu.com (A \$1.99 convenience fee is charged at the time of payment for this service).

ACCOUNT INFORMATION

Account information, for example, whether a payment has been made, balance due, where and when the payment was distributed, is available 24 hours each day, 7 days each week through the state of Michigan's Voice Response Unit by calling the FOC phone number, choosing option 1 and entering your personal identification number (PIN) as directed, or by accessing your case information on-line through www.michigan.gov/MiChildSupport. You will need to sign up for a password by following the instructions. Parties are strongly encouraged to monitor their cases through MiChildSupport.

SURCHARGES

Surcharges for unpaid child support are not automatic. Automatic surcharges were eliminated in 2010. The court may order surcharges to be assessed if the court determines that the payer's failure to pay support was willful. A surcharge cannot be assessed if the support payer pays 90% or more of the most recent semiannual cycle of charges for support.

ANNUAL STATEMENT OF ACCOUNT

Utilizing the Michigan Child Support Enforcement System (MiCSES), the FOC will provide a free annual statement of account to all those who request it. You may provide the FOC with a self-addressed, stamped return envelope, or, come into the office personally. Account printouts beyond the annual statement are available to either party at any time for a charge of \$.50 per page.

SERVICE FEES

Michigan law imposes on the payer of child support a statutory service fee of \$21 semi-annually (\$3.50 monthly).

CHILD CARE CONTRIBUTIONS

The Michigan Child Support Formula Manual requires the FOC to determine and assess a child care contribution when a parent has work-related child care expenses. Child care, under the Formula, can be assessed up until the start of the school year immediately following the child's 12th birthday.

In order to receive such a contribution, the person seeking it must present to the FOC a completed Child Care Verification form signed by the person or center providing child care. There is no requirement that the child care provider be licensed, but there is

a requirement that the expenses be capable of verification. You should keep receipts or canceled checks to provide proof of payment.

The child care expenses are apportioned between the parents in according to the ratio of their incomes. The child care contribution is not based upon the parents' incomes, only the ratio of their incomes.

MEDICAL PROVISIONS

The Michigan Child Support Formula Manual defines medical expenses to include treatments, services, equipment, medicines, preventative care and similar goods and services associated with oral, visual, psychological, medical and other related care, provided or prescribed by health care professionals for the children.

The financial responsibility of parents for the medical and health care expenses of their children are shared following rules set forth in the Michigan Child Support Formula Manual.

Insurance. The court may order one or both parents to obtain and maintain health insurance coverage for the children provided it is available at a reasonable cost. A "reasonable cost" does not exceed 5% of the gross income of the parent providing the insurance. Insurance premiums to insure the minor children are apportioned between parents according to the ratio of their incomes. If both parents are insuring the children, the premiums that both parents pay are considered and apportioned. Only the portion of the premiums attributable to the children in the case is considered.

Parents, not the FOC, are responsible for obtaining this information. The premium apportionment payment is added to (or subtracted from) the child support payer's child support obligation.

Routine Expenses. Routine health care expenses such as first-aid supplies, cough syrup, aspirin, vitamins, contact lens supplies, toothpaste/brushes, are considered covered by the basic amount of child support.

Ordinary Health Care Expenses. In addition to apportionment of premiums for health insurance, a basic amount for ordinary health care expenses is also apportioned between the parents. The annual ordinary medical expense is determined by the Michigan Child Support Formula (2017 MCSF provides: \$403 for one child; \$807 for two children and \$1,210 for three children). A portion of this base amount is added to the child support amount and is intended to cover a basic amount of annual health care expenses, such as co-pays for prescriptions and office visits and other miscellaneous health care expenses. The Michigan Child

Support Formula Manual places the burden of keeping track of out-of-pocket health care expenses on the child support recipient. It is only **after** the base amount of annual ordinary health care expense has been met, that additional reimbursement may be sought from the co-parent.

When an ordinary medical charge is in the court order, an accounting showing that the ordinary health care expense amount has been exceeded is needed to seek reimbursement of extraordinary expenses.

Extraordinary Health Care Expenses. **After** the basic amount for ordinary health care expense has been exceeded during the year, a parent may seek reimbursement from the other parent for additional health care expenditures for the minor children. Forms and instructions for doing so are available at the FOC office.

MODIFICATION OF SUPPORT ORDERS

The FOC will review child support for possible changes every three (3) years if public assistance is involved. Where public assistance is not involved, the FOC will review child support upon written request of either party once every three (3) years.

If there has been a change in circumstances that may justify a modification of the child support order prior to the three year review, the party seeking the modification may file a motion with the court. Forms and instructions are available at the FOC office. Any change in the amount ordered, if granted by the court, will only go back to the date the motion for such a change was filed. The law otherwise forbids the court from retroactive changes in support.

When a child support review is scheduled, the assigned case manager will conduct an investigation into the financial situation of both parents. The law allows the court and the FOC to consider the income **potential** of a parent, as well as what may actually be the immediate situation. Changes to support amounts are not made based on short-term layoffs, or unemployment, illnesses or injuries, or incarceration. Changes also are not made when a parent makes choices that voluntarily reduce his or her income. The Formula is used to calculate the support obligation.

FOC will ask the court to change the support obligation if the difference between the current support amount and the new support determined by the formula is at least 10% or \$50.00/month, whichever is greater.

SUPPORT ENFORCEMENT

The payment of child support should be every parent's first priority. The expenses of the children do not stop when the payer becomes unemployed. Regular payment eliminates a serious and frequent source of contention between parents, which is often reflected back to the children.

The FOC is required to begin enforcement action against a parent obligated to pay support who is more than one month behind in payments.

The support recipient may also request enforcement of the support order by making a **written** complaint to the FOC office.

The FOC has a variety of enforcement tools available. The FOC exercises discretion in determining which enforcement tool will best accomplish the desired result – which is to receive child support payments in the court-ordered amount on a regular and consistent basis.

One option is income withholding. If the FOC has information concerning where the payer is working, the FOC will initiate income withholding for collection of child support. The maximum amount that can be withheld is 50% of the payer's net disposable earnings.

A delinquency notice or personalized correspondence can be sent, giving the payer notice of the payment problem and an opportunity to make arrangements to bring the account current.

If arrangements or payments are not made in a timely or satisfactory manner, the payer may be ordered to appear before a referee or judge at a show cause (contempt) hearing.

The order to show cause commands one or both parties to appear before the court at the time and place indicated in the order. The person who is ordered to appear (the respondent) must "show cause" why he or she should not be held in contempt of court for failure to follow the court order. The judge or referee will listen to the statements of the parties present, may hear witnesses or accept other evidence and then decide whether the person is in contempt of court. If someone is found in contempt of court, then the court must decide what action will be taken to most effectively resolve the issue and keep it from recurring.

When a person is found in contempt of court, the court can order the person to serve up to 90 days in jail (45 days for a first offense). The court may also choose to suspend the serving of such a sentence provided the payer complies with a court-ordered payment plan. Generally, if the payment plan order is violated, a warrant will be issued and the jail sentence will be served. Work

release is allowed – provided jail regulations are met. Payment of a certain sum (the “purge” amount) will normally secure release from serving the jail sentence.

If you are the co-parent and not obligated to be at the hearing, you may still wish to appear and advise the court as to how the situation is affecting you. Remember -- the FOC is not an advocate for either parent. If you do plan on attending, it would be wise to inquire at the FOC office before the hearing time to see if the matter is still scheduled. That confirmation call could save you time, effort and money, particularly if; for example, all monies due become paid and information for an ongoing income withholding is provided that would allow the hearing to be set aside or dismissed.

Failing to appear at a show cause hearing will normally result in the court issuing a bench warrant. Costs are added for the issuance of all warrants and the sheriff department’s costs to transport the arrested person are also billed.

It is extremely important to keep the FOC advised of your current address. The law only requires notice for hearings to be sent to the last reported address of a litigant by regular first class mail. If your notice to appear is sent to your last known address, even if you have moved and do not get the notice, and, as a result you fail to appear, there will be a warrant for your arrest.

At a show cause hearing, the respondent has the right to be represented by an attorney. If the respondent is indigent, he or she may apply to have the court appoint an attorney for them. If the court does grant an appointed attorney, the costs of that attorney will be added to the person’s account and collected by the FOC in installments. Presently, those costs are about \$250.

TAX INTERCEPTS OR OFFSETS

Child support arrearages may be collected through the federal and state income tax intercept programs. Each case must meet specific standards set by the federal and state governments. If a support obligated parent’s account meets or exceeds these standards, a computer generated request will select and list that parent for a tax offset with the IRS and/or the State Treasury Department to assist in the collection of past due account balances.

In order for money to be offset and applied to an account, the support obligated parent must have filed an income tax return and have money coming back. Anyone whose taxes are offset under this program should not expect to directly receive any monies from that refund if there is any money due the state or the co-parent.

Parents with a subsequent marriage and filing a joint return with their new spouse may experience delays in refund or application of taxes to their delinquent child support account unless a form 1040X is filed with the tax return for the non-obligated spouse or the

non-obligated spouse files a separate return. Refunds intercepted on joint returns are held for a minimum of six (6) months following receipt. Waivers can be signed by the non-obligated spouses to have them apply their portion of the tax refund to the child support delinquency. If that is desired, contact the FOC office.

LICENSE SUSPENSION

For payers with an arrearage of two or more months of support, the FOC may initiate action to have occupational, sporting, or driver's licenses suspended.

CREDIT AGENCY REPORTING

For payers with an arrearage of two or more months of support, the FOC may report the arrearage to a consumer credit reporting agency.

LIENS

The FOC can act to establish liens on payer's assets, but largely relies on the payee to provide information concerning the location and nature of any such assets. Further remedies include attachment or garnishment of bank accounts, worker's compensation or insurance settlements.

CRIMINAL ENFORCEMENT OF SUPPORT

Under federal and state law, failing to pay child support may be a felony offense. Friend of the Court offices cannot bring felony charges. State charges are filed and prosecuted by local county prosecutors. Federal charges are filed and prosecuted by the United States Attorney's office.

PROGRAMS

FOC also makes referrals of unemployed payers to the local Michigan Works agency for assistance with employment and operates a specialty court docket focused on assisting unemployed payers to become employed.

FREQUENTLY ASKED QUESTIONS REGARDING SUPPORT

- **How do I get my support order modified?**

If it has been three years or more since the most recent child support order, you may request, **in writing**, a child support review by the FOC. The FOC will conduct an investigation and make a recommendation for an order based upon the Michigan Child Support Formula. If it has been less than three years, you will need to file a motion for modification of support.

- **I lost my job. I notified Friend of the Court. Am I still obligated to pay support?**

Yes. Until the court order is modified, you must pay support as ordered. The order will not be modified based upon your report of a job loss. Modification can occur as discussed in the answer to the preceding question.

- **If I have been paying my child support and the custodial parent is not allowing the parenting time, do I have to keep paying support?**

Yes. Parenting time and support are separate parts of the court order, with separate enforcement actions. Please advise the FOC **in writing**, of the claimed parenting time violations so that enforcement action may be taken.

- **I've paid my child support directly to my coparent. Can I get credit?**

No. If your court order requires you to pay through the MiSDU, you must do so. On a **one-time only basis**, the Friend of the Court will extend a credit to the account **if** your ex-spouse agrees to the credit, in writing.

- **We both want to pay direct. Can we do so?**

No, but if you meet the statutory criteria, you may “opt out” of FOC services. (See discussion on “Opting Out” or Case Closure)

- **Do I have to pay child support after my child reaches 18?**

Child support continues past age 18 if certain conditions are met. Support may continue up to age 19 ½ if the child is “regularly attending high school on a full-time basis with reasonable expectation of completing sufficient credits to graduate from high school while residing on a full-time basis with the payee of support or at an institution.”

- **If I am receiving public assistance, do I still get child support?**

No. The child support payments made while you receive cash assistance go to the state of Michigan.

- **Is the Friend of the Court responsible for making sure that child support money is being spent on the children?**

No. The law does not give anyone the authority to verify how child support payments are being spent.

- **I am in jail without work release. Do I have to pay child support?**

Yes. However, under Michigan law, long-term incarceration, coupled with an inability to pay during the incarceration, can justify a modification of the court order for support. You should notify FOC if you are sentenced to a lengthy (greater than 90 days) jail or prison term.

MISCELLANEOUS TOPICS

TRANSFERRING YOUR CASE

If separated parents no longer reside in the county where the original court action was initiated, the parties may agree (stipulate) to change the administration of the court file and FOC file to another Michigan county, which would be more convenient to them.

Absent an agreement, one of the parties may petition the court for such a change. Either way all of the following conditions must be met:

1. The requested transfer is based on residence and convenience of the parties or other good cause consistent with the best interests of the children.
2. Neither party has resided in the county of current jurisdiction for at least six (6) months.
3. At least one of the parties has resided in the Michigan county to which the case may be transferred for at least six (6) months.
4. The county to which the case is to be transferred is not contiguous to the current county.
5. A filing fee is required to be paid with any request or stipulation to transfer a file to another county. Contact the county clerk's office for current fee information. If the fee does not accompany the stipulation or petition, the paperwork will be returned without action. If a petition to transfer is denied by the court, the deposited filing fee will be returned.

Forms are available through the FOC for either a stipulated transfer or to petition for a transfer.

ACCESS TO THE FRIEND OF THE COURT RECORDS

The FOC files are not public and are separate from the court file. Your court file is accessible by anyone. It contains "public"

information, such as court orders, pleadings and notices of hearings. If you need copies of an order or of pleadings that have been filed, you should obtain them from the court clerk's office.

Your FOC file is not accessible by the public. Only the parties or their attorneys may access the FOC file. Not all of the information in the FOC file is available. Confidential information cannot be reviewed. Michigan Court Rule defines confidential information as:

- Staff notes;
- Confidential information from DHS Child Protective Services unit or information included in any reports to Protective Services from FOC;
- Records from alternative dispute resolution processes, including mediation;
- Communications from minors;
- Friend of the Court grievances filed by the opposing party and the responses;
- Any information when a court order prohibits its release;
- Information for which a privilege could be claimed or that was provided by a government agency subject to the express written condition that it remain confidential; and
- All information classified as confidential by title IV-D of the Social Security Act.

If you wish to access your FOC file, you must complete a Request For File Access. There is a fee for copying any records.

If the FOC denies you access to records regarding your case, you may file a motion with the court for an order of access.

ACCESS TO OTHER RECORDS

Michigan Law (MCL 722.30) provides that a parent has the right to access certain records or information about his or her child regardless of the custody arrangement. Records or information which may be accessed include medical, dental, and school records, day care provider records, and notification of meetings regarding the child's education.

The FOC has no authority to enforce this law against schools, health care providers, or others who refuse to provide the records. You may wish to contact an attorney if you are denied this right.

TERMINATION OF PARENTAL RIGHTS AND ADOPTIONS

Sometimes a noncustodial parent will seek to voluntarily terminate his or her parental rights, or, a custodial parent will want to terminate a noncustodial parent's rights.

Voluntary terminations of parental rights can occur only in connection with a step-parent adoption. The FOC is not involved

with adoptions. If the custodial parent marries or remarries and the new spouse wishes to adopt the children, and the noncustodial parent agrees, his or her rights may be terminated. The child support requirement ceases when children are adopted. The FOC must be advised of this event promptly. The FOC is required to collect all support still owed at the time of the adoption.

Occasionally, as a result of Protective Services intervention, a parent's rights are involuntarily terminated. This action does not automatically terminate a parent's responsibility to continue to support his or her child, but only severs contact between the parent and the child. The FOC will continue to pursue collection in these cases unless there is a specific order otherwise.

GRIEVANCE PROCEDURE

The Friend of the Court Act provides a grievance procedure. A grievance cannot be used to object to an FOC recommendation, or to disagree with the decision of a referee or judge.

You can file a grievance about FOC operations or employees with the appropriate Friend of the Court office by either:

- Filing a grievance form, which you can get from your FOC office; or
- Stating your concerns in a letter to the FOC and clearly identifying your letter as a grievance.

Within thirty (30) days, the FOC must investigate and respond or issue a statement explaining why a response is not possible within that time.

If you are not satisfied with the response of the FOC, you may file the same grievance with the Chief Circuit Court Judge.

WORKING WITH THE FRIEND OF THE COURT

You should carefully read the judgment or court orders that have been entered. These set forth many of your rights and responsibilities and should answer many of your questions. This Handbook also contains the answers to many frequently asked questions. Keep your order and this Handbook available for easy reference.

Each case that is referred to the FOC is randomly assigned to a case manager. Specific questions or concerns regarding your case should be directed to your case manager. General questions can often be answered by the support staff. The case managers have extensive caseloads to manage. **Writing** is encouraged to preserve a better record and allow a more studied response. While case managers do return phone calls, it is unrealistic to expect a return call the same day or even the day following your

call. Remember, case managers receive all of their mail, but they may be unable to come to the telephone or to see you without a prior appointment.

When you contact the FOC, please provide your name, case number and information about where you can be reached. Remember that it will be less frustrating if you are aware of what the FOC can and cannot do.

FORMS

Forms mentioned throughout this Handbook are available at the Office of the Friend of the Court or through the FOC website: www.13thcircuitcourt.org.

KEEPING YOUR INFORMATION CURRENT WITH THE FRIEND OF THE COURT

All orders require parties to provide the FOC with a single mailing address for all notices and other papers to be served, their residential address, telephone number, whether an occupational, driver's or recreational license is held and the name, address and telephone number of his/her sources of income.

This requirement is ongoing, meaning that if any of the information listed above changes, you are required to provide the new information within 21 days. The court may impose a fee for your failure to comply. Further, if your mail is returned for "bad" address and you fail to provide a new address within 21 days, by statute you are deemed to have waived your right to have notices and other papers mailed to you.

