

Genesee County Friend of the Court
 1101 Beach Street
 County Administration Building
 Flint, Michigan 48502
 (810) 257-3300

**H
A
N
D
B
O
O
K**

**The
Friend
of the
Court**



**GENESEE
COUNTY**

Referee - A person who holds hearings, takes testimony and makes recommendations for orders to the court. A referee may be the person serving as the Friend of the Court, or an attorney appointed by the court to hear domestic relations actions.

RURESA - An abbreviation for "Revised Uniform Reciprocal Enforcement of Support Act". Pertains to non-support actions against a parent in another State.

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

Sole Custody - An order of the court which provides that children reside with one parent, and that parent is responsible for all decisions affecting them.

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

Stipulation - A mutual agreement between parties or his/her attorneys which resolves a particular issue.

SDU – Support Distribution Unit

UIFSA - An abbreviation for "Uniform Interstate Family Support Act". Pertains to support actions where the parents do not live in the same state.

Venue - The county in which proceedings may be commenced. Also, see "Change of Venue".

Judicial Tenure Commission - The panel which reviews and investigates complaints against judges, and makes recommendations to the Supreme Court for discipline or removal, if appropriate.

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

LEIN - Law Enforcement Information Network. A computer system containing files on wanted persons.

Lien - A claim against real or personal property. The owner cannot sell the property without first paying the debt. It also subjects the property to seizure and sale.

Mediation -

1. A process parties can use to reach their own agreements without going to court. The Friend of the Court provides mediation services when there is a dispute regarding custody or parenting time.
2. Binding Mediation - A procedure used to determine a disputed matter. The Mediator's decision is binding upon parties. See Arbitration.

Minor - A person under the age of 18 years.

MICES – Statewide child support enforcement system implemented 6-02-03 in Genesee County.

MiSDU (Michigan State Disbursement Unit) - was established to collect and disburse support payments, effective 06-02-03 for Genesee County.

Non-Custodial Party (NCP) – The person who is ordered to remit support.

Office of Child Support - The office within the Department of Social Services (Family Independence Agency) that administers Federal child support program funds, coordinates location of absent parents and manages the process for income tax intercepts. This office may also initiate complaints under the Paternity Act and the Family Support Act.

Parenting Time Order - An order that establishes time between the children and the parent with whom (s)he do not primarily reside.

Paternity Suit - An action to prove who is the father of an illegitimate child.

Petition - A formal request made in writing to the court.

Plaintiff - The person who originally files the action.

Pro Per - A person who represents himself or herself in court without an attorney. Also known as **Pro Se**.

Recipient - A person or agency to whom support is paid. Also known as payee.

Reconciliation - When parties to a domestic relations action are attempting to work out his/her differences and remain as a family unit.

TABLE OF CONTENTS

PREFACE i
GENESEE COUNTY SEVENTH JUDICIAL FAMILY COURT JUDGES ii
INTRODUCTION TO THE GENESEE COUNTY FRIEND OF THE COURT 1
RIGHTS AND RESPONSIBILITIES OF PARTIES 2
FRIEND OF THE COURT TELEPHONE SYSTEM 3
FRIEND OF THE COURT REFEREE 4
CURRENT ADDRESS, EMPLOYMENT, AND HEALTH INSURANCE COVERAGE 4
FRIEND OF THE COURT MEDIATION 4
THAT FIRST COURT ORDER 5
FRIEND OF THE COURT INTERVIEW 5
JUDGMENT OF DIVORCE 5
 CUSTODY 6
 JOINT CUSTODY 8
 CHILD SUPPORT 9
 PARENTING TIME (VISITATION) 11
 ALIMONY 14
 PROPERTY SETTLEMENT 14
COMMUNITY SERVICES 14
ECONOMICS OF DIVORCE 14
PAYMENTS 15
ACCOUNTING 16
ENFORCEMENT OF SUPPORT ORDERS 18
ARREARAGE SURCHARGES 19
ENFORCEMENT OF PARENTING TIME ORDERS (VISITATION) 19
MEDICAL BILLS 20
IN-OFFICE AND FIELD INVESTIGATION 21
COMMUNICATIONS WITH THE FRIEND OF THE COURT 21
REVIEWING THE FILES 22
OTHER TYPES OF ACTIONS HANDLED 22
 FAMILY SUPPORT ACTIONS 23
 PATERNITY ACTIONS 23
 INTERSTATE ACTIONS 24
CRIMINAL WARRANTS 24
PARENT LOCATOR 24
STEP-PARENT ADOPTIONS 25
RECONCILIATIONS 25
INCOME TAX STATEMENT 26
STATUTORY FEES 26
SUPPORT LEVEL REVIEW 26
GRIEVANCE PROCEDURE 26
CAUSES FOR DELAY IN PROCESSING PAYMENTS 27
COMPLAINT AGAINST A JUDGE OR AN ATTORNEY 27
DEFINITIONS OF FREQUENTLY USED TERMS 28

Defendant - The person against whom a lawsuit is started.

Department of Social Services - The agency providing public assistance to families. Includes the Office of Child Support. Now known as the Family Independence Agency.

Domestic Relations Action - Any action involving families. Divorce, paternity and family support actions are all considered domestic relations actions.

Domicile - The permanent home to which a person, when absent, always intends to return. (See Residence).

DSS - An abbreviation for the Michigan Department of Social Services. Now known as the Family Independence Agency.

Emancipation - The act by which one attains adulthood. Emancipation may occur when a child reaches the age of majority, marries, enters military service, or by court order.

Ex Parte - On the request of one party only, without notice to any other party.

Ex Parte Order - An order made by the court upon the request of one party to an action without prior notice to the other party.

Family Independence Agency - See Department of Social Services.

Friend of the Court -

1. An office of the circuit court; investigates and makes recommendations to the court in domestic relations actions involving minor children; enforces orders of the court; collects, records and disburses support payments.
2. A person; the director of the office.

Guardian - The person who has a legal duty and power to take care of another person who by age, or incompetence, is unable to care for him/herself.

Guardian Ad Litem - A person appointed by the court during the course of a litigation for the purpose of protecting the interests of an infant or incompetent adult.

Income Withholding Order - An order of the circuit court. It directs an employer, or source of income, to withhold a fixed amount and send that amount to the Friend of the Court for purposes of support.

Interstate Income Withholding Order - An order entered to secure payment of support through an employer in another State.

Joint Custody - An order of the circuit court which provides:

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

Glossary of Frequently Used Terms:

Abatement - To reduce, diminish or temporarily suspend.

ADC or AFDC - Abbreviation for Aid to Families with Dependent Children.

Adjournment - The postponing or putting off of a case or session of court until another time or place.

Adoption - The act by which a person takes the child of another into his or her own family and makes the child, for all legal purposes, his or her own child.

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

Aid to Families with Dependent Children - A program of public assistance administered by the Michigan Family Independence Agency (formerly Department of Social Services).

Alimony - See spousal support.

Alternative Dispute Resolution - A method to resolve disagreements without the direct intervention of the court. See Arbitration, Conciliation, Mediation.

Arbitration/Binding Mediation - A procedure for the determination of a disputed matter. Legally binding, as opposed to mediation.

Arrearage - Money which is overdue and unpaid.

Bail Bond - A financial obligation which guarantees a person's future appearance in court.

Bench Warrant - An order issued by the court (from the bench) for the arrest of a person, so that (s)he may be brought before the court.

Change of Venue - Transfer or removal of a case to a court of another geographical location and jurisdiction, either because it should have been there in the first place, or for the convenience of the parties or witnesses, or because a fair trial cannot be had in the original court location.

Child Support - Payment of money for a child in a divorce, paternity, or family support act proceeding. Support includes health care, and may include educational and child care expenses.

CSSES – Child Support Enforcement System in effect from 9-01 through 05-31-03.

Child Support Formula (Guidelines) - Factors considered by the Friend of the Court and the Prosecuting Attorney when making a recommendation, and by the circuit court when making a determination for an appropriate amount of child support. Both parents' incomes are considered under the formula.

Contempt of Court Hearing - Also known as a "show cause" hearing. A court hearing in which the person alleged to be in violation of the court order has the opportunity to show good cause why (s)he did not comply.

Custodial Party (CP) – The person, agency, to whom support is sent. Also known as recipient.

PREFACE

The jurisdiction of the Family Court over the parties in a domestic relations action starts as soon as the action commences and often continues long after the Judgment is granted. Each party has many responsibilities. Failure to comply strictly with the orders of the Court can lead to contempt proceedings. Thus, it is very important for you to know the functions, policies and procedures of the Friend of the Court, since that office often makes recommendations and/or supplies information to the Family Court on the content of orders and their enforcement.

Please read this handbook thoroughly and follow the procedures outlined. It is designed to answer your questions and concerns.

We understand that divorce or any domestic situation is very disturbing, but your dealings with the Genesee County Family Court do not necessarily have to be unpleasant. We will do our best to handle your case quickly and fairly. If you follow the suggestions in this handbook, you will be well on your way to doing your part.

The Friend of the Court offers a parent education program called the Divorce Orientation Program. This program explores some of the dynamics about divorce, separation, and the challenges of living in two homes. One of the Family Court Judges and the Friend of the Court present information regarding the Court and the Friend of the Court Office. A Mental Health professional presents information about issues parents and children have that are related to the divorce. All parents in this Circuit who are going through a divorce with minor children are required to attend this program. Parents who are not currently going through a divorce proceeding but who have pending litigation that involves issues concerning the children may also be required to attend

MICHAEL D. MOREY
Interim Friend of the Court
Genesee County

**CAUSE FOR DELAY IN PROCESSING
CHILD SUPPORT AND ALIMONY PAYMENTS**

UNKNOWN ADDRESS OR BANK ACCOUNT INFORMATION. . .

It is the responsibility of both parties to keep the MiSDU informed of their correct address and bank account information if they receive support. This can be done in person or by mail. A party can not formally change another party's address. You may also change your address through the Friend of the Court.

NO ORDER FOR PAYMENT. . .

Payments received on accounts, where a support order has not been received, will be held and cannot be disbursed until a support order has been received by this office.

UNIDENTIFIED PAYMENTS. . .

All non-cash payments must include the information as described in the section entitled **PAYMENTS**.

COMPLAINT AGAINST A JUDGE OR AN ATTORNEY

JUDGE. . .

The Judicial Tenure Commission was created to review grievances about alleged misconduct of a judge. Anyone who has serious concerns about the conduct of a judge can contact:

**Judicial Tenure Commission
1410 Comerica Building
211 West Fort Street
Detroit, Michigan 48226
Telephone: (313) 256-9104**

Complaints concerning your court orders should not be sent to the Judicial Tenure Commission. The Judicial Tenure Commission is not an Appellate Court and cannot change the content of a Court Order.

ATTORNEY. . .

The Attorney Grievance Commission was created to investigate alleged misconduct of Michigan attorneys.

Anyone who has serious concerns about the behavior of an attorney can contact:

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

INCOME TAX STATEMENT

HOW TO GET A YEAR-END STATEMENT FROM THE FRIEND OF THE COURT. . .

Each January, the Friend of the Court prepares an individual statement of all payments received during the last calendar year on your account. Please send a written request after January 15th and include the names of both parties and your case number. The statement will be mailed to you.

Please refer all federal tax questions to the Internal Revenue Service. IRS has a Publication # 504 entitled **INCOME TAX DEDUCTIONS FOR ALIMONY PAYMENTS**. Comments are included on child support payments in this publication. Publication # 501 entitled **YOUR EXEMPTIONS AND EXEMPTIONS FOR DEPENDENTS** also comments on child support.

STATUTORY AND PROCESSING FEES

Michigan law provides for the MiSDU to collect statutory fees from the non-custodial parent. These fees are not part of the amount ordered as child support. They are additional fees assessed, that total \$24.00 per year. The fee will be payable in the following manner: \$12.00 payable, in advance, on January 2nd and again on July 2nd.

On October 8, 1993, the Michigan Legislature passed a new law requiring the Friend of the Court to collect an additional \$1.25 per month (or portion thereof) per case, on all cases that require payment through the MiSDU, or formerly the Friend of the Court Office. Effective October 1, 2003 that fee has been increased to \$1.50 per month, payable \$9.00 on January 2nd and again July 2nd.

The Friend of the Court does not benefit from this additional fee. We are required to collect it by law.

This processing fee of \$1.50 per month is in addition to the statutory \$24.00 per year fee described above. The payment of fees are the responsibility of the non-custodial parent.

SUPPORT LEVEL REVIEW

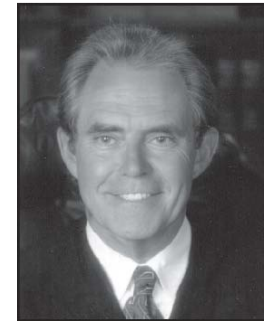
Under Michigan law the Genesee County Friend of the Court is required to review support orders to determine if the amount of support and medical provisions are appropriate. The Genesee County Friend of the Court currently will not process requests more than every three (3) years.

GRIEVANCE PROCEDURE

If you should have a grievance involving an employee or procedures of the Friend of the Court Office, you may come into or write the Friend of the Court Office and request a Grievance Form. Your grievance will be reviewed and made part of a report that will be available for public review. A copy of the report will be sent to the Friend of the Court Bureau in Lansing. The grievance procedure cannot be used to modify court orders.

If you are not satisfied with the disposition of your grievance by the Friend of the Court, you may file an additional grievance with the Chief Judge. Forms for this procedure will also be available at the Friend of the Court.

**SEVENTH JUDICIAL
FAMILY COURT JUDGES**



Presiding Judge
Honorable Duncan M. Beagle
Family Court Judge



Honorable David J. Newblatt
Family Court Judge



Honorable Robert E. Weiss
Family Court Judge



Honorable John A. Gadola
Family Court Judge



Honorable Michael J. Theile
Family Court Judge

INTRODUCTION

TO

THE GENESEE COUNTY FRIEND OF THE COURT

Divorce or any other kind of family dispute is difficult for everyone. It can be even harder for children. The rights and interest of your children are protected by the Friend of the Court. This office was created by Michigan law and there is one for each Circuit Court. The Friend of the Court is the department that assists the Family Court Judges with divorce, paternity, non-support and interstate cases. The Friend of the Court has nothing to do with adoptions, guardianships, juvenile delinquency, name changes, estates and wills, or mental competency matters.

The Friend of the Court has the following duties according to the law:

- (1) Upon order of the Court, to investigate, report and make recommendations to the Court on these matters:
 - (a) custody
 - (b) parenting time
 - (c) amount of child support
 - (d) amount of alimony, if any
- (2) To provide mediation as another way of settling disagreements over custody and parenting time of your child.
- (3) To enforce all custody orders entered by the Court.
- (4) To enforce all parenting time orders entered by the Court.
- (5) To enforce all support orders filed with the Court.

You may want help in one or all of these areas. If you do, contact your Friend of the Court Office.

Caseworkers can be seen by appointment only. Please call (810) 257-3097 in order to schedule an appointment.

Please complete the following information for your future reference:

CASE NUMBER _____

JUDGE _____

The Friend of the Court is one of the agencies that can request utilization of these services. The full name, date of birth and social security number of the person to be located are prerequisites to using this service. If you wish to use this service, please contact the Friend of the Court. Your case must qualify as a IV-D case in order to use this system. Recipients of child support should sign an application for IV-D services if you have not already done so.

STEP-PARENT ADOPTIONS

Adoption can be handled by your attorney or by the Genesee County Probate Court, Juvenile Division, Foster Care and Adoption Services Department.

This section has been prepared by the Foster Care and Adoptive Services Department.

A divorced mother, who remarries, may wish her new husband to adopt her children from the previous marriage. In so doing, the adopting family should contact the Probate Court in their County of residence. Genesee County families should contact the **ADOPTION AND FOSTER CARE DEPARTMENT OF JUVENILE COURT**, located in the McAvinchey Building, 919 Beach Street, Flint, Michigan, or telephone (810) 257-3514. Detailed information and instructions will be given upon request. However, some general comments may be helpful at this point.

The Probate Court does not become involved in past or current matters of child support as ordered by the Circuit Court. All such matters are to be handled strictly by the divorced parents or their attorney, if any, and the Friend of the Court. Adoption does, however, end the support responsibilities of the former spouse (not any existing arrearage).

Most step-parent adoptions are handled with relative ease and speed. Thereafter, the former step-father and mother become the child's legal parents. Usually the child is given the new family name, and a new Certificate of Birth is ordered.

RECONCILIATIONS

You can only have a reconciliation if the divorce is not final. You must let the Court know of your decision.

YOU MUST LET THE COURT KNOW YOU NO LONGER WANT A DIVORCE. .

Not every divorce action that is begun ends in a Judgment of Divorce. Many parties reconcile their differences and drop the divorce action. An Order of Dismissal must be filed with the Clerk's Office and the Friend of the Court to end enforcement of the Court Orders. Public Assistance cases will have to arrange with the Friend of the Court to pay all child support arrearages owed to the State.

RECONCILIATION ON FAMILY SUPPORT CASES. . .

Family Support cases are usually commenced by the Prosecutor's Office and if the parties reconcile, they should contact the Friend of the Court and have an Order of Dismissal filed. Public Assistance cases will have to arrange with the Friend of the Court to pay all child support arrearages owed to the State. **(NOTE: TELLING A DEPARTMENT OF SOCIAL SERVICES CASEWORKER YOU INTEND TO RECONCILE IS NOT ENOUGH; THE PROSECUTOR AND THE FRIEND OF THE COURT MUST BE INFORMED BY YOU IN WRITING - NOT OVER THE TELEPHONE.)**

STARTING THOSE PAYMENTS. . .

The first payment is always due on the date of the Order of Support, unless the Order specified another commencement date. Don't wait to be informed that the Friend of the Court has opened an account for you. Start setting aside your support money every week and keep contacting the Friend of the Court to find out if your account is open. Then, send in all the support money that has been accumulating.

If the mother and father marry after the Judgment of Filiation, they should both schedule an appointment with their Friend of the Court caseworker. The Friend of the Court will need a copy of the marriage license to close the case after arrangements are made to pay all sums due any public agency.

IMMEDIATE INCOME WITHHOLDING. . .

Effective January 1, 1991, all new and modified support orders must provide for immediate income withholding. A delinquency does not have to occur before income withholding takes place. The support money is taken directly from a payer's check similar to the deductions for income taxes and social security payments.

INTERSTATE ACTIONS

ENFORCEMENT ISN'T IMPOSSIBLE, EVEN IF THE PARTY LEAVES MICHIGAN. . .

If the parent paying support has left the State of Michigan, he/she can continue to pay support through the Office of the Friend of the Court. If those payments should stop, the parent entitled to receive the support can request the Courts of the state in which the absent parent is residing, to take action to enforce support.

Effective June 1, 1997 the State of Michigan adopted the Uniform Interstate Family Support Act mandated by the Federal Government.

As there are various options available, we suggest that you review them with your Friend of the Court caseworker.

CRIMINAL FELONY WARRANTS

Criminal warrants may be issued by the Genesee County Prosecutor's Office in selected cases where the URESA remedy has proven unsuccessful or when a parent kidnaps their children. Cases sent to the Prosecutor are referred by the Friend of the Court caseworker.

PARENT LOCATOR

The Federal Government has established the Federal Parent Locating Service and required the establishment of corresponding state agencies. The service can be used to:

- (1) Locate a parent for purposes of securing child support.
- (2) Locate a parent for purposes of making or enforcing a child custody determination and in cases of parental kidnapping.

RIGHTS AND RESPONSIBILITIES OF THE PARTIES

Each party to a dispute has the right to meet with the individual investigating the dispute before that individual makes a recommendation regarding the dispute. If requested by a party, an investigation shall include a meeting with the party. If a party who requests a meeting during an investigation fails to attend the scheduled meeting without good cause, the investigation may be completed without a meeting with that party.

Each Party has the Right to:

- Expect the Friend of the Court to perform the duties required by Michigan statute and Court rule
- Expect the Friend of the Court to explain its policies and procedures.
- Be treated fairly by Friend of the Court employees.
- File a grievance with the Friend of the court office concerning an employee or office procedure.
- Consult with his/her own attorney about any questions or concerns.

Each Party has a Responsibility to:

1. Inform the Friend of the Court, in writing, of the following information:
 - a. Current address.
 - b. Current employer or source of income.
 - c. Current residence of children.
 - d. Current information regarding health care coverage available as a benefit of employment or maintained by either party.
2. Provide information to the Friend of the Court to assist the office in carrying out its duties as required by law.
3. Obey all orders of the Court.
4. Keep appointments made with the office, or take the time to cancel or reschedule the appointment.
5. Treat Friend of the Court employees with courtesy.

As a Citizen Using the Court, you have a Right to:

- Be treated with fairness, respect and courtesy.
- Expect court proceedings to begin on time and proceed in an orderly manner.
- Expect un-biased treatment from judges, court employees and attorneys.
- Object to gender or racially biased statements or remarks made by judges, court employees or attorneys.
- Expect that the judge and the attorneys in a case are prepared to hear/try your case.
- Consult with an attorney regarding a legal proceeding.
- Ask questions of your attorney before or after your scheduled court appearance.
- If you are representing yourself, you may ask the court for clarification on an action or procedure.
- Request that the court provide an interpreter if you are unable to communicate in English or are hearing impaired.

As a Citizens using the Court, you have the Responsibility to:

- Treat the judge, court employees and attorneys with fairness, respect and courtesy.
- Monitor your own behavior, attitudes and comments to ensure that you do not display bias due to race, ethnic or religious affiliation or gender.

FRIEND OF THE COURT TELEPHONE SYSTEM

The Friend of the Court telephone system has been changed to include an automatic phone answering system, providing frequently asked for information, and a voice mail system that can be used to leave a message for your caseworker. You can call (810) 257-0781 to obtain payment information if your correct social security number is listed on each account. Caseworkers and paralegals may only be reached by phone on Mondays and Tuesdays from 8:00 a.m. to 11:00 a.m. and Thursdays and Fridays from 2:00 p.m. to 5:00 p.m. Caseworkers and paralegals cannot be reached by phone on Wednesdays, however, messages may be left at any time. The remaining hours of a caseworker's week are spent seeing clients, doing paperwork, making Court appearances or other required duties. Please remember that **all** complaints must be made in writing, not by telephone.

TOUCH TONE PHONE USER INSTRUCTIONS. . .

The new phone system is designed to quickly route calls made from touch tone telephones. The automatic attendant will provide several choices and direct you as to how to make these choices, whether you are using a touch tone or rotary phone. The system does work **if** you patiently listen to and follow the instructions you are given.

You will find it much quicker to reach your caseworker (during those hours they take phone calls) or leave a message on your caseworker's voice mail system when calling from a touch tone phone if you know the extension number of your worker and enter that number when asked to do so. Please obtain that number and keep it for future use.

Please do not make numerous calls or leave numerous messages regarding the same problem or question during a short time frame unless it is a true emergency. Such calls only compound the problem of listening to messages and returning calls.

FAMILY SUPPORT ACTIONS

A Family Support Action is not an action for legal separation (such as a Divorce or Separate Maintenance Suit). It is merely a Court Order compelling a parent to provide support. Generally, Family Support Actions are started by the Prosecutor's Office after a referral by the Family Independence Agency. Payments begin on the date mentioned in the order. **Do not** wait for notice from the Friend of the Court that your account is open, start setting aside the support money and keep contacting the Friend of the Court until you learn your account is open and then send in all due support.

A JUDGMENT OF DIVORCE ENDS A FAMILY SUPPORT ORDER. . .

Either party may begin a divorce suit even though the Court has ordered payments in a Family Support Order. The Family Support terminates upon entry of a Judgment of Divorce, except for collection of arrearages (back support) due to any public agency. Be sure to inform the Friend of the Court that a Judgment of Divorce has been entered if there is an outstanding Family Support case.

IF YOU RECONCILE, HAVE THE PROPER ORDER ENTERED. . .

An Order of Dismissal must be filed if the parties wish to have enforcement of the Family Support Order terminated. This Order can be prepared by the Prosecuting Attorney's Office or your own attorney. If you were on ADC, be sure and inform the Friend of the Court and your Family Independence Agency caseworker.

Notifying your Family Independence Agency caseworker of a reconciliation is not enough.

The Friend of the Court will enforce the support provisions of the Family Support Order upon request or during the normal course of review. No parenting time is normally ordered on Family Support cases unless specifically requested, and ordered by the Court.

PATERNITY ACTIONS

In a Paternity Action, the Judgment of Filiation is the controlling Court Order. The Friend of the Court receives and disburses payments in the same manner as divorce cases and acts on requests for enforcement.

PARENTING TIME IN PATERNITY CASES. . .

Parenting time (provision for the non-custodial parent to see the child) is generally not ordered in paternity suits unless specifically requested, and ordered by the Court. If the non-custodial parent wishes to have the legal right to visit the child, he must petition the Court to amend the Order of Filiation to include parenting time rights.

YOU MAY HAVE TO PAY FOR CONFINEMENT AND BLOOD TESTING EXPENSES, PLUS CHILD SUPPORT. . .

Medical expenses connected with the birth of the baby and the costs for paternity blood testing are often ordered to be paid by the non-custodial parent. These expenses may be ordered payable through the MiSDU.

OUR RECORDS ARE CONFIDENTIAL. . .

All of our records are confidential. Case information will be discussed only with the parties and/or their attorneys, not current spouses.

If you want your communication made part of your file, be sure to write. Phone messages are not always included in the Court record and if it is something that should be filed such as information regarding loss of employment, write in.

LEARN WHAT WE DO BEFORE YOU CALL. . .

This booklet will help you understand our specific functions. The Friend of the Court receives a tremendous volume of phone calls and the telephone operators end up telling many callers that they cannot assist them over the phone. This leads to tremendous frustration on the part of the parties and our staff as well. Try and understand our function before you call. It is probably a fair statement that people are not at their best during the initial stress of divorce. Try and remember that it may require an extra effort for you to make the kind of impression you wish to be remembered for.

Our phone and front desk receptionists can answer most of your questions or tell you quite honestly, "The Friend of the Court doesn't handle that". The caller or party who walks in and states, "I'm only going to talk to an attorney" will not have the satisfaction of special treatment.

HOW TO WRITE THE FRIEND OF THE COURT. . .

When writing the Friend of the Court, try to use full size writing paper (8 1/2 x 11). Include your name, address, case number, identity of both parties involved in the case and your phone number where you can be reached during business hours. Our volume of mail is staggering, so be patient if your correspondence requires a reply. Our address is:

**GENESEE COUNTY FRIEND OF THE COURT
County Administration Building
1101 Beach Street
Flint, Michigan 48502**

REVIEWING THE FILES

A party, third-party custodian, guardian, guardian ad litem or counsel for a minor and an attorney of record must be given access to certain Friend of the Court records related to the case, other than confidential information.

The Friend of the Court has written request forms that must be completed in order to obtain copies. An appointment with a caseworker may be necessary. There is a charge for each page copied; plus postage.

OTHER TYPES OF ACTIONS HANDLED (BY THE FRIEND OF THE COURT IN ADDITION TO DIVORCE)

The Friend of the Court's role in these actions is generally limited to enforcing the support orders.

ROTARY PHONE USER INSTRUCTIONS. . .

Upon answering, the automatic attendant will give you several choices that are available to callers using a touch tone phone. Rotary users are told to wait for further instructions. **WAIT!**

FRIEND OF THE COURT REFEREE

Michigan law allows for an attorney to assist Family Judges by holding hearings as a Referee. The subject matter of these hearings is varied and can be appealed to the Family Judge. The use of a Referee allows domestic matters to be heard more expeditiously.

CURRENT ADDRESS, EMPLOYMENT, AND HEALTH INSURANCE COVERAGE

All parties are to keep the Friend of the Court informed of their current address, employer, health insurance coverage, and any subsequent change of either.

The domicile or residence of a minor child may not be removed from Michigan without the Court's approval. Notifying the Friend of the Court of such a move does not satisfy this requirement.

Except as otherwise provided in MCLA 722.31, a parent of a child whose custody is governed by court order shall not change a legal residence of the child to a location that is more than 100 miles from the child's legal residence at the time of the commencement of the action in which the order is issued.

FRIEND OF THE COURT MEDIATION

An alternative approach to the resolution of disputes regarding custody and/or parenting time has been provided by Michigan law. This alternative, known as domestic relations mediation, is available through the Genesee County Friend of the Court. Mediation can only take place when both parties agree to meet with the mediator.

It is hoped that when a mother and father reach a mutually agreeable solution to the difficult problems of child custody and parenting time, with the aid of a trained domestic relations expert, that the best interests of the child will be better served. By actively participating in the decision making process, it is hoped the parties will be more inclined to live by the agreements made and avoid disputes.

The Friend of the Court employees assigned to your case can assist in informally mediating your disputes. If you wish to request formal mediation, an employee, who will have no other involvement with your case and who has received specialized training, will be assigned to assist the parties and all discussion will be confidential.

The mediator can not impose a decision on the parties. Agreement of the parties is the only method by which a decision can be reached. If an agreement is reached, it will be reduced to writing and signed by both parties. A mediation fee may be required. The only issues mediated are custody and parenting time.

THAT FIRST COURT ORDER

A Temporary Court Order is usually entered to provide for custody, support and other matters during the course of divorce proceedings.

THE PLAINTIFF AND THE DEFENDANT ARE NOT IN IDENTICAL SITUATIONS. . .

Many divorce actions begin with a Temporary Order. An attorney should prepare an Order spelling out who will have custody and establishing support. Any questions regarding this Order should be directed to your attorney. If you are not the party initiating the suit, you will be served with notice that a suit has been started. You must find out immediately what Orders have been entered in your case and petition the Court for relief if you are not in total agreement with the Orders.

IF YOU ARE THE DEFENDANT, YOU MUST TAKE ACTION. . .

Do not come to the Friend of the Court and complain about the Order. Go directly to your attorney or to the Genesee County Bar Association to get direction in obtaining an attorney. **TIME IS IMPORTANT.** Investigations by the Friend of the Court are triggered by you putting matters at issue, by disputing custody or the amount of support. Don't fall into the trap of waiting for the results before deciding whether to contest an issue.

WHO ENFORCES THE TEMPORARY ORDER???

To enforce the Temporary Support Order, contact your attorney or the Friend of the Court. A complaint can be made in person at the Friend of the Court or by writing in a complaint letter that identifies both parties and the case number. **NO COMPLAINTS WILL BE TAKEN OVER THE TELEPHONE.** Please sign all correspondence. Include your case number on **all** correspondence.

THE FRIEND OF THE COURT INTERVIEW

The Friend of the Court makes recommendations to the Court and must have an opportunity to hear from both sides.

APPOINTMENTS FOR INTERVIEWS. . .

You may be mailed an interview form or requested to schedule an appointment. After a review of the completed interview form, you may be requested to schedule an appointment.

WHY AM I BEING INTERVIEWED???

Your appointment letter will tell what information to bring to the interview. Information gathered at the interview is used in preparing Friend of the Court recommendations in the areas of support, custody and visitation. A decision, as to what the recommendations will be, is **not** made at the time of the interview.

WHAT IF MY DIVORCE IS AMIABLE?

The interview is conducted only upon Order of the Court. The interview will also provide you with an opportunity to ask questions regarding the Friend of the Court or divorce in general.

THE JUDGMENT OF DIVORCE

This document details your Court Ordered obligations to the children and to your ex-spouse. Both parties have obligations and both parties must read the Judgment of

DISCUSS MEDICAL EXPENDITURES WITH EX-SPOUSE. . .

The Friend of the Court will attempt to enforce payment of medical bills. The custodial parent will generally make all decisions regarding medical care; such as choice of doctors, nature and extent of care, and timing of non-emergency care. If at all possible, the non-custodial parent should be consulted, certainly on major decisions such as orthodontic work and operations. Specialized courses of treatment may require a separate Court Order unless specified in the Judgment. The custodial parent makes the decisions as to the treatment, the Judge will decide if it is reasonable, the Judge and the doctor may not necessarily agree.

PAYMENTS MUST INDICATE THEY ARE FOR MEDICAL BILLS, NOT SUPPORT.

If you make a payment through the Friend of the Court to reimburse your ex-spouse for a medical bill, you must clearly mark the payment "**MEDICAL**". If you do not, we will simply credit it as child support. At the present time there is no way to tell by looking at a check **from** the Friend of the Court if it is for medical bills or for child support payments.

IN-OFFICE AND FIELD INVESTIGATIONS

Investigations provide the Court with additional information necessary to make appropriate decisions.

WHEN DOES THE FRIEND OF THE COURT INVESTIGATE??

The Genesee County Friend of the Court shall start an investigation as a result of an Order from the Judge for Investigation and upon the payment of the appropriate fee, if any.

SUPERVISION IS CONTINUOUS. . .

The Family Court maintains continuous jurisdiction over divorces that include minor children until all have reached the age of eighteen, (in some cases longer). Field investigations are to secure information on the present condition of the children and their environment. This **does not** mean that every action of the custodial parent will be monitored by the Friend of the Court. Field investigations will be conducted only upon Court Order.

The Friend of the Court may ask you to release school or medical records. This information will be used to provide a more complete investigation. During the course of a home investigation you will be asked to display the areas where the children will sleep and play.

You will be asked various questions dealing with all aspects of the welfare of the children. Please bring up any additional factors that you feel are significant.

The nature and scope of a Friend of the Court investigation will depend on the nature of the matter before the Court or the seriousness of the complaint or allegation. A copy of the Friend of the Court report will automatically be provided to attorneys of record.

COMMUNICATIONS WITH THE FRIEND OF THE COURT

Please be sure to learn the easiest way to get your message to the Friend of the Court Office is by writing a letter.

ENFORCEMENT OF PARENTING TIME ORDERS

The Friend of the Court will assist the non-custodial parent in securing parenting time as ordered by the Court Order.

Correspondence, consultations, mediation and Court action are utilized as needed to insure the children will have contact with the non-custodial parent.

Parenting time complaints must be written and, on most occasions, an appointment with a Friend of the Court representative will be necessary.

The Friend of the Court will provide the requesting party a form which must be returned before enforcement will begin. Parties involved in a dispute over parenting time may request informal or formal mediation of their dispute.

If a settlement is not reached, the Friend of the Court will take the parties before the Court, or a Referee, and ask to have one of them found in Contempt. A recommendation can be made for immediate incarceration or for a specific action to be taken within a certain time period.

If a party is jailed, a condition will be set and by complying with that condition, the party will be deemed purged of contempt and released from custody.

The party complaining of denial of parenting time must appear at the Show Cause (contempt) Hearing. Failure to do so may lead to a dismissal of the contempt charge.

MEDICAL BILLS

COOPERATION IS NECESSARY TO HAVE PROMPT PAYMENT OF MEDICAL BILLS. . .

The parent paying support is often ordered to pay medical expenses. The enforcement of this provision of the Court Order can be facilitated by the parties.

- (1) The custodial parent should request a bill from the physician that includes the name of the child for whom the services were performed, the date and nature of the services performed. The supporting parent is only required to pay for necessary medical bills and must be able to determine from the bills whether the services were necessary.
- (2) Mail the bills or copies to the supporting parent. If they are not paid, an enforcement request can be mailed to the Friend of the Court.
- (3) Use the supporting parent's insurance whenever possible to keep the medical costs to a minimum.
- (4) Discuss with, or at least inform, the non-custodial parent of medical services that must be performed, and attempt to work out a payment plan with the physician.

Divorce.

A DIVORCE MEANS YOU ARE UNDER A COURT ORDER. . .

Almost from the beginning of the divorce action you and your children will be operating under Court Orders covering a variety of matters. You should understand that the Order is binding and failure, on your part, to comply can result in Contempt of Court proceedings being brought against you. It is the intent of the Court to provide firm guidelines that will aid and assist the parties and protect the interests of the minor children.

AN ATTORNEY WILL WRITE THE ORDER. . .

When the Judge grants your divorce, a Court Order is drawn up by your attorney or your spouse's attorney and presented to the Judge for signature. The Order is called a **JUDGMENT OF DIVORCE**. The Friend of the Court suggests both parties carefully read the Judgment of Divorce, as it affects many areas of your life for years to come.

SOME SECTIONS CAN NEVER BE AMENDED. . .

There is a great variety in Judgments of Divorce and the facts of your case will have great influence on the precise nature of your Judgment. Some sections of the Judgment of Divorce, as they affect custody, parenting time, child support and alimony, are subject to amendment. These areas are considered "continuing matters" and can be amended as conditions change. Property provisions of the Judgment are not generally subject to change.

HOW TO AMEND A SECTION OF THE JUDGMENT. . .

A party desiring the Court to review one of the "continuing matters" must file pleadings to bring the matter before the Court. The Friend of the Court can prepare a stipulation to amend a final Judgment regarding custody, parenting time, change of domicile and/or support only if the parties are in complete agreement.

The Friend of the Court will enforce original or modified Orders as detailed in this booklet.

CUSTODY

This paragraph of the Judgment of Divorce dictates which person or organization will have the responsibility for the minor child and make the day to day decisions regarding this child. One of the parents of the child is usually designated as the custodial parent, but the Court can decide that another individual should be custodian. Michigan has abandoned the presumption favoring the mother as the custodial parent. Custody is contested when more than one party wishes to be the custodial parent and makes timely and appropriate response to the Court.

CUSTODY IS NOT DECIDED ON A "NO FAULT" BASIS. . .

Michigan has eliminated "fault" in deciding whether or not a divorce should be granted, but has not abandoned the fault concept when it comes to deciding who should be the custodian of the child. The Court will determine custody on the basis of the "best interest" of the child in disputes between parties, between third parties and between agencies. The Friend of the Court may prepare a report to assist the Judge in his determination. The report is prepared following an investigation of both parties.

FACTORS THE COURT MUST CONSIDER IN DETERMINING CUSTODY. . .

In disputes between a party and an agency or third party, there is a presumption in favor of the parent. The Court will consider the following factors as outlined in the Michigan Child Custody Act:

- (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 continuation of the educating and raising of the child in its 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 considers the child to be of sufficient age to express preference.
- (j) The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and other parent or the child and the parent.
- (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 child custody dispute.

SOME CONTEMPT HEARINGS ARE SETTLED BY THE FRIEND OF THE COURT REFEREE. . .

At the time set for the Order to Show Cause Hearing, the parties are called before the Friend of the Court Referee who may attempt to settle the matter without either party appearing before the Judge. Settlements are reached by substantial payments on the arrears, an employer is disclosed so an income withholding order can be sent, or other arrangements.

YOU CAN GO TO JAIL FOR CONTEMPT OF COURT. . .

If a settlement is not reached, the Friend of the Court will take the parties before the Court and ask to have one (1) of them found in Contempt. A recommendation can be made for immediate incarceration or for a specific action to be taken within a certain time period.

If a party is jailed, a condition will be set and by complying with that condition, the party will be deemed purged of Contempt and released from custody.

Except for parenting time matters, both parties are generally not required to be present at the Show Cause Hearing. A warrant will be issued for the arrest of the parent paying support if he or she fails to appear. (As a rule, Orders to Show Cause are dismissed when full payment is made prior to the court date and arrangements are made with the Friend of the Court caseworker that future delinquencies will not occur.)

The custodial party should appear to inform the Friend of the Court of the assets held by the paying party and to assist in identifying and locating the paying party. Little patience will be shown the custodial parent who fails to appear when required at the Show Cause Hearing and then complains about the results.

Either party may ask their attorney to accompany them to the Show Cause Hearing.

INCOME TAX INTERCEPTION. . .

The State of Michigan can collect support from a non-custodial parent's federal and state income tax refund. The child support arrearage must be at least \$500.00 for federal offset and \$150.00 for state offset.

If you want your case submitted for income tax interception and you are not on Public Assistance, your case must qualify as a IV-D case. You can qualify by signing an Application for IV-D Services form available at the Friend of the Court Office.

If the family has received public assistance, collections from the federal refund will be applied to child support owed to the State of Michigan first. Collections from the State refund will be applied to all child support debts without a preference for State of Michigan arrears.

The State of Michigan updates the income tax interception list every two weeks throughout the year.

ARREARAGE SURCHARGES

Michigan law requires that the Friend of the Court apply a surcharge of approximately 4% to support arrearages owing each June 30 and December 31.

- (5) Making support payments directly to the payee. Credit may or may not be granted for payments made directly to the payee.
- (6) Failure to inform their attorneys that adjustments should be made in the final Judgment of Divorce because the parties attempted reconciliation during which period the support should have been suspended.
- (7) Surcharges on arrearages (8% a year).

THE JUDGES WILL DECIDE WHAT THE ORDERS SAY. . .

The caseworker is not an attorney and disputes as to interpretation of Orders, for the Friend of the Court purposes, will be left up to the Friend of the Court. The Judge, of course, has the last say and his interpretation will bind both parties and the Friend of the Court.

ENFORCEMENT OF SUPPORT ORDERS

Support orders are enforced by the Genesee County Friend of the Court. The enforcement process can begin in two (2) ways:

- (1) A review by the Friend of the Court.
- (2) The filing of a complaint by an interested party. **ALL COMPLAINTS MUST BE IN WRITING AND SIGNED.** A complaint form can be obtained at the office of the Genesee County Friend of the Court or you may mail a letter to:

**GENESEE COUNTY FRIEND OF THE COURT
ATTENTION: COMPLAINT DEPARTMENT
1101 BEACH STREET
FLINT, MICHIGAN 48502**

In this letter requesting enforcement action, be sure to include the parties' names, addresses, case number, source of income and your signature.

COMPLAINTS ARE SCREENED. . .

All complaints are reviewed by the Friend of the Court staff to determine what action should be taken. The Friend of the Court can decide to take no action (a substantial payment may have been received since the filing of the complaint, the supporting parent may be in jail, etc. . .), a delinquency notice or personalized correspondence can be sent or the matter may be scheduled for Court. If the Friend of the Court decides to take no action, and the complaining party is dissatisfied, he/she may retain private counsel to bring the matter to Court. The Friend of the Court schedules a matter for Court by petitioning the Family Court for an Order to Show Cause. If granted by the Judge, the Order to Show Cause commands the parties to appear before the Court at the time included in the Order and demonstrate why one or both parties should not be found in Contempt of Court for failure to comply with the Orders of the Court. Contempt is punishable by a sentence of up to ninety (90) days in the Genesee County Jail.

JOINT CUSTODY

“**JOINT CUSTODY**” means an Order of the Court in which one or both of the following is specified:

- (a) That the child shall reside alternately for specific periods with each of the parents.
- (b) That the parents shall share decision-making authority as to the important decisions affecting the welfare of the child.

At the request of either parent, the Court shall consider an award of joint custody. In other cases joint custody may be considered by the Court. The Court shall determine whether joint custody is in the best interest of the child by considering the following factors:

- (a) The factors outlined in the Michigan Child Custody Act. (See above)
- (b) Whether the parents will be able to cooperate and generally agree concerning important decisions affecting the welfare of the child.

During the time a child resides with a parent, that parent shall decide all routine matters concerning the child.

Joint custody may not eliminate the responsibility for child support. The Court may order support payments for a portion of housing expenses even during a period when the child is not residing in the home of the parent receiving support. An Order of joint custody, in and of itself, does not automatically mean an increase or decrease in child support.

BECAUSE OF THE CHILDREN, DIVORCED PARENTS MUST STILL WORK TOGETHER. . .

The Court prefers the parties continue to work together in raising the minor children. However, when disputes arise, the custodial parent will decide where the child will live, (provided it is not outside the State of Michigan, in which case Court approval is required), which schools to enroll the child in, what religious instruction the child shall have, what disciplinary measures will be used, personal grooming, how the child will dress, and with whom the child will associate. These decisions can be made without notification or consultation with the non-custodial parent and are limited only by specific language in the Orders of the Court (joint custody provisions, for example). The Friend of the Court stresses cooperation.

CUSTODY CAN BE CHANGED. . .

Custody can be changed following the Judgment of Divorce if a party petitions the Court. There is no set age at which a child's wishes are considered. This motion to Modify the Judgment will have to be brought in by you or your attorney, and if a Friend of the Court investigation is to be made, it will be **after** the parties put the matter at issue. The Friend of the Court will **not** begin a custody investigation to assist either party in deciding whether to begin petitioning for custody. The Friend of the Court may recommend a party begin custody proceedings. Many parties decide to change custody as the children get older or circumstances change. This can be done without a Court appearance by contacting private counsel to prepare a stipulation (agreement between parties). The Friend of the Court will also prepare a stipulation if the parties are in complete agreement.

CUSTODIAL PARENTS ARE NOT REQUIRED TO BE PERFECT. . .

The Court will only enforce a reasonable degree of custodial care and supervision, not necessarily the standard the non-custodial parent would choose. The custodial parent will be allowed a range of human failings, and a simple mistake or error in judgment will not result in a change of custody.

CHILD SUPPORT

THE FRIEND OF THE COURT ENFORCES SUPPORT. . .

One of the main functions of the Genesee County Friend of the Court is to enforce the child support obligation spelled out by this section of the Judgment of Divorce, or other court order. Both mothers and fathers have been required to pay support in Genesee County. The Friend of the Court does not charge the custodial parent for enforcing a support order.

FOLLOW THE WRITTEN SUPPORT ORDER. . .

The provision of the Judgment as to support should be complied with as written. Do not fall into the trap of making private arrangements. You will face the same Judge who made this Order if you fail to comply. The Friend of the Court enforces Orders on a non-complaint basis, but **welcomes** written complaints to alert us of cases needing attention.

The Friend of the Court computer has the capability to charge support or alimony at the following rates: weekly, bi-weekly, semi-monthly and monthly. Once an ordered amount has been placed on data processing, the computer will automatically charge support or alimony on a monthly basis on the 1st of the month. Support orders that are effective on a date other than the 1st will be prorated for the balance of that month. Obligations will also be prorated if they end on a date other than the 1st of the month.

HOW SUPPORT IS DETERMINED. . .

The State Court Administrative Office has developed mandatory guidelines for determining child support statewide. Please ask for information regarding how this office determines or recommends child support. The parents can agree on the amount of child support, only if the custodial parent is not on ADC. It may be approved by the Court if the amount is in the best interest of the child.

IMMEDIATE INCOME WITHHOLDING. . .

Effective January 1, 1991, by law all new and modified support orders must provide for immediate income withholding. A delinquency does not have to occur before income withholding takes place. The support money is taken directly from a payer's check similar to the deductions for income taxes and social security payments.

In some limited circumstances the parties may agree in writing not to invoke the immediate income withholding clause of their child support order. Also, the Court has the authority to delay immediate income withholding if the Court finds that it would not be in the best interest of the child (good cause exception).

For non-modified support orders entered prior to January 1, 1991, the law provides for automatic support enforcement to be used if the payer of support gets more than a month behind in making his or her payments.

ACCOUNTING

Learn how to check-up on us.

COME PREPARED. . .

If you feel that the payment and arrearage figures shown by the Friend of the Court computers are incorrect, you can call the Friend of the Court Office between 8:00 a.m. and 4:30 p.m. at (810) 257-3097 and request an appointment with your case-worker.

- (1) Try to get copies of all Court Orders issued in your case. The Friend of the Court is to receive copies of all Orders from the party drafting the Order, but occasionally, a party will forget to send copies to the Friend of the Court.
- (2) Bring in your receipts or canceled checks. Know ahead of time the amounts you have paid into the Friend of the Court and/or the MiSDU - total your own checks by years - have the yearly totals at hand, and your accounting will be able to proceed quickly. If payments are made through a wage deduction, you must obtain a copy of the payroll record.
- (3) If any of the children have married, died, entered the Armed Services, or graduated from high school and are over 18 years old, bring the appropriate proofs and dates.

DID YOU MAKE THESE MISTAKES? ? ?

- (1) If the order formerly charged weekly, making four (4) payments per month and failing to consider that fact will mean four (4) missed payments per year. We charge on a weekly basis totaling fifty-two (52) payments per year.
- (2) Failure to include extra sums for the processing and service fees which total \$39.00 per year.
- (3) Failing to recall that payments were not made during vacations or other periods (layoffs, strikes, etc.), and that no extra sums were sent in at a later date to catch up the missed payments.
- (4) Failure to pay support when the children are with the paying parent. Unless the Court Order provides for abatement, or unless the custodial parent (payee) signs a vacation credit form, the Friend of the Court cannot credit an account. The Friend of the Court will not allow more than six (6) weeks per year if the children are receiving public assistance.

PROPERTY SETTLEMENT

The usual practice is for the parties and their counsel to reach an agreement on how to divide the property without a hearing before a Referee or Judge. It should be understood that every case is different. Often parties come in years later and ask if they were "cheated". No one can reconstruct the situation or put in the facts you chose to omit, so do not even ask the Friend of the Court worker for their opinions. Despite your friend's and neighbor's claims that their divorce is just like yours, no two are alike. In many cases, neither party is completely satisfied and both must compromise to complete the proceedings. Once included in a Judgment of Divorce, the Property Settlement is final and generally not subject to modification. The Friend of the Court does not have the power to enforce property settlement orders.

COMMUNITY SERVICES

From time to time the parties or minor children involved in a divorce action experience problems that require specialized services. The Friend of the Court Office provides mediation, attempts to resolve conflicts in the areas of parenting time and custody. This office is not equipped, however, to provide long term counseling and mental health services. For this reason, we have prepared a list of community service agencies to which parties and their minor children can be referred by the Friend of the Court Office. The list includes primarily non-profit public agencies. The costs of services provided vary from agency to agency and must be paid by the parties. The list is not exhaustive and does not attempt to cover the many excellent private agencies located within Genesee County.

A copy of this list is available from the Friend of the Court upon request.

ECONOMICS OF DIVORCE

The realities are harsh, but must be faced.

DIVORCE DOESN'T SOLVE MONEY PROBLEMS. . .

Once your divorce has become final, both parties will have to deal with a new economic situation. In very few cases can the parties immediately resume their old life style. Money problems are often severe after a divorce. Both parties should do everything possible to reduce expenses at this time and even more important, carefully consider their economic situation before making new plans.

DON'T GO FROM THE FRYING PAN INTO THE FIRE. . .

Many parties marry within short periods of time after the divorce. If you are paying support, be very cautious about taking on the support of a new spouse and perhaps more children in the future. We are constantly asked by hard-pressed paying parents, "Don't I have the right to live my life too?" The answer is, "Yes, you do, but. . ." You can live whatever life style you wish after you meet your Court ordered obligations.

YOU MAY HAVE TO WAIT UNTIL WE GET AN ORDER. . .

The Friend of the Court can only complete the opening of a file after receiving the necessary legal documents from the party filing the order. The Friend of the Court will open an account for you following the receipt of the divorce or other action. We can begin receiving money at this time, but will not disburse money until the Court Order is received. Friend of the Court must be advised of the proper address of both parties.

PAYMENTS

NON-CASH PAYMENTS (CHECKS AND MONEY ORDERS) MUST BE MADE THROUGH THE MICHIGAN STATE DISBURSEMENT UNIT (MiSDU).

Mail your non-cash payment to:

**Michigan State Disbursement Unit
P.O. Box 30351
Lansing, MI 48909-7851**

Make checks or money orders payable to the MiSDU. Please include your name, Social Security Number, docket number (same number that appears on Court Orders), county identifier (25 for Genesee County), and FIPS Code (26049 for Genesee County).

The MiSDU will send you monthly payment coupons to help you identify your support payments. Until you receive your first supply of payment coupons, temporary coupons are available at the Friend of the Court Office.

Cash payments will be accepted at the Genesee County Friend of the Court Cashier Department located at 1101 Beach Street, Flint, Michigan.

Recent legislation allows a payee and payer to sign a form which states they do not want the payments made through the Genesee County Friend of the Court. You must contact your worker, in person, to sign this waiver. This can not be done if the child(ren) receive(s) public assistance.

TO PROTECT THE CONFIDENTIALITY OF OUR RECORDS, AND DUE TO STAFF SHORTAGES, INFORMATION ABOUT PAYMENTS WILL NOT BE GIVEN OVER THE PHONE EXCEPT BY THE ACCOUNT INFORMATION SYSTEM. INQUIRES CAN BE MADE IN PERSON OR BY MAIL.

TO ENSURE THE MiSDU AND THE FRIEND OF THE COURT HANDLES YOUR ACCOUNT CORRECTLY. . .

Non-Custodial Parent (party making payments) must:

- (1) Make all non-cash payments to the Michigan State Disbursement Unit (MiSDU).
- (2) Include your name, Social Security Number, court docket number, county identifier (25) and FIPS code (26049).
- (3) Keep a list of each payment made to the MiSDU. Include date and amount of each payment.
- (4) Cash payments can be made at the Friend of the Court. Keep your receipt if payment is made by cash.
- (5) Remember the MiSDU and the Friend of the Court will currently accept any amount, either more or less than the ordered support, but you are still responsible for any sum not paid and it will show on the Friend of the Court records as a delinquency and must be made up

- (6) If ADC or public assistance is being provided for the support of your family, all child support payments processed during that period of assistance will be sent to the Family Independence Agency (FIA). This is a stated, written requirement in the FIA application and contract that a family signs to receive such assistance. Payment to FIA will continue as long as the assistance is active.

PAY SUPPORT BEFORE YOU BUY GIFTS. . .

The child support provision defines the payer's legal obligations. You can do more for your children, but you must first comply with the terms of the Orders. Make **all** payments through the MiSDU or the Friend of the Court as described in the section entitled **PAYMENTS**.

Thirty dollars worth of clothing given to the children is **not** a substitute for a thirty dollar child support payment. If you wish to buy clothes, they will have to be in addition to child support. The children cannot be moved from parent to parent without Court approval. The Friend of the Court must continue to charge support if you fail to secure a Court Order before shifting a child from the custodial parent or the non-custodial parent.

WHEN SHOULD I SEE MY ATTORNEY, AND WHEN SHOULD I SEE THE FRIEND OF THE COURT FOR ENFORCEMENT??? WHEN DOES SUPPORT STOP???

Prior to the taking of the Judgment of Divorce, your own attorney may wish to handle the enforcement of the child support provisions of the Temporary Support Order. After the Judgment of Divorce, you have the same option of going to your own attorney or filing a complaint with the Friend of the Court. In cases involving Public Assistance, the Friend of the Court will enforce Orders before and after the Judgment.

The Friend of the Court will drop children off the child support account when they turn 18 years of age, unless otherwise specified in the Order. The parties should notify the Friend of the Court of any children who marry, enter the Armed Services, or die before turning 18, and when the child is to graduate from high school.

THE LEVEL OF CHILD SUPPORT CAN GO UP OR DOWN. . .

The amount of child support can be increased or decreased by the Court. A Motion to Amend the Judgment must be filed and appropriate proofs presented. When a payer becomes unemployed, the Friend of the Court should be notified immediately in person. Please inform us of the circumstances of the unemployment and the amount of unemployment benefits to be received. The Friend of the Court has pro per (do it yourself) forms and instructions to assist you in modifying support orders. Support will be charged at the same rate, regardless if the payer's income has increased or decreased, until an amended court order has been entered. Reporting to the Friend of the Court does not change your court order.

PARENTING TIME

This section of the Judgment defines the rights of the non-custodial parent to see the child. Parenting time is generally the area that presents the greatest emotional problems for the parties, their children, their relatives and their boyfriends or girlfriends, and new spouses.

DON'T DENY PARENTING TIME TO GET SUPPORT. . .

Support and parenting time are **not** dependent on each other. Parenting time shall continue even if support is not being paid. File a complaint for enforcement of support with the Friend of the Court; don't try the self-help remedy of denying parenting time. If you are being denied parenting time, continue to pay support and petition the Court for action on the parenting time problem or contact the Friend of the Court.

Divorce has not changed your ex-spouse. If the custodial parent was a "casual" housekeeper, he/she will continue to be. If your ex-spouse was late all the time, he/she will continue to be late.

Comply with the Court Orders or get them changed; don't try to usurp the Judge's role.

The following explanations by the custodial parent are **not** valid reasons for denying parenting time:

- (1) The child is sick, unless the non-custodial parent is provided with the specific nature of the illness and an opportunity to see the child.
- (2) The child has to go someplace else.
- (3) The child was not home.
- (4) The non-custodial parent is behind in his support obligation.
- (5) The child wanted to stay home.
- (6) The custodial parent did not want the child to go for parenting time.
- (7) The weather was bad.
- (8) The child had no clothes to wear.
- (9) The child is grounded.
- (10) The child has to attend events such as dance class or karate.

ALIMONY

ALIMONY AND CHILD SUPPORT ARE NOT THE SAME. . .

Alimony is for the support of the ex-spouse, and is distinct from child support, which is for the minor children. Alimony and child support are **not** interchangeable terms.

When support is ordered through the Friend of the Court, payments can be made as described in the Section entitled **PAYMENTS**. The Friend of the Court will enforce the payment of Alimony upon request or as a result of review of the payment record.

AVOID THESE PROBLEMS. . .

The list of possible sources of friction with parenting time is endless. Please avoid as many of the pitfalls as possible.

- (1) Don't arrive for parenting time with lavish presents when your support is in arrears and necessities (groceries, clothing, etc.) are scarce in the custodial parent's home.
- (2) Don't forget to supply adequate clothing for parenting time and to inform the visiting parent of necessary medication and possible illness.
- (3) Don't always take the children to the ball games, the circus or fancy restaurants; do some casual things with the children. The custodial parent on welfare or limited budget just can't compete and friction will result.
- (4) Don't keep telling the children you will have custody of them some day. Petition the Court for a change of custody and do your talking in the courtroom where it counts.
- (5) Pick up children and return them on time.
- (6) Remember to spend time with your children. Too often children are dumped with girlfriends or boyfriends, or lumped together with the new wife's or husband's children. The children need time with you. Regular parenting time cannot be stressed enough.
- (7) If you can't talk to your ex-spouse at all, stick to a rigid schedule; wait at the front door or in the car for the children and have as little contact as possible with the ex-spouse.
- (8) Don't expect the custodian to let you have the children if you have been drinking or using drugs.
- (9) If you do not have a driver's license, a relative or friend must do the driving. Any vehicle used in transporting children must be equipped with all safety features required by law.

WHAT ARE "REASONABLE RIGHTS" OF PARENTING TIME???

Most Judgments state that parenting time rights are "reasonable". This allows the parties latitude in working out a comfortable parenting time program. Parenting time rights should change as the children mature and as the parties move to locations nearer or farther away from each other. "**REASONABLE RIGHTS**" allow the parties to make these adjustments without going before the Court. If the parties cannot agree on what constitutes "reasonable rights", an appointment can be made with the Friend of the Court for advice or to attempt to work out a parenting time program. A standard parenting time recommendation of the Friend of the Court, is parenting time on alternating weekends (Friday to Sunday), two weeks of summer vacation, if the visiting parent is on vacation, and alternate major holidays. You must petition the Court if no agreement is reached, or kept.

SUPPORT ABATEMENT. . .

Some Orders provide that support will abate (be stopped and discontinued) during parenting time and Judges insist on this language before allowing the Friend of the Court to credit an account unless the custodial parent signs a vacation credit form. You must notify your Friend of the Court worker if your Order provides for an abatement.

SPARE THE CHILDREN. . .

Parenting time is too often unnecessarily traumatic for the parents and children. The visiting parent must remember that parenting time with the children is the sole purpose for being at the home of the custodial parent. The visitor is not here to "check-up" on the custodian or to have an opportunity to present his/her opinions. The marital home is no longer open to the non-custodial parent and familiar rooms are now off-limits.

PARENTING TIME IS FOR THE PARENT AND CHILD. . .

Only the person or persons having legal parenting time rights have the right to visit with the children. The Friend of the Court encourages custodians to allow grandparents visitation, but it is generally not required by the Court Orders. A good many parenting time disputes begin with the visiting parent arriving with a new girlfriend or boyfriend in tow. Leave your new acquaintances at home. The child needs your fullest attention. Children have a difficult enough time adjusting to the new situation without learning a new cast of partners.

SHOW UP FOR PARENTING TIME ON TIME. . .

If you tell the children you are coming for parenting time, be sure to show up. The tales of children waiting all weekend for a visiting parent who never appears are disturbingly common. The custodial parent is not obliged to sit around and await the pleasure of the visiting parent. The visiting parent should arrive within a few minutes of the agreed upon or Court Ordered time. Please phone a few days ahead if there is any question of your coming or not coming.

DON'T USE THE CHILD AS A SPY. CHILDREN ARE LOUSY SPIES. . .

Parents should not use the children as sources for information as to the activities of the ex-spouse. Besides creating dissent among all parties, they are simply no good at the job! The children quickly discover what the parent wants to hear and tailor their remarks accordingly. The children will supply "information" that tends to create problems rather than reduce friction. Parents will soon discover that children can become adept at playing one parent against the other.