Instructions for Stipulation and Order for Closure of Friend of the Court Case

If parents wish to handle child support and parenting time issues without Friend of the Court involvement, they must obtain the Court's permission. In order to do so, you may use the attached "form" pleadings.

The Motion and Advice of Rights must be completed, signed by both parties and filed with the Court Clerk's Office (not the Friend of the Court) along with a $20.00 motion fee.

When you receive your Notice of Hearing from the Court Administrator's Office please note the date and time. Both parties must appear at the hearing.

BRING THE ORDER FORM TO THE HEARING

Authority: PA571 of 2002 effective December 1, 2002

STATE OF MICHIGAN 13th JUDICIAL CIRCUIT COUNTY	STIPULATION AND MOTION FOR CLOSURE OF FRIEND OF THE COURT CASE	CASE NO.

Court address

- ☐ 280 Washington Street, Ste. 206, Traverse City, MI 49684 — (231)922-4710
- ☐ 203 E. Cayuga, PO Box 520, Bellaire, MI 49615 — (231)533-6353
- ☐ 8527 E. Government Center Dr., Suttons Bay MI 49682 — (231)256-9824

Plaintiff's name	Defendant's name
Plaintiff's address, and telephone no.	Defendant's address, and telephone no.
Attorney:	Attorney:

We, _____, Plaintiff, and _____, Defendant, request that we be allowed to handle the financial support of our children and parenting time ourselves, without involvement of the Office of the Friend of the Court. We believe this is the best interests of our children:

_____, born _____ _____, born _____
_____, born _____ _____, born _____

2. We recognize and agree that if our request is granted, we will be waiving the following Friend of the Court/Court services:

a. Accounting services, including, charging, receipting and distribution of child support payments and adjustments.
b. Enforcement of child support.
c. Medical support enforcement, including enforcement of health insurance for the minor children and reimbursement of the children=s uninsured health care expenses.
d. Assessment and collection of child care expenses.
e. Periodic reviews of child support and parenting time.
Enforcement of custody and parenting time.

We acknowledge we have reviewed and signed the Advice of Rights regarding Friend of the Court Services.

Should *either* party wish to avail themselves of Friend of the Court child support and other services in the future, he/she may make that request, in writing, to the Friend of the Court and the case will be reopened. The request must be accompanied by a completed verified statement and a signed request for Title IV-D services. At that time, child support charges through the Friend of the Court will be reinstated. **No arrears will be established** and neither the Friend of the Court nor the Court will reconstruct the financial obligations of the parties to each other during any period of time that support was not charged and paid through the Friend of the Court. If the case is reopened, the parties are responsible for providing copies of all court orders to the Friend of the Court and any other documents requested by the Friend of the Court.

Should either party or the children be the recipients of public assistance, it is mandatory that the support case be reopened with the Office of the Friend of the Court.

_____ _____
Plaintiff Defendant

Dated: _____ Dated: _____

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (PAGE 1)	CASE NO.

Friend of the court address **Telephone no.**

1. **Right to Refuse Friend of the Court Services**

   a. You have the right to refuse friend of the court services for custody, parenting time, and support. To decline friend of the court services, you must file with the court a motion requesting that friend of the court services not be required. You must attach a signed copy of this advice of rights to the motion. The court will grant the motion provided both parties agree and have signed this advice of rights and it determines that all the following are true.
      1) Under MCL 552.505a, neither of you receives or has received public assistance or requests friend of the court services.
      2) There is no evidence of domestic violence or of an uneven bargaining position between you.
      3) The court finds that declining to receive friend of the court services is not against the best interests of a child.

   b. If you already have a friend of the court case, you can file a motion to discontinue friend of the court services provided both parties agree and have signed this advice of rights and the court finds that all the following are true.
      1) Neither of you receives public assistance or requests friend of the court services.
      2) There is no evidence of domestic violence or an uneven bargaining position between you.
      3) The court finds that declining to receive friend of the court services is not against the best interests of a child.
      4) No money is due the governmental entity because of past public assistance.
      5) No arrearage or violation of a custody or parenting-time order has occurred in the last 12 months.
      6) Neither of you has reopened a friend of the court case in the last 12 months.

2. **Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)**

   a. **Accounting Services**
   Friends of the court must collect support and disburse it within 48 hours. Friend of the court accounting services include: 1) friend of the court accounting for payments received and sent, 2) adjustments of support for parenting time or other credits, and 3) annual statements of accounts, if requested.

   b. **Support Enforcement Services**
   The friend of the court must begin to enforce support when one month of support is overdue. For friend of the court cases, child-support enforcement services include:
   - paying support out of tax refunds.
   - asking the court to order the nonpaying party to come to court to explain the failure to pay.
   - having unpaid support paid out of property the payer owns.
   - reporting support arrearage to a consumer reporting agency or requesting that the payer's license(s) be suspended.
   - collecting support by an income withholding order.

   If you choose not to receive friend of the court services, any existing income withholding source will be notified that the friend of the court is no longer responsible for income withholding. **The parties will be solely responsible for stopping or changing income withholding as the law allows.** The friend of the court will stop any unfinished collection actions.

   c. **Medical Support Enforcement Services**
   The friend of the court is required to recommend how the parents divide health-care expenses and to take action to collect the amounts that a parent fails or refuses to pay. When a parent is required to insure the children, the friend of the court is authorized to instruct an employer to enroll the children in an insurance plan when the parent fails or refuses to do so.

   d. **Support Review and Modification Services**
   Once every three years, persons with friend of the court cases may request the friend of the court to review the support amount. After completing the review, the friend of the court must file a motion to raise or lower support, or inform the parties that it recommends no change. It must also review support when changed circumstances lead it to believe that support should be modified.

   e. **Custody and Parenting-Time Investigation Services**
   For disputes about custody and parenting time in friend of the court cases, the friend of the court sometimes must investigate and provide reports to the parties and the court.

   f. **Mediation Services**
   Friend of the court offices must provide mediation services to help parties with friend of the court cases settle custody and parenting-time disputes.

   g. **Custody and Parenting-Time Enforcement Services**
   For friend of the court cases, the friend of the court must enforce custody and parenting time when a party complains that it is violated. Child-custody and parenting-time enforcement services include:

(See page 2)

Approved, SCAO

STATE OF MICHIGAN JUDICIAL COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT (PAGE 2)	CASE NO.

Friend of the court address **Telephone no.**

2. **Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)** (continued from page 1)
   g. **Custody and Parenting-Time Enforcement Services** (continued from page 1)
   - asking the court to order the noncooperating party to come to the court to explain the failure to obey the parenting-time order.
   - suspending the licenses of individuals who deny parenting time.
   - awarding makeup parenting time.
   - joint meetings to resolve complaints.

3. **Michigan State Disbursement Unit and IV-D Services**

   a. **Michigan State Disbursement Unit (MiSDU)**
   If you choose not to receive friend of the court services, you may continue to make and receive child support payments through MiSDU. MiSDU will keep track of the amount paid and sent out. However, MiSDU cannot provide you with all the accounting functions the friend of the court provides. All payments made through MiSDU must be distributed according to the amounts due as required by federal law. When a payer has more than one case, federal law determines how a payment is divided among the cases. **Even if you choose not to receive friend of the court services, payments through MiSDU must be divided among all a payer's cases and distributed in the same manner as payments on friend of the court cases. You cannot discontinue friend of the court services if you want to use MiSDU unless you first provide to MiSDU all the information that MiSDU needs to set up an account.**

   b. **Your Rights Under Title IV-D of the Social Security Act**
   Title IV-D of the Social Security Act provides federal government resources to collect child support and it allows certain funding to be used for parenting-time and custody services. In Michigan, critical Title IV-D services are delivered by the friend of the court. **If you choose not to receive friend of the court services, you cannot receive most Title IV-D services.**

4. **Public Assistance**

   Receipt of public assistance means receipt of any of the following benefits: cash assistance, medical assistance, food assistance, foster care, and/or child care.

ACKNOWLEDGMENT REGARDING SERVICES

Check below only if you do not want to receive friend of the court services. Then date, print name, and sign.

I have read this advice of rights and I understand the friend of the court services I am entitled to receive.

☐ I acknowledge that by signing below **I am choosing not to receive** any friend of the court services. I understand that before this choice can take effect, a motion requesting this choice and the other party's agreement must be filed with the court for approval. I also understand that the court may deny this choice if certain conditions are not met as stated in this advice of rights.

Name (type or print)	Name (type or print)
Signature Date	Signature Date

If you did not check the above box, you are choosing to receive friend of the court services. **For the most effective friend of the court services,** you can request Title IV-D services by dating and signing below.

I request Title IV-D services through the friend of the court office.

Date	Signature

STATE OF MICHIGAN 13th JUDICIAL CIRCUIT COUNTY	ORDER CLOSING FRIEND OF THE COURT CASE	CASE NO.

Court address

☐ 328 Washington Street, Ste. 200,Traverse City, MI 49684 (231)922-4701
☐ 203 E. Cayuga, PO Box 520, Bellaire, MI 49615 (231)533-6353
☐ 8527 E. Government Center Dr., Suttons Bay MI 49682 (231)256-9824

Court telephone no.

Plaintiff's name	Defendant's name
Plaintiff's address, and telephone no.	Defendant's address, and telephone no.
Attorney:	Attorney:

At a session of said Court held in the Courthouse in
_____, Michigan on _____.

Based upon the stipulation of the parties and both parties having appeared in Court and acknowledged their understanding of the services they are waiving and advising the Court that the closure of their Friend of the Court case is in the best interests of the children,

The Court finds:

- There is no evidence of domestic violence or unequal bargaining position between the parties;
- Neither party receives public assistance for a child in the case;
- No money is due the State because of past public assistance for a child in the case; and
- No arrearage or custody or parenting time order violation has occurred in the last 12 months in this case.
- The parties have both signed a form advising of the services they will not receive if their case is closed.
- The parties do not want Title IV-D services and have requested that any Title IV-D case can be closed.

IT IS HEREBY ORDERED:

- The Friend of the Court shall not be involved in the enforcement, investigation or accounting functions for custody, parenting time or support in this case.
- The parties are responsible for all enforcement and accounting functions for custody, parenting time , or support in this case
- There is no income withholding in this case, support will be paid directly by the payer to the payee and the Friend of the Court shall terminate any existing income withholding.

IT IS FURTHER ORDERED:

Friend of the Court shall open a Friend of the Court if a party applies for public assistance relating to a child of the parties or either party submits to the Friend of the Court a written request to reopen the Friend of the Court case. If this case becomes a Friend of the Court case for any reason, the following provisions shall apply:

- The parties must cooperate fully with the friend of the Court in establishing the case as a Friend of the Court case.
- The parties must provide copies of all orders in their case to the Friend of the Court.
- The parties must supply any documents that a party to the Friend of the Court case is required to supply if they have not already done so.
- The Friend of the Court is not responsible for reconstruction of the financial obligations of the parties prior to the date charges are reinstated.

- Support is payable through MiSDU effective the date the case becomes a Friend of the Court case.
- The Friend of the Court may prepare and submit, exparte, a uniform child support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order. An order entry fee may be assessed.
- At the request of the Friend of the Court, the parties shall complete a Verified Statement and Application for title IV-D Services.

Date _____ Family Court Referee _____

Date _____ Family Court Judge _____

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this Order Closing Friend of the Court Case to the parties by first class mail addressed to their last known addresses as defined in MCR 3.203.

Date _____ Signature _____