

Circuit Judge
Ronald J Schafer
Suzanne Hoseth Kreeger
Montcalm County

THE CIRCUIT COURT
FOR



The Eighth Judicial

Office Of
Monica J Tissue-Daws
Friend of the Court/Referee
PO Box 305
Stanton, Michigan 48888
Phone (989) 831-7332
Fax (989) 831-7376

Circuit of Michigan

Dear Client,

The Montcalm County Friend of the Court Office (FOC) has received a request from you to opt-out of the FOC services. By filing this motion and using the instructions, you are representing yourself in a court action (In Pro Per) and stating you do not have legal representation. If you already have an attorney retained, for any reason, you cannot file this motion.

INSTRUCTIONS FOR FILLING OUT MOTION:

- A. **Do not use pencil or colored ink** – other than blue or black. Please complete all information, except for the Notice of Hearing and Certificate of Mailing. This will be completed by a representative of the FOC Office.
- B. **Both parties are required to sign the motion as well as the attached Advice of Rights form.** Please review the motion to make sure the statements you are verifying are true and that you qualify to opt-out of FOC services. Please review the Advice of Rights form so you are aware of the services you are opting out of.
- C. **Please make sure that you have the Plaintiff and Defendant filled out correctly.** Please note that the Plaintiff is the person who originally filed the case. If you are not sure who is the Plaintiff or Defendant, please contact our office to verify the same.

FILING A MOTION TO OPT-OUT OF FOC SERVICES:

1. Unless otherwise indigent before motions can be scheduled, the filing fee **MUST** be paid in full. For pre-judgment cases the filing fee is **\$20.00**. For post-judgment cases the filing fee is **\$100.00**. **CASHIER'S CHECK OR MONEY ORDERS ONLY PAYABLE TO THE "COUNTY CLERK," NOT THE FOC. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.**
2. The **ORIGINAL** motion and fees **MUST** be turned into the FOC Office. The FOC will file the motion with the Clerk and send out notice of hearing to all parties. **BOTH PARTIES AND ATTORNEYS ARE REQUIRED TO ATTEND THE SCHEDULED HEARING.**

Sincerely,

Montcalm County FOC

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 or 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

Original - Court (to be filed with motion)
1st copy - Plaintiff
2nd copy - Defendant

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (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 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 8TH JUDICIAL CIRCUIT MONTCALM COUNTY	MOTION TO OPT-OUT OF FRIEND OF THE COURT SERVICES	CASE NO.
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Friend of the Court, 629 N. State St., PO Box 305, Stanton, MI 48888

ph. (989) 831-7332 fax (989) 831-7376

Plaintiff's name, address and phone number	Defendant's name, address and phone number
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We state:

1. There is no domestic violence or unequal bargaining position between the parties involved in this case.
2. Granting the relief requested would be in the best interest of any child in the case.
3. We have filed and executed copies of a form advising us of the services we will not receive if this motion is granted.
4. Neither party receives public assistance.
5. No money is due to the state because of past public assistance.
6. No arrearage, custody or parenting time order violation has occurred within the last 12 months in this case.
7. Neither party to this case has reopened a Friend of the Court case within the last 12 months.
8. We do not want IV-D services and have requested that any existing IV-D case be closed.
9. We agree that the Friend of the Court shall open a Friend of the Court case if a party applies for or receives public assistance or either party submits to the Friend of the Court a written request to reopen the Friend of the Court case.

We agree, if this case becomes a Friend of the Court case for any reason, the follow requirements will apply:

1. We must cooperate fully with the Friend of the Court in establishing the case as a Friend of the Court case.
2. We must provide copies of all orders in the case to the Friend of the Court.
3. We must supply any documents that a party to a Friend of the Court case is required to supply if we have not already done so.
4. Support is payable through the Friend of the Court.

5. The Friend of the Court may prepare and submit, ex parte, a support order that contains all the statutory requirements of a Michigan support order.

Therefore, we request the Court enter an order as follows:

1. Allowing us to opt-out of Friend of the Court services.
2. Exempting this case from Friend of the Court enforcement, investigation or accounting functions for custody, parenting time and/or support.

We declare that the above statements are true to the best of our information, knowledge and belief.

Plaintiff	Date	Defendant	Date
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NOTICE OF HEARING

A hearing will be held on the above motion before **MONICA J. TISSUE-DAWS, REFEREE** on

_____ at _____ at the Montcalm County Friend of the Court, 629 N. State St., Stanton, MI 48888.

CERTIFICATE OF MAILING

I certify that on this date, I mailed a copy of this motion and notice of hearing to the parties listed above to their last known address by ordinary mail.

Date: _____

FOC representative