

STATE OF MICHIGAN 28 TH CIRCUIT COURT COUNTY	MOTION TO OPT OUT OF FRIEND OF THE COURT SERVICES	CASE NO.
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Friend of the Court Address: 401 N. Lake St., Cadillac, MI 49601

Phone 231-779-9494

PLAINTIFF'S NAME & ADDRESS
Plaintiff's Attorney, Bar No., Address & Telephone No.

DEFENDANT'S NAME & ADDRESS
Defendant's Attorney, Bar No., Address & Telephone No.

WE STATE:

1. There is not domestic violence or unequal bargaining position between the parties involved in this case.
2. Granting the relief we request would be in the best interests of any child in the case.
3. We have filed 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 for a child in the case.
5. No money is due the state because of past public assistance for a child in the case.
6. No arrearage or custody or parenting time order violation has occurred in the last 12 months in this case.
7. Neither party to this case has reopened a friend of the court case in 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 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.

We agree, if this case becomes a friend of the court case for any reason, the following 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. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through the SDU.
5. Support is payable through the friend of the court effective the date the case becomes a friend of the court case.
6. 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 as long as the order does not contradict the existing support order.
7. If any dispute arises between us concerning child support, custody, parenting time or change of domicile that was not paid through the Friend of the Court, the issue will be submitted to private mediation, or upon our consent, binding arbitration, and the cost will be equally divided us. For those

parties opting out of Friend of the Court, mediation and arbitration services through the Friend of the Court will not be available to them.

8. We must keep accurate records regarding the direct payment of child support that is paid outside of the Friend of the Court or the State Disbursement Unit. The failure of either party to keep accurate records shall constitute a waiver of that party's right to claim any arrearage or credit regarding the child support account.

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, or support.
 3. Except where indicated below, no income withholding shall issue 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.
- Support shall be paid through the State Disbursement Unit (SDU) on a case previously open with the FOC. Support shall be paid by income withholding to the extent allowed by statutes and court rules, however, the friend of the court is not responsible for the income withholding. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.
 - Support shall be paid through the SDU on a new case with no prior FOC involvement. If support payments are to be made through the SDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until the SDU notifies the friend of the court that it has been provided with the information necessary to process the child support payments. There will be no accounting for support that is not paid through the SDU.

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

Date: _____

Signature

Date: _____

Signature

NOTICE OF HEARING

A hearing will be held on the above petition on _____ at _____, at the above court address.

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this petition and order to the parties by ordinary mail addressed to their last known address at least nine (9) days prior to the date of the hearing.

Date: _____

Signature

PACKET TO OPT OUT OF FRIEND OF THE COURT SERVICES

1. Completely fill out the top portion of the Motion to Opt Out of Friend of the Court Services - Do not complete the Notice of Hearing or Certificate of Mailing sections
2. Complete the top portion of both pages of the Advice of Rights form and bring it with you to your Conference
3. Complete the top portion of both pages of the Order Exempting Case From Friend of the Court Services and bring it with you to your Conference
4. File the completed original Motion at the Friend of the Court office
5. Filing fee paid by check or money order made out to Wexford County Clerk or Missaukee County Clerk (where you case is filed) must accompany the Motion
 - A. \$20 if your action is currently pending for filing fee
 - B. \$80 if your action is completed for filing fee and order fee
6. The Friend of the Court will send a Notice to both parties of the time to appear at the Friend of the Court office for a Conference to process the Motion

Approved, SCAO

Original - Court
1st copy - Plaintiff

2nd copy - Defendant
3rd copy - Friend of the court

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

ORDER EXEMPTING CASE FROM
FRIEND OF THE COURT SERVICES
(PAGE 1)

CASE NO.

Court address

Telephone no.

Plaintiff's name, address, and telephone no.

Defendant's name, address, and telephone no.

v

Attorney:

Attorney:

Date of hearing: _____ Judge: _____ Bar no. _____

THE COURT FINDS:

1. There is no evidence of domestic violence or of an unequal bargaining position between the parties in the case.
2. Granting the parties the relief they have requested would not be against the best interests of any child in the case.
3. The parties have filed executed copies of a form advising them of services they will not receive if their motion is granted.
4. Neither party receives public assistance.
5. No money is due the governmental entity because of past public assistance in the case.
6. No arrearage or custody or parenting-time order violation has occurred in the last 12 months in this case.
7. Neither party has reopened a friend of the court case in the last 12 months.

8. The parties do not want Title IV-D services and have requested that any existing Title IV-D case be closed. (Note: This box should be checked unless exceptional circumstances exist that entitle the Title IV-D case to remain open.)

IT IS ORDERED:

9. Subject to the provisions of item 14 below, this case is not a friend of the court case.
10. This case is not a Title IV-D case. (Note: This box should be checked if item 8 has been checked.)
11. 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.
12. The parties are responsible for all enforcement and accounting functions for custody, parenting time, or support in this case.

(See page 2 for the remainder of the order.)

Do not write below this line - For court use only

Approved, SCAO

Original - Court
1st copy - Plaintiff

2nd copy - Defendant
3rd copy - Friend of the court

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

ORDER EXEMPTING CASE FROM
FRIEND OF THE COURT SERVICES
(PAGE 2)

CASE NO.

Court address

Telephone no.

Plaintiff's name

v

Defendant's name

13. Except as indicated below, 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. Should this case become a friend of the court case, the payer must keep the friend of the court advised of the name and address of the payer's source of income and any health-care coverage that is available to the payer as a benefit of employment or that the payer maintains, including the name of the insurance company, health-care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit the payer maintains the coverage.

a. Child support shall be paid through the Michigan State Disbursement Unit (MiSDU) by income withholding to the extent allowed by statutes and court rules; however, the friend of the court is not responsible for income withholding. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.

b. Child support shall be paid through MiSDU by the payer.

14. If child support payments are to be made through MiSDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until MiSDU notifies the friend of the court that it has been provided with the information necessary to process the child-support payments. There will be no accounting for support that is not paid through MiSDU.

15. The friend of the court shall open a friend of the court case if a party applies for or receives public assistance, a child is placed in foster care, 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.

a. The parties must cooperate fully with the friend of the court in establishing the case as a friend of the court case.

b. The parties must provide copies of all orders in their case to the friend of the court.

c. The parties must supply any documents that a party to a friend of the court case is required to supply if they have not already done so.

d. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through MiSDU.

e. Support is payable through MiSDU effective the date the case becomes a friend of the court case.

f. The friend of the court may prepare and submit, ex parte, a uniform 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.

g. At the request of the friend of the court, the parties shall complete a Verified Statement and Application for Title IV-D Services.

Date

Judge

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Signature