

From: "Dan Fojtik" <Dan.Fojtik@kentcountymi.gov>  
To: <courtformsinfo@courts.mi.gov>  
Date: 2/1/2012 1:22 PM  
Subject: FOC 10/52 (Uniform Child Support Order)  
Attachments: Re: Your question regarding FOC 10

Thank you for considering modification to the provision in item 13 of the UCSO which states "Except as changed in this order, prior provisions remain in effect."

I'm the attorney referenced in the notice of proposed changes for that form. I just want to clarify that it wasn't my concern, as stated in the notice, that this provision would be mistakenly read by someone to supercede an entire judgment. Per the e-mail thread attached below, that concern was shared by others. To resolve that concern, I responded with the following proposed language to replace item 13:

provisions	The provisions of this UCSO supercede the
Support payable	of any prior UCSO, and no other order.
past-due support	under any prior order is preserved. Any
using the Michigan	shall be paid in the amount calculated
	Child Support Formula.

The concern that I do have is the dilemma we face when a new UCSO fails to carry-over prior provisions that the parties may or may not want to continue. I gave several scenarios:

- I've had CPs argue that a bonus provision (as extra support) in the old UCSO should continue even though it is not mentioned in the new UCSO.
- I've had the same thing with child care provisions.
- What if the old UCSO had a provision for educational expenses (as support) but the provision is not carried over to the new UCSO? Do we still enforce it?
- Should health care provisions from the prior order continue if health care is not addressed in the new UCSO (which frequently happens)? If one answers yes, then this might be an inappropriate deviation from the MCSF because health care, such as the uninsured health care percentages, would be subject to modification along with base support/ordinary med. charges if support is recalculated under the formula.

FOC staff should be confident with each new UCSO that it addresses all support provisions. They shouldn't need to be concerned whether a prior provision is carried-over or not. Thank you.