

Default Under Family Support Act Checklist

The Family Support Act (FSA), [MCL 552.451](#) *et seq.*, confers jurisdiction on the court to issue, in certain cases, a support order for a custodial parent and child(ren) or for child(ren).

- A party moving for default judgment must schedule a hearing and serve the motion, notice of hearing, and a copy of the proposed judgment on the defaulted party at least 14 days before the hearing on entry of the default judgment, and promptly file a proof of service under the following circumstances:
 - The action involves entry of a judgment of divorce, separate maintenance, or annulment under [MCR 3.210\(B\)\(5\)\(a\)](#);
 - The proposed judgment involves a request for relief that is different from the relief requested in the complaint; or
 - The moving party does not have sufficient facts to complete the judgment or order without a judicial determination of the relief to which the party is entitled. [MCR 3.210\(B\)\(4\)\(a\)](#).
- If the action does not require a hearing under [MCR 3.210\(B\)\(4\)\(a\)](#) and if the relief can be determined based on information available to the moving party that is stated in or attached to the motion or complaint, the moving party may either:
 - Schedule a hearing and serve the motion, notice of hearing, and a copy of the proposed judgment on the defaulted party at least 14 days before the hearing on entry of the default judgment, and promptly file a proof of service, or
 - Serve a verified motion for default judgment supporting the relief requested and a copy of the proposed judgment on the defaulted party, along with a notice that it will be submitted to the court for signing if no written objections

are filed with the court clerk within 14 days. If no written objections are filed within 14 days after filing, the moving party must submit the judgment or order to the court for entry. If objections are filed, the moving party must notice the entry of default judgment for hearing. [MCR 3.210\(B\)\(4\)\(b\)](#).

- Do not enter a judgment of divorce, separate maintenance, or annulment as a matter of course on the default of a party because of failure to appear at the hearing or by consent. The case must be heard in open court on proofs taken, except as otherwise provided by statute or court rule. [MCR 3.210\(B\)\(5\)\(a\)](#).
- Do not take proofs for a default judgment unless proposed judgment has been given to the court. [MCR 3.210\(B\)\(5\)\(b\)](#).
- In cases in which defendant has failed to appear, non-military affidavits required by law must be filed before a default judgment is entered. [MCR 3.210\(B\)\(5\)\(b\)](#).
- Do not enter a default judgment against a minor unless the person is represented in the action by a conservator or other representative, except as otherwise provided by law. [MCR 3.210\(B\)\(5\)\(b\)](#).
- If defendant is a minor and is being defaulted, determine if he/she was represented by a conservator, guardian ad litem, or other representative.
 - If minor was represented, a default may proceed and a judgment may enter.
 - If minor was not represented, a default judgment may not be entered, except as otherwise provided by law. [MCR 3.210\(B\)\(5\)\(b\)](#).
 - If minor defendant failed to respond but has a conservator, ensure conservator had adequate notice of the case, e.g., was served or was otherwise aware, and has sufficient time to respond.
 - If minor defendant does not have a conservator and a guardian ad litem was not previously appointed in the case, appoint a guardian ad litem. [MCR 2.201\(E\)](#). Set aside default, if one was entered, and provide guardian ad litem with adequate time to respond.

For court forms related to domestic relations actions, see the One Court of Justice [website](#).

For additional domestic relations resources, see the Friend of the Court Bureau [website](#).

