



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

March 1, 2018

TO: Michigan Court Forms Committee, Domestic Relations Workgroup

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **March 15, 2018 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing

Below is the agenda for the March 15, 2018 meeting of the Michigan Court Forms Committee, Domestic Relations Workgroup. The meeting will be held in room 1S-69. Lunch reservations have been made for you. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa St., Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. Deletion Review

The following forms have not been revised in 10 or more years and are being reviewed for possible deletion. If comments are not received indicating these forms are being used, these forms may be deleted.

Form	Last Revision
CC 88, Order Revoking Release and Forfeiting Bond, Notice of Intent to Enter Judgment (Domestic Relations)	3/08
CC 89, Judgment after Bond Forfeiture (Domestic Relations)	3/08
FOC 5, Order Regarding Income Withholding	3/08
FOC 7, Notice of Hearing	3/08

FOC 18, Publication and Notice of Friend of the Court Annual Statutory Review	3/08
FOC 22b, Employment Status Disclosure	3/08
FOC 25, Order Changing Venue and Transferring Case (Post Judgment)	10/04
FOC 41, Order for Bond to Secure Future Support	10/04
FOC 44, Order Releasing or Forfeiting Bond to Secure Future Support	10/04
FOC 46, Lien Order	3/08
FOC 48, Order to Release Lien	3/08
FOC 54, Notice to Enter Order Without Hearing	3/08
FOC 63, Agreement Suspending Immediate Income Withholding	3/08
FOC 64, Order Suspending Immediate Income Withholding	3/08
FOC 69, Notice of Review on Arrearage (Consumer Reporting Agency)	3/08

2. MC 20, Waiver/Suspension of Fees and Costs

Item 1b of this form allows individuals to list sources of public assistance other than MDHHS. The item requests that the individual list the "type, source, and case number (if any)" of that public assistance. However, for some sources of public assistance, the individual's social security number is the case number.

It has been suggested that item 1b clarify that individuals should not write their social security number if it is their case number.

Should this suggestion be adopted? If so, how should the language be modified?

3. MC 502, Notice of Filing of Transcript and Affidavit of Mailing

It has been suggested that e-mail be added to the Affidavit of Mailing section on this form. Under MCR 7.109(B)(3)(e) and MCR 7.210(B)(3)(e), is e-mail an acceptable form of notification?

Modifications are suggested to item 1 of this form to accommodate previously filed transcripts.

Draft provided.

**4. FOC 10, Uniform Child Support Order
FOC 10a, Uniform Child Support Order, No Friend of the Court Services**

A. The State Court Administrative Office would like to discuss how courts express amounts of support figured for more than five children. It has been reported that local court staff

are having difficulty expressing support for more than five children because the form only accommodates five children.

- B. It has been suggested that these forms be clarified to express child care amounts for specific children.

Currently, these forms express a single child care amount for multiple children. Based on the order, a Friend of the Court office cannot know how much of any child care obligation is associated with any specific child, or the amount that the court intends to stop when a child attains the age that child care should end.

However, neither the forms nor the Michigan Child Support Formula is designed to express individualized amounts for each child.

How could these forms be modified to express child care amounts for specific children?

5. FOC 87, Motion Regarding Custody

- A. It has been suggested that this form be modified to include language about incarcerated parties under MCR 2.004. Under MCR 2.004, a party seeking an order regarding a minor child shall (1) contact the Michigan Department of Corrections to confirm the incarceration and the incarcerated party's prison number and location, (2) serve the incarcerated person with the petition or motion seeking an order regarding the minor child, and file proof with the court that the papers were served, and (3) file with the court the petition or motion seeking an order regarding the minor child, stating that a party is incarcerated and providing the party's prison number and location. In addition, the caption of the petition or motion shall state that a telephonic or video hearing is required by this rule.

Should the form be revised to accommodate this? If yes, what other forms should be modified in addition?

- B. It has been suggested that item 6 be modified to state, "It is in the best interests of the child(ren) to [] change [] establish custody as requested under paragraph 8 for the following reasons:"

Should this form be used to establish a custody order? If no, should item 1b be removed from the form?

6. FOC 106, Notice of Redirection or Abatement of Child Support

It has been suggested that item 1 be revised to distinguish between redirected and abated child support, as provided in MCL 552.604d(4).

Currently, item 1 applies to cases where the FOC is redirecting or where FOC is abating support. The suggester states item 1 is incorrectly applied to abated support because MCL 552.605d(4) distinguishes between redirecting and abating support. The suggester states that the issue of whether the children currently abide with the current support recipient applies when redirecting support and is not a requirement when abating support. For that reason, item 1 would be inaccurate if the parties were reconciling and living together with the children. The suggester states that this could lead to unnecessary objections to the orders.

Should the form be revised to accommodate this distinction? If so, how?

7. FOC 112, Order to Remit Prisoner Funds for Child Support

Modifications to update this form to current Michigan Department of Corrections (MDOC) procedures, addresses, and terminology are suggested.

In addition, item 3 will be revised to include parole because some prisoners parole to a program that is within an MDOC institution and an account is maintained at that institution.

Draft provided.

8. New Form Request: Motion to Set Aside Default under MCR 3.210

It has been suggested that a new motion to set aside a default under MCR 3.210 be created. The suggester states that form MC 99, Motion and Affidavit to Set Aside Default (Civil) is confusing for self-represented litigants because MCR 3.210 does not require a meritorious defendant.

In 2016, the committee considered creating forms for use under MCR 3.210, but thought the current forms were adequate.

Should this form be developed? If a form is developed, should an order also be developed?