



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

March 7, 2019

TO: Michigan Court Forms Committee, Domestic Relations Workgroup

FROM: Matthew Walker, Forms and Resources Analyst

RE: Agenda and Materials for **March 21, 2019 Meeting**

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

Below is the agenda for the March 21, 2019 meeting of the Michigan Court Forms Committee, Domestic Relations Workgroup. The meeting will be held in room 1S-69 and will begin at 9:30 a.m. 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 Street, 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. Minor Changes

FOC 50, Motion Regarding Support

Items 2, 3, and 4 will be revised to state a monthly support amount.

2. MC 70, Request for Reasonable Accommodations and Response MC 70a, Review of Request for Reasonable Accommodations and Response

Modifications have been suggested to clarify that these are the forms to be used to request a sign language interpreter. The suggested modification is the addition of a use note to both

forms to clarify that individuals needing a foreign language interpreter, except sign language, should utilize form MC 81.

It was also suggested that the forms should be corrected by moving the parenthetical language in subparagraph 3 to the end of subparagraph 4 because the parenthetical language defines the accommodation being requested, not the impairment.

It was also suggested that the header language for the response section on MC 70a be revised to read “Response to Request for Review” to more accurately reflect the form’s purpose. In addition, it was suggested to add a question to MC 70 about whether a person is represented by an attorney and what the attorney’s contact information is. The suggestor states that a number of parties who request accommodations do not notify their attorneys of the request, which becomes a problem when investigating the request.

Drafts provided.

3. MC 81, Request and Order for Interpreter
MC 81a, Review of Request for Interpreter and Order

Modifications have been suggested to insert the words “Foreign Language” before “Interpreter” in the title and section headers of each form to clarify that the form is only for foreign language interpreters. In addition, it was suggested to add a use note to both forms to clarify that individuals needing a sign language interpreter should utilize form MC 70.

It was also suggested that language should be added to paragraph 1 to clarify the time period for which the interpreter is appointed under MCR 1.111(B)(1).

Drafts provided.

4. MC 01, Summons

It has been suggested that the proof of service be modified to clarify that parties may not serve process of the complaint. The suggestor states that many *pro per* parties do not understand that they cannot serve the complaint.

Should this suggestion be adopted? Draft provided.

5. MC 21, Case Inventory Addendum

It has been suggested that this form should be revised to contain the plaintiff and defendant's dates of birth. The suggestor states that the additional information assists clerks when searching for cases under that same person.

Should this suggestion be adopted?

Please note that the Michigan Supreme Court has published [a proposed court rule](#) to make an individual's date of birth (among other things) protected personal identifying information.

6. MC 281b, Domestic Relations Mediator Application

Amendments to this form are suggested to allow the applicant to indicate whether he/she offers evaluative mediation in accordance with MCR 3.216(F)(1)(b).

Should this suggestion be adopted?

7. FOC 6, Support Enforcement Order

Amendments to this form are suggested to remove item 28 regarding immobilizing a vehicle. The suggestor states that vehicle immobilization is only allowed when a bench warrant is issued. See MCL 552.631(5) and MCL 552.644(9). Item 11 of this form is designed for this.

Should this suggestion be adopted?

8. FOC 10, Uniform Child Support Order

In 2018, the SCAO's Friend of the Court Bureau published an administrative memorandum about actions that courts and local Friend of the Court offices should take if a payer becomes incapacitated and unable to satisfy their support obligation. This memo states that an abatement provision can be included in the uniform child support order to reduce wait time to complete a review.

It has been suggested that FOC 10 be modified to include a support abatement provision in accordance with this memo.

Should this suggestion be adopted?

9. FOC 16, 21-Day Notice to Alleged Violator of Custody or Parenting Time Provisions

It has been suggested that item 3 of this form be revised to state, “A copy of the complaint filed with this office is attached.”

Under MCL 552.511b(2), the Friend of the Court office is required to send a copy of the complaint to the accused individual. Currently, item 3 of this form provides a writing space for a restatement of the complaint.

Do Friend of the Court offices provide a copy of the complaint in addition to completing item 3? Should this suggestion be adopted?

10. FOC 23, Verified Statement

It has been suggested that this form be modified to include mobile telephone number. Currently, the form contains writing space for home and work telephone numbers.

Should this suggestion be adopted?

11. Draft Forms for MCR 3.222 and MCR 3.223 (Collaborative Law)

The SCAO is required to create forms for MCR 3.222 and MCR 3.223 (collaborative law).
[See ADM File 2018-3.](#)

Draft forms are provided for discussion.

Public Comments

➤ Recommendations from the Collaborative Law Committee to Family Law Council

SCAO has published the following forms for public comment. The forms related to the implementation of the new court rules related to Collaborative Divorce and the expedited Consent Judgment process.

1. Petition (Consent Judgment) [CCFD 25]
2. Collaborative Petition (CCFD 24)
3. Joint Motion to Stay Proceeding (Collaborative Law Process) (CCFD 22)
4. Notice of Request to Enter Consent Judgment (CCFD 26)
5. Status Report (Collaborative Law Process) (CCFD 23)

We propose the following changes to these forms:

PETITION (Consent Judgment) [CCFD 25]
COLLABORATIVE PETITION (CCFD 24) (Forms are identical)

Paragraph 2 – Either lengthen the line to fit the phrase “Separate Maintenance” or create checkboxes: divorce, separate maintenance, annulment

Paragraph 2 – Remove “Affirmation of Marriage” as an option because it’s inconsistent with the purpose of these forms.

Paragraph 2a – Should state “List full name” of the parties and the lines need to be longer.

Paragraph 2b – Could be clearer. Such as the following:
“ Neither party is pregnant. Part A is pregnant. Part B is pregnant.”

Paragraph 2c – Pro se parties may believe the word “property” refers only to real estate. Further, they may be confused by the phrase “to be divided,” especially since these parties already have an agreement. Therefore, we propose the following language. “c. There is property to be divided. (Check this box if the parties have assets, including real property, vehicles and/or retirement/bank/investment accounts, even if there is an agreement regarding the division of these assets.) There is no property to be divided.”

Paragraph 3 – Jurisdiction – We propose adding the following checkboxes:
 At least one party has resided in Michigan for at least 180 days.
 At least one party has resided in the County of filing for at least 10 days.

Paragraph 4 – The “Breakdown” language should be stated, because some parties using MCR 2.223 will not have attorneys. Suggestion:
The necessary statutory grounds are as follows: (the jurisdictional grounds are in #3 above)
 There has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
 Other: _____

Paragraph 6 – We are concerned with having the domestic violence screening form (MC 282) part of the public record. Maybe have this go to FOC.

Paragraph 10 – New checkbox for Opting out of Friend of the Court Services
 Parties request to opt out of Friend of the Court services and have attached Advice of Rights Regarding Use of Friend of the Court Services (form FOC 101) and Order Exempting Case from Friend of the Court Services (form FOC 102).

NOTICE OF REQUEST TO ENTER CONSENT JUDGMENT (CCFD 26)

We propose adding a section at the bottom for information related to the Proof of Service to be completed by Party A, and/or for Party B to acknowledge receipt.

MCR 3.223(D) states that both parties must be present for the hearing for entry of the Judgment, unless the Judgment is derived through Collaborative Law. Therefore, Paragraph 2 should include language stating that both parties must be present at the hearing or the Judgment of Divorce will not be entered.

**JOINT MOTION TO STAY PROCEEDING (Collaborative Law Process)
(CCFD 22)**

It would be more efficient to modify the form so it is a “Joint Motion and Order to Stay Proceeding” and add a line granting the request, such as “This case is stayed for 364 days from the date the Motion was filed, in accordance with MCR 3.222(B)(2)(a)” and also add a line for the Judge to sign.

STATUS REPORT (Collaborative Law Process) (CCFD 23)

The committee does not recommend any changes to this form.

These proposed changes were APPROVED by the Family Law Council on Saturday, March 2, 2019.

Randall Pitler
Pitler Family Law & Mediation, P.C.
Royal Oak, Michigan

- Lisa Taylor, Rebecca Tooman and Danielle Smith submit the following suggestions regarding the draft forms for the collaborative law/consent judgment court rules provided by Matthew L. Walker on November 30, 2018.

Petition (Consent Judgment) [CCFD 25]
[Same comments for Collaborative Petition (CCFD 24)]

1. Pursuant to new MCR 3.206(A)(3), this paragraph should say, “Inventory form MC 21 (8/18) attached.”

2. For “List type of case,” the line should be longer to fit “Separate Maintenance,” or better, we suggest checkboxes: divorce, separate maintenance, annulment, affirmation of marriage.

a. Either say “surnames” before marriage (instead of just “names”) or make the line longer.

b. “ Neither party is pregnant. Party A is pregnant. Party B is pregnant.”

c. “ There is property to be divided. There is no property to be divided.”

3. Jurisdiction: Party A is a resident of

State and County of residence

Party B is a resident of

State and County of residence

At least one party has resided in Michigan for at least 180 days

At least one party has resided in the County of filing for at least 10 days.

4. At least the “Breakdown” language should be stated, because some parties using MCR 2.223 will not have attorneys. Suggestion:

The necessary statutory grounds are as follows: (the jurisdictional grounds are in #3 above)

There has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.

Other: -

5. The verified statement and Judgment Information Form contain social security numbers and other private information, therefore, we suggest instead of “is attached,” state, “has been submitted to the Friend of the Court” or “is attached but will not become part of the public record.” -- We realize this might not be needed because 3.206 (C)(2) says the verified statement is confidential, but we wanted to make sure.

Also, there is a Title IV-D form required by FOC that should be listed as subparagraph (e).

Also, add a new subparagraph

(f). Parties request to opt out of Friend of the Court services and have attached Advice of Rights Regarding Use of Friend of the Court Services (form FOC 101) and Order Exempting Case from Friend of the Court Services (form FOC 102).

6. We are concerned with having the domestic violence screening form (MC 282) part of the public record. Maybe have this go to FOC.

7. No comment; happy it's in there!

8. and 9. No substantive comment, although probably need more spaces between lines for signatures.

Notice of Request to Enter Consent Judgment (CCFD 26)

General practical questions: When is this completed, at the time of filing? And, who completes it? Will it be given by the court to the parties at the time of filing? Or, do the parties have to fill it out, leave the date and time blank and then at time of filing, the court will complete it and give it back to parties?

Also, we suggest adding Acknowledgment of Service at the bottom of the form or add a Proof of Service page as is currently on Summons form.

Joint Motion to Stay Proceeding (Collaborative Law Process) (CCFD 22)

We suggest adding that it can also be an Order. So:

Change title to "Joint Motion and Order to Stay Proceeding (Collaborative Law Process)"

At bottom, add line for judge to sign granting the motion.

Status Report (Collaborative Law Process)

Since this form is to comply with 3.222(B)(2)(c) as well as 3.222(B)(2)(b), we suggest adding the word “Notice” to the title.

We realized it’s not clear how the hearing, if there is one, will be scheduled after providing this Notice. We suggest adding additional language listed on the parallel form for consent order process on Notice form CCFD 26 with #2 through #4 with Proof of Service line to schedule hearing for entry of JOD.

For all, it is clear there needs to be education/training for judges and clerks, and for attorneys!

12. Discussion of MCR 3.215(G) and FOC 10, Uniform Child Support Order

MCR 3.215(G) allows a court, by administrative order or by an order in the case, to provide that a referee’s recommended order will take effect on an interim basis pending a judicial hearing. The court must provide notice that the referee’s recommended order will be an interim order by including that notice under a separate heading in the referee’s recommended order, or by an order adopting the referee’s recommended order as an interim order. What is the best way to integrate this rule into SCAO-approved forms to allow courts to better utilize this rule?

13. New form request: Order of Filiation

It has been suggested that a SCAO-approved order of filiation be created. The suggestor states that the form would be helpful for courts.

Previously, form CC 352, Order of Filiation existed, but it was deleted in 2002 by the forms committee. At that time, CC 352 was designed for use by prosecutors because paternity cases are mostly filed by prosecutors. The form was deleted because PAAM was standardizing its own form for prosecutor use.

Should this suggestion be adopted?