



## Michigan Supreme Court

State Court Administrative Office

**Court Services Division**

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

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Jennifer Warner  
Director

February 26, 2020

TO: Michigan Court Forms Committee, Domestic Relations Workgroup

FROM: Rebecca A. Schnelz, Forms and Resources Analyst

RE: Agenda and Materials for **March 19, 2020 Meeting**

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

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Below is the agenda for the March 19, 2020 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 Change

#### CCFD 26, Notice of Request to Enter Consent Judgment

The title of the form will be corrected to reflect that it also applies to a consent order, i.e., "Notice of Request to Enter Consent Judgment/Order." The proof of service will be modified to include the word "order" where appropriate. The form will also be modified to replace the word "defendant" with "Party B" in the proof of service in keeping with the collaborative law forms standard.

Draft provided.

**2. CC 320, Domestic Relations Verified Financial Information Form**

- A. A suggestion was received to modify a question regarding self-employment at the bottom of the first page of the form. The item now reads, “[i]f self-employed, list each owner’s draw you have made during the past twelve months.” The suggestor inquired as to why each draw had to be listed and noted that for some self-employed individuals, almost every one of his or her expenses would be a draw.

Is asking for each draw to be listed necessary or burdensome? Is there a more appropriate way to request the information that is needed?

- B. A concern was raised that the signature portion of the form may get missed by individuals who are filling it out for custody and/or support only cases. These individuals do not need to complete the property portions of the form and the concern was that they would not understand they needed to sign the form at the end after the property related questions.

Is this a concern? Is there a way to ensure anyone completing it will understand that the form always needs to be signed?

**3. CCFD 03, Petition of Parent for Custody of Surrendered Newborn Child  
CCFD 04a, Order Determining Maternity/Paternity of Surrendered Newborn Child  
CCFD 06, Order Determining Custody of Surrendered Newborn Child**

A suggestion was received that these forms needed to be corrected to take into account situations where DNA testing is not required under the applicable statute.

MCL 712.11(2) provides the following:

Unless the birth was witnessed by the emergency service provider and sufficient documentation exists to support maternity, in a petition for custody filed under this chapter, the court shall order the child and each party claiming maternity to submit to blood or tissue typing determinations or DNA identification profiling....

Should the forms be modified to take into account situations where no DNA testing is required? Are there other forms that should be modified for this reason?

**4. CC-MLH 413, Judgment of Divorce with Children**

A suggestion was made to modify item 13 of the form to more thoroughly reflect the particular reason why a Uniform Support Order is not being entered.

Pursuant to MCR 3.211(F)(4)(b), prior to signing any judgment or order concerning a minor or a spouse that is not accompanied by a Uniform Support Order (USO), the court must determine that an explanation as to why there is no USO included in the judgment or order.

The suggestor stated that the current language is not sufficient when there is a controlling support order issued by another state. The suggestor proposed substituting the following language:

No Uniform Support Order is required because support cannot presently be ordered in this action. This court recognizes that in case number \_\_\_\_\_, the \_\_\_\_\_ Court in \_\_\_\_\_ has issued the controlling support order that already requires \_\_\_\_\_ to pay support for the child(ren) in this case, and that \_\_\_\_\_ currently retains exclusive jurisdiction.

Should the form be modified to include the suggested language?

**5. FOC 1a, Friend of the Court Grievance**

A suggestion was made to update the instructions on this form to remove any references to carbon copy documents for the reason that FOC offices no long use the carbon copy forms.

Draft provided.

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

A. A suggestion was made to modify item 2 of the forms so that the language on the form mirrors the child support manual language regarding reasonable cost of insurance. The suggestor stated that the current language is somewhat misleading and individuals paying support or their employers often try to get around this requirement in the order by arguing that the total cost of insurance is over 6% of the payor's gross income.

The 2017 version of the Child Support Formula at 3.05(A) states:

A reasonable cost to a parent for providing health care coverage for the children does not exceed 6 percent of the providing parent's gross income. In applying this standard, the cost of providing health care coverage is the parent's net cost of adding the children to the parent's coverage (e.g.,

difference between self-only and family coverage) or adding the children to the existing coverage.

The relevant checkbox option language under item 2 on both forms currently provides that the health-care coverage is available at a reasonable cost, “not to exceed 6% of the plaintiff’s/defendant’s gross income.”

Should the language on the form be modified to more fully explain how to apply the relevant standard?

- B. In 2019 PA 26 and 2019 PA 27, the legislature modified language in the Support and Parenting Time Enforcement Act and the Friend of the Court Act relative to health-care coverage for children. Among the changes was the insertion of definitions for “private health care coverage” and “public health care coverage.” MCL 552.602(aa) and (bb). In addition, MCL 552.605a(2) was modified to require health care coverage that is accessible to the child and available to one or both parents at a reasonable cost, and language regarding parents who are self-employed was removed. The following language was added:

...The court shall not require both parents to provide health care coverage under this subsection unless the parents already provide coverage or both parents agree to provide coverage. This subsection does not prevent the court from exercising its discretion to order health care coverage based on the child’s needs and the parents’ resources.

Based on the changes to the statute, are there changes that should be made to the wording or options available under item 2? Should an option be added for ordering both parties to maintain private health care coverage where they have agreed to do so? Should language be added to allow the court to specify whether the coverage is public or private?

## **7. FOC 10b, Uniform Spousal Support Order**

It has been suggested that item 4 of this order should be modified to accommodate changes to the tax treatment of spousal support under the Tax Cuts and Jobs Act of 2017 (TCJA). Item 4 is currently an optional selection on the form and reads, “[f]or tax purposes, the payments will be deductible to the payer and included in the income of the payee.”

The IRS website provides the following information regarding modifications to the taxable status of alimony:

...Beginning Jan. 1, 2019, alimony or separate maintenance payments are not deductible from the income of the payer spouse, or includable in the income of the receiving spouse, if made under a divorce or separation agreement executed after Dec. 31, 2018.

This also applies to a divorce or separation agreement executed on or before Dec. 31, 2018, and modified after December 31, 2018, as long as the modification:

- changes the terms of the alimony or separate maintenance payments; and
- states that the alimony or separate maintenance payments are not deductible by the payer spouse or includable in the income of the receiving spouse.

On the other hand, generally alimony or separate maintenance payments are deductible from the income of the payer spouse and includable in the income of the receiving spouse, if made under a divorce or separation agreement executed on or before Dec. 31, 2018, even if the agreement was modified after December 31, 2018, so long as the modification is not one described in the preceding paragraph.

<https://www.irs.gov/forms-pubs/clarification-changes-to-deduction-for-certain-alimony-payments-effective-in-2019>.

Should item 4 on the form be rewritten? Is additional clarifying information needed?

#### Public Comments

- Yes, changes must be made in the form to make clear that under the new tax law alimony is no longer deductible to the payer.

Anne E Schulte  
LeFevre & LeFevre PLLC  
Saginaw Michigan

#### **8. FOC 22, Employer's Disclosure of Health Insurance and/or Income Information**

A request was received to add a space for the employee's telephone number in the information grid. The individual making the request noted that it would be good practice to update information on the payor whenever possible.

Should the form be modified?

**9. FOC 23, Verified Statement**

It was suggested that this form should be revised to include additional information regarding the parties that would be of assistance should the parties relocate out of the country. The suggestor noted that this information should be obtained at the start of the case before it is forgotten or no longer available/obtainable. The suggested additions include, but are not limited to:

1. The parties identifying social numbers, i.e., Social Insurance Number, etc.;
2. Driver's license numbers from all countries;
3. Acknowledged citizenship in other countries or tribes; and
4. Passport/immigration numbers.

Should space for this information be added to the form?

**10. MC 416, Uniform Child Custody Jurisdiction Enforcement Act Affidavit**

A suggestion was received to remove the notary block on this form and replace it with language from MCR 1.109(D)(3)(b). MCR 1.109(D)(3) provides:

- (3) Verification. Except when otherwise specifically provided by rule or statute, a document need not be verified or accompanied by an affidavit. If a document is required or permitted to be verified, it may be verified by
  - (a) oath or affirmation of the party or of someone having knowledge of the facts stated; or
  - (b) except as to an affidavit, including the following signed and dated declaration:

“I declare under the penalties of perjury that this \_\_\_\_\_ has been examined by me and that its contents are true to the best of my information, knowledge, and belief.” Any requirement of law that a document filed with the probate court must be sworn may be also met by this declaration.

MCL 722.1209 requires the following:

- (1) Subject to the law of this state providing for confidentiality of procedures, addresses, and other identifying information, in a child-custody proceeding, each party, in its first pleading or in an attached sworn statement, shall give information, if reasonably ascertainable, under oath as to the child's present address, the places where the child has lived during the last 5 years, and the

names and present addresses of the persons with whom the child has lived during that period.

The suggestor states that requiring a notary signature creates an undue burden on litigants who, for various reasons, do not have the resources to obtain a notary.

In reviewing the history of the form, SCAO staff noted that at its March 4, 2010, meeting, the committee discussed the authority of deputy clerks to notarize someone's signature. The minutes reflect the following:

Committee members agreed that any clerk deputized as a clerk of the court can administer oaths in his or her capacity as an official of the court...To reduce the confusion as to whether the clerk of the court can sign an affidavit, the standard phrase "Notary public/Deputy court clerk" was added beneath the signature line on form MC 229. This standard phrase appears on most SCAO-Approved forms containing an affidavit but has been overlooked in a few instances. Therefore, the committee agreed these other similarly-affected forms should likewise be changed when they are revised for other purposes.

MC 416 has not been revised since March 2008. Had it come up for revision, the deputy clerk designation would have been added beneath the signature line in the notary block. This would allow parties to sign the document before either a deputy clerk or a notary.

Should the form be revised to replace the notary block with the penalties of perjury statement? Alternatively, should "deputy clerk" be added beneath the signature line in the notary block as previously discussed?

#### 11. **FOC 89, Order Regarding Custody and Parenting Time**

This form was modified to accommodate use as a proposed order under MCR 3.224, the FOC alternative dispute resolution court rule recently created in ADM File No. 2018-13.

##### Public Comments

- Can there be language added to the FOC 89 that indicates it is a temporary order: Many of the FOC ADR sessions are held to get a temporary order before a judgment of divorce.

On the FOC 89 – can language be added that indicates that a complaint for divorce has been filed?

On the FOC 89 – can there be an effective date for when parenting time becomes effective?

On the FOC 89 – can there be language about the 21-day objection? It is stated on the USO but not upfront where custody and parenting time is discussed.

Thanks

**FOC 124, Domestic Violence Screening**

The development of this form was required by MCR 3.224, the FOC alternative dispute resolution court rule recently created in ADM File No. 2018-13.

**FOC 125, Alternative Dispute Resolution Summary Report**

The development of this form was required by MCR 3.224, the FOC alternative dispute resolution court rule recently created in ADM File No. 2018-13.

Item 1

**STATE OF MICHIGAN**  
JUDICIAL CIRCUIT - FAMILY DIVISION  
COUNTY

**NOTICE OF REQUEST TO ENTER  
CONSENT JUDGMENT /ORDER**

**CASE NO.**



**JUDGE:**

Court address

Court telephone no.

In the matter of \_\_\_\_\_ and \_\_\_\_\_  
Party A Party B

Party A address and telephone no.

Party B address and telephone no.

Party A's attorney, bar no., address, and telephone no.

Party B's attorney, bar no., address, and telephone no.

**In the name of the people of the State of Michigan:**

1. A proposed consent judgment/order has been presented to the court for entry.
2. The court will hold a hearing to enter this judgment/order on:

Date and time: \_\_\_\_\_

Location: \_\_\_\_\_

The hearing will be held in accordance with MCR 3.210(E) after any applicable statutory waiting period has concluded. Both parties must be present for this hearing in accordance MCR 3.223(D).

3. If either party objects to this summary proceeding at any time before entry of the proposed consent judgment/order, the case will be dismissed.
4. This notice was issued on \_\_\_\_\_ .  
Date

**Note:** This document must be sealed by the seal of the court. Party A is responsible for serving this document on the other party in accordance with MCR 2.103 and 2.105.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**

I served  personally  by registered or certified mail (copy of return receipt attached) a copy of the notice of request to enter consent judgment, and the attachments listed below on:

I have personally attempted to serve the notice of request to enter consent judgment, together with the attachments listed below, and have been unable to complete service on:

**/order**

Defendant's name <b>Party B's</b>	Date and time of service
Place or address of service	
Attachments	

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	<b>TOTAL FEE</b> \$

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Title (if applicable)

**Note:** If documents are served by someone other than a sheriff, deputy sheriff, or other person listed in MCL 600.1910(b), this return must be notarized.

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_ .

**ACKNOWLEDGMENT OF SERVICE**

**/order**

I acknowledge that I have received service of the notice of request to enter consent judgment, together with

\_\_\_\_\_ on \_\_\_\_\_  
Attachments Date and time

\_\_\_\_\_ on behalf of \_\_\_\_\_  
Signature

## Item 2

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT</b>	<b>DOMESTIC RELATIONS VERIFIED FINANCIAL INFORMATION FORM</b>	<b>CASE NO. and JUDGE</b>
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Plaintiff's name \_\_\_\_\_

v

Defendant's name \_\_\_\_\_

**TO BOTH THE PLAINTIFF AND THE DEFENDANT:**

- You must complete this form and serve it on the other party within 28 days after the date of service of defendant's initial responsive pleading to the complaint that started the case.
- Completing this form is not necessary if you and the other party agreed in writing not to exchange the form, or if a settlement agreement, consent judgment, or other final order that resolves the case has been signed by you and the other party at the time the case is filed.
- A proof of service must be filed with the court after you have served this form on the other party.
- Do not file this document with the court.

**Note:** If you are a victim of domestic violence, sexual assault, or stalking by another party in this case, you may leave out any information which might lead to the location of where you live or work, or where a minor child (if any) may be found. If you are self-represented and do not provide your address because of domestic violence, you will need to give this form to the other party at the first scheduled matter, or as otherwise directed by the court or agreed to by the parties. If you leave out information, you must explain the reasons why in a sworn affidavit and file it with the court by the date this disclosure form is due to the other party.

**PERSONAL INFORMATION**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
First, middle, and last name

Address: \_\_\_\_\_  
Street City State Zip

Date of birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Driver's license number and state: \_\_\_\_\_

**EMPLOYMENT INFORMATION**

Provide information for each source of employment income. Use additional sheets if necessary.

Employer name: \_\_\_\_\_  Self-employed

Employer address: \_\_\_\_\_  
Street City State Zip

Occupation: \_\_\_\_\_ Professional license, type and no.: \_\_\_\_\_

Gross income (before taxes and other deductions): \$ \_\_\_\_\_  weekly  biweekly  bimonthly  monthly

Hourly pay rate (including shift premium and cost of living adjustment): \$ \_\_\_\_\_

Total regular hours worked per pay period: \_\_\_\_\_ Average overtime hours for past 12 months: \_\_\_\_\_

If self-employed, list each owner's draw you have made during the past twelve months: \_\_\_\_\_

\_\_\_\_\_

Employment benefits:

- health insurance     vision insurance     dental insurance     life insurance
- retirement \_\_\_\_\_
- car allowance \_\_\_\_\_  
Amount
- expense reimbursements \_\_\_\_\_
- other \_\_\_\_\_

If unemployed and not receiving unemployment or worker's compensation benefits, or working part-time only, provide the following information regarding your last full-time employer:     Never employed full-time.

Name of last full-time employer: \_\_\_\_\_ Position: \_\_\_\_\_  
Name

Address of last full-time employer: \_\_\_\_\_  
Street City State Zip

Last day employed full-time: \_\_\_\_\_ Length of time employed: \_\_\_\_\_  
Date

Reason for leaving last full-time employment: \_\_\_\_\_

Gross earnings per pay period (earnings before taxes): \$ \_\_\_\_\_

**OTHER INCOME**

Provide monthly income from all other sources.

Commissions _____	Unemp. Benefits _____	Nat'l Guard/Res. Drill _____
Bonuses _____	Strike Pay _____	Armed Services _____
Profit Sharing _____	SUB Pay _____	Allowance for Rent _____
Interest _____	Sick Benefits _____	Rental Income _____
Dividends _____	Workers' Comp. _____	Spousal Support _____
Annuities _____	Soc. Sec. Benefits _____	State Disability Asst. _____
Pensions/Longevity _____	VA Benefits _____	F I P _____
Deferred Comp/IRA _____	Disability Ins. _____	SSI _____
Trust Funds _____	GI Benefits _____	Other _____

Does anyone pay any living or housing expenses on your behalf?     yes     no

If yes, provide details of the payments including amount per month paid on your behalf: \_\_\_\_\_

**NOTE:** Attach your four most recent paycheck stubs, or a statement from your employer(s) of wages and deductions, and year-to-date earnings, and a copy of your last federal and state income tax returns, including all schedules to this form. If self-employed, also attach a copy of your three most recent business tax returns and/or corporate returns.

**ASSET INFORMATION**

Provide asset information for divorce, separate maintenance, and annulment cases only (DO and DM case types).

**Real Property**

Provide the following information for any real estate in which you own an interest. Use additional sheets if necessary.

Address of property: \_\_\_\_\_  
Street City State Zip

Date of purchase: \_\_\_\_\_ Estimated value: \$ \_\_\_\_\_ SEV: \$ \_\_\_\_\_  
Date

Balance on mortgage/land contract: \$ \_\_\_\_\_

Monthly payment: \$ \_\_\_\_\_ The monthly payment includes:  taxes.  insurance.

Name of lender: \_\_\_\_\_

Property is titled as follows: \_\_\_\_\_  
Name(s) and specific ownership interest in property

Primary residence  Other: \_\_\_\_\_

Balance of equity loan or line of credit: \$ \_\_\_\_\_ Monthly payment: \$ \_\_\_\_\_

Name of lender for equity loan or line of credit: \_\_\_\_\_

**Financial Accounts**

List all financial accounts including, but not limited to, bank, credit union, CDs, stocks, annuities, IRAs, 401(k), 403(b), trust, Michigan Education Savings Program (MESP), and health savings accounts in which you have an interest. Use additional sheets if necessary.

Type of account	Current balance (before taxes)	Balance 90 days before current balance
Account no.	\$	\$
Name of institution	as of:	
Name on account		

Type of account	Current balance (before taxes)	Balance 90 days before current balance
Account no.	\$	\$
Name of institution	as of:	
Name on account		

Type of account	Current balance (before taxes)	Balance 90 days before current balance
Account no.	\$	\$
Name of institution	as of:	
Name on account		

Type of account	Current balance (before taxes)	Balance 90 days before current balance
Account no.	\$	\$
Name of institution	as of:	
Name on account		

**Pension**

List all defined benefit plans that will pay you a monthly benefit at retirement age. Use additional sheets if necessary.

Company or employer name: \_\_\_\_\_

Lump sum value: \$ \_\_\_\_\_ Estimated monthly payment: \$ \_\_\_\_\_

Earliest date you are eligible to receive your pension benefit: \_\_\_\_\_  
Date

**Life Insurance**

Provide the following information for all life insurance policies in which you have an interest. Use additional sheets if necessary.

Insurance Company: \_\_\_\_\_ Policy no.: \_\_\_\_\_

Policy owner: \_\_\_\_\_ Beneficiary: \_\_\_\_\_

Death benefit: \$ \_\_\_\_\_ Premium: \$ \_\_\_\_\_ per \_\_\_\_\_  
week/month/year

Cash/surrender value: \$ \_\_\_\_\_ as of \_\_\_\_\_ .  Taxable  
Date

Employer provided:  yes  no

**Motorized Vehicles**

List all motorized vehicles in which you own an interest. Include automobiles, boats, snowmobiles, motorcycles, recreational vehicles, etc. Include information on any loans that you co-signed for the benefit of another person. Use additional sheets if necessary.

Year, make and model	Amount owed
Title holder	\$
Lender	as of
Estimated value	

Year, make and model	Amount owed
Title holder	\$
Lender	as of
Estimated value	

Year, make and model	Amount owed
Title holder	\$
Lender	as of
Estimated value	

Year, make and model	Amount owed
Title holder	\$
Lender	as of
Estimated value	

**Personal Property**

List all other items of personal property such as furniture, jewelry, gold, silver, collectibles, artwork, guns, furs, tools, etc. Do not include items of minimal value such as clothing. Use additional sheets if necessary.

Description of property	Estimated value	Date purchased or acquired
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	

Total: \$ \_\_\_\_\_

**Miscellaneous** Use additional sheets if necessary.

1. Do you own or have access to any safe deposit boxes?  yes  no If yes, provide information on where it is located and a list of the contents: \_\_\_\_\_
2. Are any accounts, money, or assets being held for your benefit?  yes  no If yes, provide amount, where it is held, and the reason it is being held: \_\_\_\_\_
3. Are you holding or acting as the custodian of any money, accounts, or asset for the benefit of someone else?  
 yes  no If yes, describe what it is, where it is located, and why you are holding it or acting as custodian:  
\_\_\_\_\_
4. Do you have any ownership interests in any type of business?  yes  no If yes, describe the business and what your ownership interests are: \_\_\_\_\_  
\_\_\_\_\_
5. Are there any other assets or income to which you are entitled, or to which you believe you will become entitled?  
 yes  no If yes, describe the assets, their value, and why you believe you are or will be entitled to them:  
\_\_\_\_\_

6. Are there any debts that are owed to you?  yes  no If yes, describe who owes the money, how much is owed, the amount and frequency of payments, the purpose of the loan, and the loan end date: \_\_\_\_\_

7. Are there any other items you own that have financial value such as electronic assets, season tickets, or electronic currency such as bitcoin?  yes  no If yes, describe asset, where it is held and its current value as of a specific date: \_\_\_\_\_

8. Are there any outstanding court cases other than this one involving you, your spouse, or family members that may result in an award for or against you?  yes  no If yes, describe the case, where it is filed and the possible award or liability: \_\_\_\_\_

**DEBTS**

Provide debt information for divorce, separate maintenance, and annulment cases only (DO and DM case types).

**Credit cards, personal loans, student financial aid loans, other unsecured loans**

Include all loans that are for your benefit or that you are a co-signer on for another person. Use additional sheets if necessary.

Type of debt	Balance owed
Name of lender	\$
Account no.	as of
Name(s) on account	

Type of debt	Balance owed
Name of lender	\$
Account no.	as of
Name(s) on account	

Type of debt	Balance owed
Name of lender	\$
Account no.	as of
Name(s) on account	

Type of debt	Balance owed
Name of lender	\$
Account no.	as of
Name(s) on account	

Attach the last three statements for all accounts.

**Court ordered financial obligations**

Provide the following information for all your court-ordered financial obligations including, but not limited to, child or spousal support in a different case, garnishment, civil judgment against you, and court-ordered fines, fees or restitution. Use additional sheets if necessary.

Type of obligation: \_\_\_\_\_  
Child support, spousal support, garnishment, judgment, etc.

Payment amount: \$ \_\_\_\_\_ per \_\_\_\_\_

Balance (if applicable): \$ \_\_\_\_\_ Estimated end date (if applicable): \_\_\_\_\_  
Date

Court: \_\_\_\_\_ Case no.: \_\_\_\_\_

**MISCELLANEOUS**

Provide miscellaneous information for divorce, separate maintenance, and annulment cases only (DO and DM case types).

1. Have you ever filed for bankruptcy?  yes  no If yes, provide the date, case number, and current status of the bankruptcy: \_\_\_\_\_

2. Do you claim that any of the assets or debts that you listed are your separate property?  yes  no If yes, provide detailed information on which asset(s) or debt(s) and why you think they are your separate property: \_\_\_\_\_

3. If there is any additional information regarding assets, debts, business interests, stocks, bonds, anticipated income, or any financially related information of any kind that has not been disclosed on this form, provide that information below.

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Subscribed and sworn to before me on \_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy clerk/Notary public signature

My commission expires on \_\_\_\_\_

\_\_\_\_\_  
Name (type or print)

Notary public, State of Michigan, County of \_\_\_\_\_  Acting in the County of \_\_\_\_\_

This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

Michigan Compiled Laws Annotated  
Michigan Court Rules of 1985  
Chapter 3. Special Proceedings and Actions  
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.206

Rule 3.206. Initiating a Case

Effective: January 1, 2020  
Currentness

**(A) Information in Case Initiating Document.**

- (1) The form, captioning, signing, and verifying of documents are prescribed in MCR 1.109(D) and (E).
- (2) Except for matters considered confidential by statute or court rule, in all domestic relations actions, the complaint or other case initiating document must state
  - (a) the allegations required by applicable statutes;
  - (b) the residence information required by statute; and
  - (c) the complete names of any minors involved in the action, including all minor children of the parties and all minor children born during the marriage, and for complaints for divorce, the ages of all children born of the marriage.
- (3) When any pending or resolved family division case exists that involves family members of the person(s) named in the case initiation document filed under subrule (2), the filing party must complete and file a case inventory listing those cases, if known. The case inventory is confidential, not subject to service requirements in MCR 3.203, and is available only to the party that filed it, the filing party's attorney, the court, and the friend of the court. The case inventory must be on a form approved by the State Court Administrative Office. This does not apply to outgoing requests to other states and incoming registration actions filed under the Revised Uniform Reciprocal Enforcement of Support Act, MCL 780.151 *et seq.* and the Uniform Interstate Family Support Act, MCL 552.2101 *et seq.*
- (4) In an action for divorce, separate maintenance, annulment of marriage, or affirmation of marriage, regardless of the contentions of the parties with respect to the existence or validity of the marriage, the complaint also must state
  - (a) the names of the parties before the marriage;
  - (b) whether there are minor children of the parties or minor children born during the marriage;

(c) whether a party is pregnant;

(d) the factual grounds for the action, except that in an action for divorce or separate maintenance the grounds must be stated in the statutory language, without further particulars; and

(e) whether there is property to be divided.

(5) A party who requests spousal support in an action for divorce, separate maintenance, annulment, affirmation of marriage, or spousal support, must allege facts sufficient to show a need for such support and that the other party is able to pay.

(6) A party who requests an order for personal protection or for the protection of property, including but not limited to restraining orders and injunctions against domestic violence, must allege facts sufficient to support the relief requested.

**(B)** In a case in which the custody or parenting time of a minor is to be determined or modified, the filing party shall file a Uniform Child Custody Jurisdiction Enforcement Act Affidavit, on a form approved by the State Court Administrative Office, as required by MCL 722.1209(1).

**(C) Verified Statement and Verified Financial Information Form.**

(1) *Verified Statement.* In an action involving a minor, or if child support or spousal support is requested, the party seeking relief must provide to the friend of the court a verified statement containing, at a minimum, personal identifying, financial, and health care coverage information of the parties and minor children. A copy of the Verified Statement must be served on the other party. The Verified Statement must be completed on a form approved by the State Court Administrative Office.

(2) *Verified Financial Information Form.* Unless waived in writing by the parties, or unless a settlement agreement or consent judgment of divorce or other final order disposing of the case has been signed by both parties at the time of filing, and except as set forth below, each party must serve a Verified Financial Information Form (as provided by SCAO) within 28 days following the date of service of defendant's initial responsive pleading. If a party is self-represented and his or her address is not disclosed due to domestic violence, the parties' Verified Financial Information forms will be exchanged at the first scheduled matter involving the parties or in another manner as specified by the court or stipulated to by the parties. A party who is a victim of domestic violence, sexual assault or stalking by another party to the case, may omit any information which might lead to the location of where the victim lives or works, or where a minor child may be found. Failing to provide this Verified Financial Information form may be addressed by the court or by motion consistent with MCR 2.313. The Verified Financial Information form does not preclude other discovery. A proof of service must be filed when Verified Financial Information forms are served.

(3) The information in the Verified Statement and Verified Financial Information forms is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the Verified Statement and Verified Financial Information forms that are served on the other party. If a party excludes his or her address for good cause, that party shall either:

(a) submit to electronic filing and electronic service under MCR 1.109(G), or

(b) provide an alternative address where mail can be received.

(4) If any of the information required to be in the Verified Statement or Verified Financial Information forms is omitted, the party seeking relief must explain the reasons for the omission in those forms, or in a separate statement, verified under MCR 1.109(D)(3)(b) to be filed with the court by the due date of the form.

(5) A party who has served a Verified Financial Information form must supplement or correct its disclosure as ordered by the court or otherwise in a timely manner if the party learns that in some material respect the Verified Financial Information form is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the action or in writing.

(6) When the action is to establish paternity or child support and the pleadings are generated from Michigan's automated child support enforcement system, the party is not required to comply with subrule (C)(1) or (C)(2). However, the party may comply with subrule (C)(1) and (C)(2) to provide the other party an opportunity to supply any omissions or correct any inaccuracies.

**(D) Attorney Fees and Expenses.**

(1) A party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding.

(2) A party who requests attorney fees and expenses must allege facts sufficient to show that:

(a) the party is unable to bear the expense of the action, including the expense of engaging in discovery appropriate for the matter, and that the other party is able to pay, or

(b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules.

**Credits**

[Adopted January 28, 1993, effective May 1, 1993, 441 Mich. Amended October 1, 1997, effective January 1, 1998, 456 Mich; September 11, 2002, effective January 1, 2003, 467 Mich; April 1, 2003, effective September 1, 2003, 468 Mich; May 30, 2018, effective September 1, 2018, 501 Mich. Amended effective September 11, 2019, 503 Mich. Amended June 19, 2019, effective January 1, 2020, 503 Mich; September 18, 2019, effective January 1, 2020, 503 Mich; November 13, 2019, effective January 1, 2020, 503 Mich.]

**Editors' Notes**

**COMMENTS**

Staff Comment to 1993 Adoption

Former subrule 3.204(A) has been rewritten [effective May 1, 1993] as subrule 3.206(A) to clarify the pleading requirements for different types of domestic relations actions. Subrule (B) is similar to former subrule 3.204(B), except that the term “alimony” has been replaced by the term “spousal support,” and there are several additions to the information that must be provided. For instance, it is now necessary to include in the verified statement the driver's license number and physical description of each party, any other names by which a party is known, and information about health care coverage. Also, the verified statement must now disclose the estimated weekly gross income of each party instead of the estimated after-tax income, and there must be a sworn affidavit identifying the reason for any omissions in the verified statement. Former subrule 3.204(C) has been eliminated; Rule 3.209 governs actions to be taken when parties reconcile. Subrule (C) governs attorney fees and expenses.

#### Staff Comment to 1998 Amendment

The amendment of MCR 3.206 relates to statutory changes made by 1996 PA 388, which created the family division of the circuit court. The amendment is effective January 1, 1998.

New MCR 3.206(A)(4) creates a requirement for identifying pending or prior family division actions involving members of the same family. References to that provision are included in MCR 5.931(B)(8), governing delinquency proceedings, and MCR 5.961(B)(7), governing child protective proceedings.

The amendment of Rule 3.206 of the Michigan Court Rules implements recent statutory changes that have created a family division of the circuit court. This amendment will remain in effect until further order of the court.

#### Staff Comment to January, 2003 Amendment

The September 11, 2002, amendments of MCR 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119, which were given immediate effect, are related to the group of domestic violence statutes enacted in December 2001 that took effect April 1, 2002.

The changes in MCR 3.206 and 3.214 are related to 2001 PA 195, which adopted the Uniform Child-Custody Jurisdiction and Enforcement Act, MCL 722.1101 *et seq.* There is also some nonsubstantive reorganization of MCR 3.214.

The amendment of MCR 3.705 implements the statutory provisions regarding the statement of reasons for granting or denying personal protection orders. See 2001 PA 196.

The amendment of MCR 3.706 incorporates the statutory provisions regarding enforceability of Michigan personal protection orders in other jurisdictions. See 2001 PA 200 and 201.

MCR 3.708 and 5.982 are amended to include foreign protection orders, which are made enforceable in Michigan by 2001 PA 197.

MCR 8.119(F) is amended to conform to 2001 PA 205, which directs that when a motion to seal court records involves allegations of domestic violence, the court is to consider the safety of the potential victim in ruling on the motion.

Note of January 22, 2003: By order dated September 11, 2002, this Court amended Rules 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119 of the Michigan Court Rules, effective immediately. 467 Mich xxvii-xxxi (No. 2, 2002). At the same time, the Court stated that it would consider at a future public hearing whether to retain the amendments, which relate to a group of statutes concerning domestic violence that were adopted in December 2001. Notice and an opportunity for comment at a public hearing having been provided, the amendments are retained.

#### Staff Comment to September, 2003 Amendment

The April 1, 2003, amendment of MCR 3.206(C), effective September 1, 2003, was suggested by the Michigan Judges Association to (1) reduce the number of hearings that occur because of a litigant's vindictive or wrongful behavior, (2) shift the costs associated with wrongful conduct to the party engaging in the improper behavior, (3) remove the ability of a vindictive litigant to apply financial pressure to the opposing party, (4) create a financial incentive for attorneys to accept a wronged party as a client, and (5) foster respect for court orders.

#### Staff Comment to 2018 Amendment

The amendments in this order are intended to begin moving trial courts toward a statewide uniform e-Filing process. In addition, the order moves existing language into MCR 1.109 as a way to, for the first time, include most filing requirements in one single rule, instead of scattered in various rules. The order largely mirrors the administrative orders that most e-Filing pilot projects have operated under, but contains some significant new provisions. For example, courts are required to maintain documents in an electronic document management system, and the electronic record is the official court record.

#### Staff Comment to 2019 Amendment

The amendments of MCR 1.109, 3.206, 3.931, and 3.961 enable family division courts to use the required case inventory form to administer cases while keeping the information confidential. This change is intended to prevent providing information that could affect the safety of domestic violence victims and their children.

#### Staff Comment to First January 1, 2020 Amendment

These amendments are based on a proposal created by a special committee of the State Bar of Michigan and approved for submission to the Court by the Bar's Representative Assembly. The rules require mandatory discovery disclosure in many cases, adopt a presumptive limit on interrogatories (20 in most cases, but 35 in domestic relations proceedings) and limit a deposition to 7 hours. The amendments also update the rules to more specifically address issues related to electronically stored information, and encourage early action on discovery issues during the discovery period.

The amendment of MCR 2.309(A)(2) sets a presumptive limit of twenty interrogatories for each separately represented party. Several commenters suggested that the term “discrete subpart” be more explicitly defined. But the rule's reference to “a discrete subpart” is intended to draw guidance from federal courts construing FR Civ P 30(a)(1). Generally, subparts are not separately counted if they are logically or factually subsumed within and necessarily related to the primary question. In upholding the limit, parties and courts should also pragmatically balance the overall goals of discovery and the admonition of MCR 1.105. Further, the intent of the provision at MCR 2.301(B)(4) is to ensure that parties responding to discovery requests have the full time period to do so as provided for under these rules prior to the expiration of the discovery period.

#### Staff Comment to Second January 1, 2020 Amendment

The amendments of MCR 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119 and rescission of MCR 2.226 and 8.125 continue the process for design and implementation of the statewide electronic-filing system.

#### Staff Comment to Third January 1, 2020 Amendment

This amendment of MCR 3.206 combines and harmonizes two amendments issued in separate ADM files (ADM File No. 2002-37 and ADM File No. 2019-18) amending the same rule.

MI Rules MCR 3.206, MI R SPEC P MCR 3.206

## Item 3

<b>STATE OF MICHIGAN</b> JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	<b>PETITION OF PARENT FOR CUSTODY          OF SURRENDERED NEWBORN CHILD</b>	<b>CASE NO.</b>
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In the matter of \_\_\_\_\_, a surrendered newborn child  
Full name of child

1. I am the  mother  father of the above named newborn child born on \_\_\_\_\_ at \_\_\_\_\_  
Date of birth  
Location of birth

2. The newborn was surrendered to \_\_\_\_\_, an emergency services provider  
Name of emergency services provider (indicate if unknown)  
 located at \_\_\_\_\_  
Street address, city, and county of emergency services provider

The surrender was made by the  mother  father on \_\_\_\_\_, less than 28 days from filing this petition.  
Date

3.  The newborn is located in \_\_\_\_\_ County, Michigan.

I do not know where the child is presently located.

4. Mother of newborn: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name

\_\_\_\_\_  
Street address, city, state, zip and county

Father of newborn: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Name

\_\_\_\_\_  
Street address, city, state, zip and county

5. I wish to revoke surrender of my child and release of parental rights, if any.

**I REQUEST:**

6. That I be given custody of the child and that blood or tissue typing be ordered upon filing of this petition.

7. Other:

I declare that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
/s/  
 Signature of petitioner

\_\_\_\_\_  
 Name (type or print) Bar no.

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, state, zip Telephone no.

\_\_\_\_\_  
Date  
 Signature of petitioner

\_\_\_\_\_  
 Name (type or print)

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, state, zip Telephone no.

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<p align="center"><b>STATE OF MICHIGAN</b>  <b>JUDICIAL CIRCUIT - FAMILY DIVISION</b>  <b>COUNTY</b></p>	<p align="center"><b>ORDER DETERMINING</b>  <b>MATERNITY/PATERNITY</b>  <b>OF SURRENDERED NEWBORN CHILD</b></p>	<p><b>FILE NO.</b></p>
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In the matter of \_\_\_\_\_, a surrendered newborn child  
Full name of child

1. Date of hearing: \_\_\_\_\_ Judge: \_\_\_\_\_  
Bar no.

2. A petition for custody of the surrendered newborn child was filed. The required testing for maternity and/or paternity has been completed and the results were served on the parent(s) and filed with the court.

**THE COURT FINDS:**

3. Notice of hearing was given to or waived by all interested parties.

4.  a. The result of the maternity testing  is  is not admissible.

b. The result of the paternity testing  is  is not admissible.

5.  a. The petitioner, \_\_\_\_\_,  is  is not the biological mother of the  
Name  
surrendered newborn child.

b. The petitioner, \_\_\_\_\_,  is  is not the biological father of the  
Name  
surrendered newborn child.

**IT IS ORDERED:**

6. The petition for change of custody is dismissed.

7. A hearing on the petition for change of custody shall be held on \_\_\_\_\_ at  
Date  
\_\_\_\_\_ before Hon. \_\_\_\_\_ .  
Time and location

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

---

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<b>STATE OF MICHIGAN</b> <b>JUDICIAL CIRCUIT - FAMILY DIVISION</b> <b>COUNTY</b>	<b>ORDER DETERMINING CUSTODY</b> <b>OF SURRENDERED NEWBORN CHILD</b>	<b>FILE NO.</b>
--	---	-----------------

In the matter of \_\_\_\_\_, a surrendered newborn child  
Full name of child

1. Date of hearing: \_\_\_\_\_ Judge: \_\_\_\_\_  
Bar no.

2. A petition for custody of the surrendered newborn child was filed. The required testing for maternity and/or paternity has been completed and the results were served on the parent(s) and filed with the court.

3. Findings of fact and conclusions of law regarding the best interests of the newborn child as set forth in MCL 712.14 were made on the record.

**THE COURT FINDS:**

4. Notice of hearing was given to or waived by all interested parties.

5. The result of the  maternity  paternity test is 99% or higher, and the summary report is admissible.

6. The petitioner, \_\_\_\_\_,  is  is not the biological mother of the surrendered newborn child.

7. The petitioner, \_\_\_\_\_,  is  is not the biological father of the surrendered newborn child.

8.  a. Custody of the surrendered newborn child  should  should not be given to the mother.  
 b. Custody of the surrendered newborn child  should  should not be given to the father.

9. It is in the best interests of the surrendered newborn child to transfer custody as follows: \_\_\_\_\_

**IT IS ORDERED:**

10. The petition for change of custody is dismissed/denied.

11. The petition for change of custody is granted and \_\_\_\_\_, the  
Name(s)

\_\_\_\_\_ shall have  legal  physical custody of the newborn child. Custody shall be  
mother or father or both  
transferred from the  child-placing agency  prospective adoptive parent(s) as follows:

Court jurisdiction  shall continue until \_\_\_\_\_ .  is relinquished.  
Date

12. The parental rights of \_\_\_\_\_ are terminated.  
Name(s) of parent(s)

Custody and care of the newborn child is granted to \_\_\_\_\_, a  
child-placing agency. The prior court order dated \_\_\_\_\_ that authorizes placement of  
the surrendered newborn child with the prospective adoptive parent(s) is continued.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

Do not write below this line - For court use only

**PROBATE CODE OF 1939 (EXCERPT)**  
**Act 288 of 1939**

**712.11 Blood or tissue typing or DNA identification profiling; presumption; costs; dismissal of custody petition.**

Sec. 11. (1) In a petition for custody filed under this chapter, the court shall order the child and each party claiming paternity to submit to blood or tissue typing determinations or DNA identification profiling, as described in section 16 of the paternity act, 1958 PA 205, MCL 722.716.

(2) Unless the birth was witnessed by the emergency service provider and sufficient documentation exists to support maternity, in a petition for custody filed under this chapter, the court shall order the child and each party claiming maternity to submit to blood or tissue typing determinations or DNA identification profiling, as described in section 16 of the paternity act, 1958 PA 205, MCL 722.716.

(3) If the probability of paternity or maternity determined by the blood or tissue typing or DNA identification profiling is 99% or higher and the DNA identification profile and summary report are admissible, paternity or maternity is presumed and the petitioner may move for summary disposition on the issue of paternity or maternity.

(4) The court may order the petitioner to pay all or part of the cost of the paternity or maternity testing.

(5) If the result of the paternity or maternity testing is admissible and establishes that the petitioner could not be the parent of the newborn, the court shall dismiss the petition for custody.

**History:** Add. 2000, Act 232, Eff. Jan. 1, 2001;—Am. 2006, Act 488, Eff. Jan. 1, 2007.

**Compiler's note:** Enacting section 1 of Act 232 of 2000 provides:

“Enacting section 1. Section 19b of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.19b, as amended by this amendatory act, and chapter XII of the probate code of 1939, 1939 PA 288, as added by this amendatory act, do not apply to a proceeding that arises before the effective date of this amendatory act.”

**Popular name:** Baby Abandonment

**Popular name:** Baby Drop Off

Item 4

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>JUDGMENT OF DIVORCE WITH CHILDREN</b>	<b>CASE NO.</b>
--	--	-----------------

Court address

Court telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

1. This judgment is entered  after trial.  after default.  on consent of the parties.

2. The plaintiff filed a complaint for divorce against the defendant.

3. **THE COURT FINDS** that 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.

**IT IS ORDERED:**

4. The marriage between the plaintiff, \_\_\_\_\_, and the defendant, \_\_\_\_\_, is dissolved and the parties are now divorced.

5. Custody of the minor child(ren), \_\_\_\_\_, is as follows:

a. Legal custody is awarded to  plaintiff.  defendant.  both parties, jointly.

b. Physical custody is awarded to  plaintiff.  defendant.  both parties, jointly.

c. This court is not going to make a determination as to custody of the minor child(ren) because Michigan is not the child(ren)'s home state. (Paragraphs 6-13 below do not apply.)

6. A parent with physical custody must notify the friend of the court in writing whenever the address of a minor child changes.

7. The domicile of the minor child(ren) may not be moved from the State of Michigan without prior approval of the court.

8.  Pursuant to MCL 722.31 neither party shall move more than 100 miles away from where they lived at the beginning of this case, and the child(ren) have a legal residence with each parent.

MCL 722.31 does not apply because the parties lived more than 100 miles away from each other when this case began.

MCL 722.31 does not apply because one of the parties is granted sole legal custody of the parties' minor child(ren).

The parties agree that either party may move more than 100 miles from where the parties lived when this case was filed, as long as they still live in the State of Michigan.

9. Except as provided in item 10, neither parent shall exercise parenting time in a foreign country/nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

10. Based on written agreement of the parties, \_\_\_\_\_ may exercise parenting time in

Name

\_\_\_\_\_, which is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

Name of foreign country/nation

11. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. Each parent will endeavor to guide a child so as to promote the affectionate relationship between a child and the other parent. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary, or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.
12. **Parenting time** is established as follows:
13. **Child support**, child care, health care and other medical insurance and support costs are provided for in the Uniform Child Support Order, entered contemporaneously with this judgment of divorce and incorporated by reference.  
 A Uniform Child Support Order is not required because there is a support order in effect from \_\_\_\_\_.
14. **Spousal support:**
- Neither party is awarded spousal support and spousal support is forever barred.  
 Spousal support is reserved.  
 Spousal support is awarded according to the attached Uniform Spousal Support Order.
15. **Personal property:**
- Each party is awarded the personal property now in his/her possession and is fully responsible to pay any debt related to that property. The other party has no claim to that property.  
 The parties' personal property is divided according to the attached Personal Property and Debt Addendum.
16. **Debt:**
- There are no debts to be divided.  
 Each party is responsible for paying the debts in his/her name.  
 Debts are divided according to the attached Personal Property and Debt Addendum.
17. **Vehicles:**
- The parties do not own any vehicles.  
 Each party will keep the vehicle(s) now in his/her name and possession, and is fully responsible to pay any debt related to the vehicle(s). The other party has no claim to any vehicle in the other's name and possession.  
 The parties own vehicle(s) that are to be divided according to the attached Vehicle Addendum.
18. **Real Property:**
- The parties do not own any real property.  
 The parties own real property that is awarded according to the attached Real Property Addendum.
19. **Pension Rights:**
- There are no pensions, annuities, individual retirement accounts or other types of retirement plans or accounts, whether vested or unvested, accumulated or contingent, to be divided.  
 Each party is awarded his/her own pensions, annuities, individual retirement accounts or other types of retirement plans or accounts, whether vested or unvested, accumulated or contingent, as his/her own sole and separate property.  
 Pensions, annuities, individual retirement accounts or other types of retirement plans or accounts, whether vested or unvested, accumulated or contingent, are divided according to the attached Pension/Retirement Account Addendum.

- 20. **Life Insurance:** Except as otherwise preserved in this judgment, any interests of either party in any insurance policy or insurance contract on the life of the other party, as beneficiary or otherwise, are extinguished. Each party holds the policy(ies) free and clear of the claim of the other.
- 21. **Tax Returns:** Federal and state income tax deductions, credits, and exemptions for the minor child(ren) are awarded according to the attached Income Tax Addendum. If the parent claiming the deductions, credits, and exemptions in a given tax year is not the parent with whom the child(ren) lived for the greater number of nights during the year, the other parent shall file IRS form 8332 to release his/her claim to the dependent tax benefits for that tax year.
- 22. **Health Insurance Availability through COBRA:** Either party may obtain coverage for himself/herself under the other party's present medical or health insurance policy carried through his/her employment pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Each party shall, immediately upon entry of this judgment of divorce, notify his/her respective plan administrator of this provision, to enable the plan administrator to give proper notice to the other party pursuant to COBRA.
- 23. **Documents:** Within a reasonable time after this judgment is entered, each party shall properly prepare and deliver to the other party all the documents required to divide the property and debt as ordered in this judgment. A certified copy of this judgment may be recorded to effect such a transfer, if necessary.
- 24. **Hidden Assets:** If either party has hidden any of his/her assets from the other party, the issue of property division in the divorce may be reopened on the motion of either party. If this motion were to be granted, this court would then resolve the distribution of any previously undisclosed assets.
- 25. **Costs and Fees:** Any previously suspended costs and fees of this case shall be
  - paid by the plaintiff.     paid by the defendant.     waived permanently.
- 26. The     plaintiff's     defendant's    name shall be changed to \_\_\_\_\_ .
- 27. **Attachments:** The following addendums are attached and incorporated into this judgment of divorce.
 

<input type="checkbox"/> Personal Property and Debt Addendum	<input type="checkbox"/> Vehicle Addendum	<input type="checkbox"/> Real Property Addendum
<input type="checkbox"/> Pension/Retirement Account Addendum	<input type="checkbox"/> Income Tax Addendum	<input type="checkbox"/> Parenting Time Addendum
- 28. Other provisions:
- 29. **Settlement of Claims Between the Parties:** This judgment resolves the last pending claim and closes this case.
- 30. **When Judgment Becomes Final:** This judgment is effective and final upon its date of entry.
- 31. **Jurisdiction Retained:** This court retains jurisdiction of this matter to enforce all the terms of this judgment of divorce.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

Approved:

\_\_\_\_\_  
Plaintiff signature Date

\_\_\_\_\_  
Defendant signature Date

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>JUDGMENT OF DIVORCE, WITH CHILDREN PERSONAL PROPERTY AND DEBT ADDENDUM</b>	<b>CASE NO.</b>
--	---	-----------------

Court address

Court telephone no.

Plaintiff name

v

Defendant name

The plaintiff is awarded the following personal property, free and clear of any claim of the defendant:

The defendant is awarded the following personal property, free and clear of any claim of the plaintiff:

The plaintiff is responsible for the following debts, and shall not hold the defendant responsible for these debts:

The defendant is responsible for the following debts, and shall not hold the plaintiff responsible for these debts:

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>JUDGMENT OF DIVORCE, WITH CHILDREN VEHICLE ADDENDUM</b>	<b>CASE NO.</b>
--	--	-----------------

Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff name \_\_\_\_\_

v

Defendant name \_\_\_\_\_

The  plaintiff  defendant is awarded the following vehicle, free and clear of any right, title, or interest of the other party.

\_\_\_\_\_  
Year Make Model Vehicle Identification number (VIN)

The  plaintiff  defendant is responsible for all loan payments for the vehicle. The  plaintiff  defendant shall not hold the other party responsible for any debt associated with the vehicle.

**or**

There is no loan or debt to repay with regard to the vehicle.

The  plaintiff  defendant is awarded the following vehicle, free and clear of any right, title, or interest of the other party.

\_\_\_\_\_  
Year Make Model Vehicle Identification number (VIN)

The  plaintiff  defendant is responsible for all loan payments for the vehicle. The  plaintiff  defendant shall not hold the other party responsible for any debt associated with the vehicle.

**or**

There is no loan or debt to repay with regard to the vehicle.

The  plaintiff  defendant is awarded the following vehicle, free and clear of any right, title, or interest of the other party.

\_\_\_\_\_  
Year Make Model Vehicle Identification number (VIN)

The  plaintiff  defendant is responsible for all loan payments for the vehicle. The  plaintiff  defendant shall not hold the other party responsible for any debt associated with the vehicle.

**or**

There is no loan or debt to repay with regard to the vehicle.

The  plaintiff  defendant is awarded the following vehicle, free and clear of any right, title, or interest of the other party.

\_\_\_\_\_  
Year Make Model Vehicle Identification number (VIN)

The  plaintiff  defendant is responsible for all loan payments for the vehicle. The  plaintiff  defendant shall not hold the other party responsible for any debt associated with the vehicle.

**or**

There is no loan or debt to repay with regard to the vehicle.

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>JUDGMENT OF DIVORCE, WITH CHILDREN REAL PROPERTY ADDENDUM</b>	<b>CASE NO.</b>
--	--	-----------------

Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff name \_\_\_\_\_

v

Defendant name \_\_\_\_\_

The parties own real property located at \_\_\_\_\_  
Address

The legal description is:

The parcel identification number is \_\_\_\_\_ .

This property is  awarded to the plaintiff.  awarded to the defendant.  awarded to both plaintiff and defendant, and will be sold within a reasonable time after the Judgment of Divorce is entered.

The  plaintiff  defendant  both parties is/are responsible for the mortgage, insurance, taxes, liens, and any other costs and debts associated with this property.

The parties will share equally in the profit or loss from the sale, and in any related expenses. The property will be placed on the open market for sale at a price agreed upon by the parties. The parties will hold the property as tenants in common until the sale. Both parties will cooperate with regard to the sale and the execution of all necessary documents required at the time of the sale.

The  plaintiff  defendant shall refinance the home and remove the  plaintiff's  defendant's name.

The  plaintiff  defendant shall sign a quitclaim deed to the property within 30 days of entry of the judgment for the benefit of the  plaintiff  defendant.

The parties own real property located at \_\_\_\_\_  
Address

The legal description is:

The parcel identification number is \_\_\_\_\_ .

This property is  awarded to the plaintiff.  awarded to the defendant.  awarded to both plaintiff and defendant, and will be sold within a reasonable time after the Judgment of Divorce is entered.

The  plaintiff  defendant  both parties is/are responsible for the mortgage, insurance, taxes, liens, and any other costs and debts associated with this property.

The parties will share equally in the profit or loss from the sale, and in any related expenses. The property will be placed on the open market for sale at a price agreed upon by the parties. The parties will hold the property as tenants in common until the sale. Both parties will cooperate with regard to the sale and the execution of all necessary documents required at the time of the sale.

The  plaintiff  defendant shall refinance the home and remove the  plaintiff's  defendant's name.

The  plaintiff  defendant shall sign a quitclaim deed to the property within 30 days of entry of the judgment for the benefit of the  plaintiff  defendant.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	JUDGMENT OF DIVORCE, WITH CHILDREN INCOME TAX ADDENDUM	CASE NO.
---	--	----------

Court address

Court telephone no.

Plaintiff name

v

Defendant name

Income tax deductions, credits, and exemptions shall be divided as follows (check one).

The parent with whom the child(ren) live for the greater number of nights during the year is awarded the income tax deductions, credits, and exemptions for the minor child(ren), including state, federal, or local tax returns, based on IRS Publication 501

**OR**

The plaintiff is awarded the income tax deductions, credits, and exemptions for the minor child(ren), including state, federal, or local tax returns, for all tax years, beginning in the year \_\_\_\_\_ .

**OR**

The defendant is awarded the income tax deductions, credits, and exemptions for the minor child(ren), including state, federal or local tax returns, for all tax years, beginning in the year \_\_\_\_\_ .

**OR**

The plaintiff is awarded the income tax deductions, credits, and exemptions for the following minor child(ren)

\_\_\_\_\_  
\_\_\_\_\_ ,

and the defendant is awarded the income tax deductions, credits, and exemptions for the following minor child(ren),

\_\_\_\_\_  
\_\_\_\_\_ ,

including state, federal or local tax returns, for all tax years, beginning in the year \_\_\_\_\_ .

**OR**

The plaintiff and defendant shall each claim all the income tax deductions, credits, and exemption(s) in alternating years, beginning in the year \_\_\_\_\_ with the  plaintiff  defendant claiming all income tax deductions, credits, and exemption(s) for the minor child(ren), including state, federal, and local tax returns for even-numbered tax years and the  plaintiff  defendant claiming all income tax deductions, credits, and exemption(s) for the minor child(ren), including state, federal, and local tax returns for odd-numbered tax years.



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted/Validity Called into Doubt by Brecht v. Hendry, Mich.App., July 24, 2012

Michigan Compiled Laws Annotated  
Michigan Court Rules of 1985  
Chapter 3. Special Proceedings and Actions  
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.211

Rule 3.211. Judgments and Orders

Effective: January 1, 2020

Currentness

**(A)** Each separate subject in a judgment or order must be set forth in a separate paragraph that is prefaced by an appropriate heading.

**(B)** A judgment of divorce, separate maintenance, or annulment must include

(1) the insurance provisions required by MCL 552.101;

(2) a determination of the rights of the parties in pension, annuity, and retirement benefits, as required by MCL 552.101(3);

(3) a determination of the property rights of the parties; and

(4) a provision reserving or denying spousal support, if spousal support is not granted; a judgment silent with regard to spousal support reserves it.

**(C)** A judgment or order awarding custody of a minor must provide that

(1) the domicile or residence of the minor may not be moved from Michigan without the approval of the judge who awarded custody or the judge's successor,

(2) the person awarded custody must promptly notify the friend of the court in writing when the minor is moved to another address, and

(3) a parent whose custody or parenting time of a child is governed by the order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act, MCL 722.31.

**(D) Uniform Support Orders**

(1) Any provisions regarding child support or spousal support must be prepared on the latest version of the Uniform Support Order approved by the state court administrative office. This order must accompany any judgment or order affecting child support or spousal support, and both documents must be signed by the judge. If only child support or spousal support is ordered, then only the Uniform Support Order must be submitted to the court for entry. The Uniform Support Order shall govern if the terms of the judgment or order conflict with the Uniform Support Order.

(2) No judgment or order concerning a minor or a spouse shall be entered unless either:

(a) the final judgment or order incorporates by reference a Uniform Support Order, or

(b) the final judgment or order states that no Uniform Support Order is required because support is reserved or spousal support is not ordered.

(E) Unless otherwise ordered, all support arrearages owing to the state are preserved upon entry of a final order or judgment. Upon a showing of good cause and notice to the friend of the court, the prosecuting attorney, and other interested parties, the court may waive or reduce such arrearages.

**(F) Entry of Judgment or Order**

(1) Within 21 days after the court renders an opinion or the settlement agreement is placed on the record, the moving party must submit a judgment, order, or a motion to settle the judgment or order, unless the court has granted an extension.

(2) The party submitting the first temporary order awarding child custody, parenting time, or support and the party submitting any final proposed judgment awarding child custody, parenting time, or support must:

(a) serve the friend of the court office and, unless the court orders otherwise, all other parties, with a completed copy of the latest version of the state court administrative office's Domestic Relations Judgment Information form, and

(b) file a proof of service with the court certifying that the Domestic Relations Judgment Information form has been provided to the friend of the court office and, unless the court orders otherwise, to all other parties.

(3) If the court modifies the proposed judgment or order before signing it, the party submitting the judgment or order must, within 7 days, submit a new Domestic Relations Judgment Information form to the friend of the court if any of the information previously submitted changes as a result of the modification.

(4) Before it signs a judgment or order awarding child support or spousal support, the court must determine that:

(a) the party submitting the judgment or order has certified that the Domestic Relations Judgment Information form in subrule (F)(2) has been submitted to the friend of the court, and

(b) pursuant to subrule (D)(2) any judgment or order concerning a minor or a spouse is accompanied by a Uniform Support Order or explains why a Uniform Support Order is unnecessary.

(5) The Domestic Relations Judgment Information form must be submitted to the friend of the court in addition to the verified statement that is required by MCR 3.206(C).

**(G) Friend of the Court Review.** The court may require that the judgment or order be submitted to the friend of the court for review to determine that it contains the provisions required by subrules (C), (D), (E), and (F).

**(H) Service of Judgment or Order.**

(1) When a judgment or order is obtained for temporary or permanent spousal support, child support, or separate maintenance, the prevailing party must immediately deliver one copy to the court clerk. The court clerk must file it with the friend of the court.

(2) The party securing entry of a judgment or order that provides for child support or spousal support must serve a copy on the party ordered to pay the support, as provided in MCR 2.602(E)(1), even if that party is in default.

(3) The record of divorce and annulment required by MCL 333.2864 must be filed at the time of the filing of the judgment.

**Credits**

[Adopted January 28, 1993, effective May 1, 1993, 441 Mich. Amended November 8, 2005, effective January 1, 2006, 474 Mich.; February 1, 2012, effective May 1, 2012, 490 Mich. Amended effective March 21, 2018, 501 Mich. Amended August 30, 2018, effective September 1, 2018, 502 Mich.; September 20, 2018, effective April 1, 2019, 502 Mich.; September 18, 2019, effective January 1, 2020, 503 Mich.]

**Editors' Notes**

**COMMENTS**

Staff Comment to 1993 Adoption

Rule 3.211 [effective May 1, 1993] is a reorganization and expansion of former Rule 3.209, consistent with statutory provisions and the provisions of the Michigan Child Support Guidelines. Subrule (E) takes into account the statutory changes that provide for support beyond age 18 in certain circumstances. Subrules (F), (G) and (H) are new. Subrule (F) requires notice to the friend of the court, the prosecuting attorney, and other interested parties, as well as a showing of good cause, before arrearages owing to the state may be waived or reduced. The prosecutor is included, as legal representative of the state, to insure that the court is adequately advised of such arrearages. Subrule (G) requires the moving party to submit a judgment or order within 21 days after the court issues an opinion or the settlement agreement is put on the record. Subrule (H) provides for the review of judgments and orders by the friend of the court, at the option of the court. There is a new requirement in subrule (I) regarding the filing of the record of divorce and annulment. The term “alimony” has been replaced by the term “spousal support” throughout the rule.

Staff Comment to 2006 Amendment

In subrule (D), the amendment effective January 1, 2006, requires that all support orders be entered on a standard form drafted by the state court administrative office. The Supreme Court shall review and approve any changes made to the Uniform Support Order by the state court administrative office because of changes in state or federal law.

In relettered subrule (F), the 2005 amendment allows personal information concerning a party to be provided to the friend of the court in a document separate from the court order, which is a public document.

#### Staff Comment to 2012 Amendment

This amendment eliminates the requirement that the Supreme Court approve changes to the Uniform Support Order forms. Without explicit approval required by the Supreme Court, the forms will be updated like other forms that are revised on a regular basis within the State Court Administrative Office.

#### Staff Comment to March, 2018 Amendment

These amendments update cross-references and make other nonsubstantive revisions to clarify the rules. The amendment of MCR 6.110(B)(1) addresses an inadvertent omission from the last amendment of this rule that was intended to be shown in overstrike. Accordingly, the current rule does not match the published version. Striking the clause “for good cause shown” will provide consistency with other published versions of the rule and with the statute, MCL 766.7, which allows a magistrate to adjourn a preliminary examination with the consent of the parties without the need for good cause to be shown.

#### Staff Comment to September, 2018 Amendment

These amendments update cross-references in the rules, and are intended to reflect changes that are necessary as a result of the Court's recent e-Filing rules amendments.

#### Staff Comment to 2019 Amendment

The amendments of MCR 3.201, 3.210, and 3.211 and addition of MCR 3.222 and 3.223 integrate the collaborative law process designed under the Uniform Collaborative Law Act (159 PA 2014; MCL 691.1331-691.1354) into the state's trial court system for practical use, and add a similar process for parties not represented by counsel who seek to submit a consent judgment.

#### Staff Comment to 2020 Amendment

The amendments of MCR 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119 and rescission of MCR 2.226 and 8.125 continue the process for design and implementation of the statewide electronic-filing system.

MI Rules MCR 3.211, MI R SPEC P MCR 3.211

Current with amendments received through February 1, 2020.

## Item 5



## INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

When filling out this grievance form, you ~~should type or press firmly to ensure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form.~~ You must also:

1. provide the names and addresses of the parties in the court case. This will assist the friend of the court or chief judge in identifying your case-;
2. provide the name of the county where your domestic relations case is located-;
3. check the appropriate box for the type of complaint (grievance)-;
4. state your complaint, providing specific details, dates, names, and other important information-;
5.  mail or deliver the completed form to the friend of the court or the chief judge's office whichever is appropriate.  Keep the last copy (~~third copy~~) for your records.

## Item 6

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>UNIFORM CHILD SUPPORT ORDER</b> <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	<b>CASE NO.</b>
--	--	-----------------

Court address \_\_\_\_\_ Court telephone no. \_\_\_\_\_

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

- This order is entered  after hearing.  after statutory review.  on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with \_\_\_\_\_ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

**IT IS ORDERED**, unless otherwise ordered in item 12 or 13:  Standard provisions have been modified (see item 12 or 13).

**1. The children who are supported under this order and the payer and payee are:**

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective \_\_\_\_\_, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust:	\$	\$	\$	\$	\$
Subtotal:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Benefit credit:	\$	\$	\$	\$	\$
<b>Total:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

(Continued on page 2.)

1. **Item 1** (continued).

**Uninsured Health-Care Expenses.** All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid \_\_\_\_\_% by the plaintiff and \_\_\_\_\_% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is \_\_\_\_\_.

**Obligation Ends.** Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

- Post-majority Support:** The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age:

(Specify name of child and date obligation ends.)

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**Child Care.** The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses. The child-care obligation for each child ends on August 31 following the child's 12th birthday, at which time the total child care obligation reduces by that child's pro rata share unless specified differently in this order.

2. **Insurance.** For the benefit of the children, the  plaintiff  defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy
- up to a maximum of \$ \_\_\_\_\_ for plaintiff.  up to a maximum of \$ \_\_\_\_\_ for defendant.
- not to exceed 6% of the plaintiff's/defendant's gross income.
3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.
4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
8. **Redirection and Abatement.** Subject to statutory procedures, the friend of the court: 1) may redirect support paid for a child to the person who is providing the actual care, support, and maintenance of that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
9. **Fees.** The payer of support shall pay statutory and service fees as required by law.

- 10. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
- 11. **Prior Orders. This order supersedes all prior child support orders and all continuing provisions are restated in this order.** Past-due amounts owed under any prior support order in this case are preserved and paid at the rate calculated using the arrearage guideline in the Michigan Child Support Formula.
- 12. **Michigan Child Support Formula Deviation.** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.
- 13. **Other:** (Attach separate sheets as needed.)

\_\_\_\_\_  
Plaintiff (if consent/stipulation) Date

\_\_\_\_\_  
Defendant (if consent/stipulation) Date

\_\_\_\_\_  
Plaintiff's attorney Date

\_\_\_\_\_  
Defendant's attorney Date

Prepared by: \_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**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.  I certify that I also served the Deviation Addendum (FOC 10d) with this order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**COURT USE ONLY**

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF THE COURT SERVICES</b> <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	<b>CASE NO.</b>
--	---	-----------------

Court address Court telephone no.

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

**v**

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

This order is entered     after hearing.     on stipulation/consent of the parties.

An order exempting this case from friend of the court services was entered on \_\_\_\_\_ .

(NOTE: If there is no order exempting this case from friend of the court services, form FOC 10/52 must be used.)

**IT IS ORDERED**, unless otherwise ordered in item 8 or 9:     Standard provisions have been modified (see item 8 or 9).

**1. The children who are supported under this order and the payer and payee are:**

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective \_\_\_\_\_, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust:	\$	\$	\$	\$	\$
Subtotal:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Benefit credit:	\$	\$	\$	\$	\$
<b>Total:</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

(Continued on page 2.)

1. **Item 1** (continued).

**Uninsured Health-Care Expenses.** All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid \_\_\_\_\_% by the plaintiff and \_\_\_\_\_% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is \_\_\_\_\_.

**Obligation Ends.** Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

- Post-majority Support:** The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age:

(Specify name of child and date obligation ends.)

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**Child Care.** The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses. The child-care obligation for each child ends on August 31 following the child's 12th birthday, at which time the total child care obligation reduces by that child's pro rata share unless specified differently in this order.

2. **Insurance.** For the benefit of the children, the  plaintiff  defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy
- up to a maximum of \$ \_\_\_\_\_ for plaintiff.  up to a maximum of \$ \_\_\_\_\_ for defendant.
- not to exceed 6% of the plaintiff's/defendant's gross income.
3. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. Further details, as prescribed by 29 USC 1169(a)(3), are stated in item 9.
4. **Retroactive Modification and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
5. **Change of Address, Employment Status, Health Insurance.** Both parties shall notify each other in writing, within 21 days of any change in: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603.
6. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
7. **Prior Orders.** This order supersedes all prior child support orders and all continuing provisions are restated in this order. Past-due amounts owed under any prior support order in this case are preserved.
8. **Michigan Child Support Formula Deviation** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.

9. **Other:** (Attach separate sheets as needed.)

\_\_\_\_\_  
Plaintiff (if consent/stipulation) Date

\_\_\_\_\_  
Defendant (if consent/stipulation) Date

\_\_\_\_\_  
Plaintiff's attorney Date

\_\_\_\_\_  
Defendant's attorney Date

Prepared by: \_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**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.  I certify that I also served the Deviation Addendum (FOC 10d) with this order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**COURT USE ONLY**

### 3.05 Health Care Coverage Obligation and Premiums

#### 3.05(A) Reasonable Cost of Coverage

A reasonable cost to a parent for providing health care coverage for the children does not exceed 6 percent of the providing parent's gross income. In applying this standard, the cost of providing health care coverage is the parent's net cost of adding the children to the parent's coverage (e.g., difference between self-only and family coverage) or adding the children to the existing coverage.

- (1) Parents with a net income below 133 percent of the federal poverty level or whose child is covered by Medicaid based on that parent's income should not be ordered to contribute toward or provide coverage, unless coverage is obtainable without any financial contribution by that parent.
- (2) A parent's cost for providing health care coverage is unreasonable if the parent's total current obligation for support, child care expenses, ordinary health care expenses, plus the parent's net share of health care insurance exceeds 50 percent of the parent's regular aggregate disposable earnings.

#### 3.05(B) Responsibility to Insure

- (1) When ordering child support, the court must order one or both parents to maintain health care coverage for the children if it is available at a reasonable cost as a benefit of employment, or when a self-employed parent maintains personal health care coverage. To prevent duplicate coverage, extra costs, and avoid unnecessary enforcement actions, normally only one parent should be ordered to maintain coverage. The court should avoid routinely requiring both parties to provide coverage.
- (2) Many factors may be used to determine which parent should maintain employer, group, individual, or public coverage for their children. When comparing plans, consider factors like: the accessibility and comprehensiveness of covered services, likely continuation of coverage, affordability of deductibles and co-payments, and reasonableness of the premiums. (The supplement to this manual contains a suggested means to determine which parent who should maintain health care coverage. 2017 MCSF-S 3.02.)
- (3) The court may permit a parent to provide required coverage through alternative means, such as a spouse's or other household member's coverage or coverage provided by a nonparent-custodian (§[4.01\(D\)\(6\)](#)), provided that a parent is required to purchase coverage immediately should the alternative coverage stop.

#### 3.05(C) Health Care Premium Allocation

- (1) The children's net determinable portion of health insurance premiums paid by the parents to cover the children should be apportioned according to each parent's percentage share of family income. §[3.01\(B\)\(2\)](#).
  - (a) The difference between the parents' shares of the net determinable amounts should be included (as an addition or subtraction) as part of the support payment.
  - (b) Adjust base support by adding the net health care premium attributable to the children (whether positive or negative) to the base support obligation after applying the parental time offset formula.
  - (c) If the parent provides insurance for the children-in-common using a spouse's or household member's benefits, consider amounts paid by the parent's household as the parent's premiums paid to insure the children.
- (2) Subject to §[4.01\(D\)\(5\)](#), allocate the children's net health care premiums for parent-provided insurance between the parents according to the following steps.
  - (a) Determine each parent's monthly net health care premium attributable to the children by dividing the net premium (actual cost to the parent after subtracting any tax credits, subsidies, other reimbursements, and amount deducted for self-coverage under §[2.07\(E\)](#)) by the number of individuals covered and multiply by the number of children covered in this case.
  - (b) Prorate each parent's monthly health care premium attributable to the children by multiplying it and the other parent's percentage of family income.
  - (c) Offset the prorated premiums attributable to the children by subtracting the support recipient's share of the support payer's premium from the payer's share of the recipient's premium, and round to the nearest cent. (Note: A positive net result means an additional amount must be paid to cover the payer's share of the support recipient's premium, while a negative result means a reduction in base support to offset the support recipient's share of the payer's premium).

—  
SUBSTITUTE FOR  
HOUSE BILL NO. 4304

A bill to amend 1982 PA 295, entitled  
"Support and parenting time enforcement act,"

by amending sections 2, 5a, and 26 (MCL 552.602, 552.605a, and  
552.626), section 2 as amended by 2015 PA 256 and sections 5a and 26 as  
amended by 2002 PA 572.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 2. As used in this act:

(a) "Account" means any of the following:

- (i) A demand deposit account.
- (ii) A draft account.
- (iii) A checking account.
- (iv) A negotiable order of withdrawal account.
- (v) A share account.
- (vi) A savings account.
- (vii) A time savings account.
- (viii) A mutual fund account.
- (ix) A securities brokerage account.
- (x) A money market account.
- (xi) A retail investment account.

(b) "Account" does not mean any of the following:

(i) A trust.

(ii) An annuity.

(iii) A qualified individual retirement account.

(iv) An account covered by the employee retirement income security act of 1974, Public Law 93-406.

(v) A pension or retirement plan.

(vi) An insurance policy.

(c) "Alternative contempt track" means the alternative contempt track docket established under section 35a.

(d) "Cash" means money or the equivalent of money, such as a money order, cashier's check, or negotiable check or a payment by debit or credit card, which equivalent is accepted as cash by the agency accepting the payment.

(e) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(f) "Department" means the department of **health and** human services.

(g) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(i) 1846 RS 84, MCL 552.1 to 552.45.

(ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(iv) 1968 PA 293, MCL 722.1 to 722.6.

(v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) The uniform interstate family support act, ~~(2015)~~**2015 PA 255, MCL 552.2101 to 552.2905.**

(h) "Driver's license" means license as that term is defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25.

(i) "Employer" means an individual, sole proprietorship, partnership, association, or private or public corporation, the United

States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that hires and pays an individual for his or her services.

(j) "Financial asset" means a deposit, account, money market fund, stock, bond, or similar instrument.

(k) "Financial institution" means any of the following:

(i) A state or national bank.

(ii) A state or federally chartered savings and loan association.

(iii) A state or federally chartered savings bank.

(iv) A state or federally chartered credit union.

(v) An insurance company.

(vi) An entity that offers any of the following to a resident of this state:

(A) A mutual fund account.

(B) A securities brokerage account.

(C) A money market account.

(D) A retail investment account.

(vii) An entity regulated by the ~~securities and exchange commission~~ **Securities and Exchange Commission** that collects funds from the public.

(viii) An entity that is a member of the national association of securities dealers and that collects funds from the public.

(ix) Another entity that collects funds from the public.

(l) "Friend of the court act" means the friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.

(m) "Friend of the court case" means that term as defined in section 2 of the friend of the court act, MCL 552.502.

(n) **"Health care coverage" means a fee for service, health maintenance organization, preferred provider organization, or other type of private health care coverage or public health care coverage.**

(o) ~~(n)~~—"Income" means any of the following:

(i) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his or her employer or a successor employer.

(ii) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, ~~social security,~~ **Social Security**, unemployment compensation, supplemental unemployment benefits, or worker's compensation.

(iii) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that is indebted to the individual.

(p) ~~(o)~~—"Insurer" means an insurer, health maintenance organization, health care corporation, or other group, plan, or entity that provides health care coverage in accordance with any of the following acts:

(i) The public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(iii) The nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704.

(q) ~~(p)~~—"Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396w-5.

(r) ~~(q)~~—"Most recent semiannual obligation" means the total amount of current child support owed by a parent during the preceding January 1 to June 30 or July 1 to December 31.

(s) ~~(r)~~—"Occupational license" means a certificate, registration, or license issued by a state department, bureau, or agency that has regulatory authority over an individual that allows an individual to legally engage in a regulated occupation or that allows the individual to use a specific title in the practice of an occupation, profession, or vocation.

(t) ~~(s)~~—"Office of child support" means the office of child support established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(u) ~~(t)~~—"Office of the friend of the court" means an agency created in section 3 of the friend of the court act, MCL 552.503.

(v) ~~(u)~~—"Order of income withholding" means an order entered by the circuit court providing for the withholding of a payer's income to enforce a support order under this act.

(w) ~~(v)~~—"Payer" means an individual who is ordered by the circuit court to pay support.

(x) ~~(w)~~—"Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

**(y)** ~~(x)~~—"Plan administrator" means that term as used in relation to a group health plan under section 609 of title I of the employee retirement income security act of 1974, 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to that act.

**(z)** ~~(y)~~—"Political subdivision" means a county, city, village, township, educational institution, school district, or special district or authority of this state or of a local unit of government.

**(aa)** "Private health care coverage" means health care coverage obtained through an employer or purchased by an individual from an insurer.

**(bb)** "Public health care coverage" means health care coverage that is established or maintained by a local, state, or federal government such as Medicaid established under title XIX of the social security act, 42 USC 1396 to 1396w-5 or the state children's health insurance program established under title XXI of the social security act, 42 USC 1397aa to 1397mm.

**(cc)** ~~(z)~~—"Recipient of support" means the following:

(i) The spouse, if the support order orders spousal support.

(ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.

(iii) The department, if support has been assigned to that department.

(iv) The county, if the minor child is in county-funded foster care.

**(dd)** ~~(aa)~~—"Recreational or sporting license" means a hunting, fishing, or fur harvester's license issued under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, but does not include a commercial fishing license or permit issued under part 473 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.47301 to 324.47362.

**(ee)** ~~(bb)~~—"Referee" means a person who is designated as a referee under the friend of the court act.

**(ff)** ~~(ee)~~—"Source of income" means an employer or successor employer, a labor organization, or another individual or entity that owes or will owe income to the payer.

**(gg)** ~~(dd)~~—"State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(hh) ~~(ee)~~ "State friend of the court bureau" means that bureau as created in the state court administrative office under section 19 of the friend of the court act, MCL 552.519.

(ii) ~~(ff)~~ "Support" means all of the following:

(i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the mother's pregnancy or the birth of the child, or for the repayment of genetic testing expenses.

(iii) A surcharge under section 3a.

(jj) ~~(gg)~~ "Support order" means an order entered by the circuit court for the payment of support, whether or not a sum certain.

(kk) ~~(hh)~~ "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.

(ll) ~~(ii)~~ "Title IV-D agency" means the agency in this state performing the functions under title IV-D and includes a person performing those functions under contract, including an office of the friend of the court or a prosecuting attorney.

(mm) ~~(jj)~~ "Work activity" means any of the following:

(i) Unsubsidized employment.

(ii) Subsidized private sector employment.

(iii) Subsidized public sector employment.

(iv) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.

(v) On-the-job training.

(vi) Referral to and participation in the ~~work first~~ **PATH: partnership. accountability. training. hope. work partnership program** or successor program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(vii) A community service program.

(viii) Vocational educational training, not to exceed 12 months with respect to an individual.

(ix) Job skills training directly related to employment.

(x) Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency.

(xi) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of an individual who has not completed secondary school or received such a certificate.

(xii) The provision of child care services to an individual who is participating in a community service program.

Sec. 5a. (1) For a friend of the court case, a child support order entered or modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

(a) The name and address of his or her current source of income.

(b) Health care coverage that is available to him or her ~~as a benefit of employment~~ or that is maintained by him or her; the name of the insurance company, nonprofit health care corporation, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(2) If a child support order is entered, the court shall require that 1 or both parents obtain or maintain health care coverage that is **accessible to the child and is** available to ~~them~~ **the parent** at a reasonable cost, ~~as a benefit of employment,~~ for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children. ~~If a parent is self-employed and maintains health care coverage, the court shall require the parent to obtain or maintain dependent coverage for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children, if available at a reasonable cost.~~ **The court shall utilize guidelines as provided for in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519, to determine health care coverage that is accessible to the child and available at a reasonable cost. The court shall not require both parents to provide health care coverage under this subsection unless the parents already provide coverage or both parents agree to provide coverage. This subsection does not prevent the court from**

**exercising its discretion to order health care coverage based on the child's needs and the parents' resources.**

(3) A court may require either parent to file a bond with 1 or more sufficient sureties, in a sum to be fixed by the court, guaranteeing payment of child support.

Sec. 26. (1) For a friend of the court case, **if a parent is ordered to pay support or obtain or maintain health care coverage through an employer, or both, the office will, when appropriate and** within 2 business days after a new hire report is entered into the state directory of new hires, as created under section 453A of title IV-D, 42 U.S.C.—USC 653a, or a payer's or parent's employer is otherwise identified, ~~the office shall, when appropriate,~~ provide the new employer with a notice of income withholding or a notice of the order for dependent health care coverage, or both, on behalf of ~~a payer~~ **the parent** who is subject to income withholding or a parent or payer who is required to provide dependent health care coverage.

(2) **If the order for dependent health care coverage does not specify whether the health care coverage must be private health care coverage or public health care coverage, the office shall, when appropriate, provide an employer with the notice specified in subsection (1) unless 1 of the following applies:**

(a) The parent or payer who is required to obtain health care coverage provides proof that health care coverage available through the employer is not accessible to the child or not available at a reasonable cost. Health care coverage is presumed to be accessible to the child and available at a reasonable cost if it meets the guidelines provided in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519.

(b) The parent or payer who is required to provide health care coverage has obtained and maintained health care coverage that is accessible to the child and available to the parent at a reasonable cost.

(3) ~~(2)~~—If an order for dependent health care coverage was entered before September 30, 2001, the office shall, at the time notice of the order is sent to the employer under subsection (1), provide the payer or parent with instructions on how to request a review or hearing to contest the availability of dependent health care coverage at a reasonable cost.

(4) ~~(3)~~—Notwithstanding subsection ~~(2)~~, ~~(3)~~, if a parent fails to obtain or maintain health care coverage for the parent's child as

ordered by the court, the office of the friend of the court shall, as applicable, do either of the following:

(a) Petition the court for an order to show cause why the parent should not be held in contempt for failure to obtain or maintain dependent health care coverage that is available at a reasonable cost.

(b) Send notice of noncompliance to the parent. The notice shall contain all of the following information:

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 21 days after mailing of the notice:

(A) Submits written proof to the friend of the court of the child's enrollment in a health care coverage plan.

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(ii) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment.

**(iii) If the order for dependent health care coverage does not specify whether that coverage must be private health care coverage or public health care coverage, that the parent can obtain or maintain private health care coverage or public health care coverage. To the extent possible, the notice must provide contact information available to the public for local, state, or federal agencies that administer public health care coverage.**

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4305 of the 100th Legislature is enacted into law.

Act No. 27

Public Acts of 2019

June 20, 2019

Filed with the Secretary of State

June 20, 2019

EFFECTIVE DATE: June 20, 2019

**STATE OF MICHIGAN**

**100TH LEGISLATURE**

**REGULAR SESSION OF 2019**

**Introduced by Reps. Vaupel and Brixie**

## **ENROLLED HOUSE BILL No. 4305**

AN ACT to amend 1982 PA 294, entitled “An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts,” by amending sections 2, 2a, 17, and 19 (MCL 552.502, 552.502a, 552.517, and 552.519), section 2 as amended by 2015 PA 253 and sections 2a, 17, and 19 as amended by 2009 PA 233.

*The People of the State of Michigan enact:*

Sec. 2. As used in this act:

- (a) “Alternative dispute resolution” means a process established under section 13 by which the parties are assisted in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.
- (b) “Bureau” means the state friend of the court bureau created in section 19.
- (c) “Centralizing enforcement” means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.

(d) “Chief judge” means the following:

(i) The circuit judge in a judicial circuit having only 1 circuit judge.

(ii) The chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.

(e) “Citizen advisory committee” means a citizen friend of the court advisory committee established as provided in section 4.

(f) “Consumer reporting agency” means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, “consumer report” means that term as defined in section 603 of the fair credit reporting act, 15 USC 1681a.

(g) “County board” means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.

(h) “Court” means the circuit court.

(i) “Current employment” means employment within 1 year before a friend of the court request for information.

(j) “Custody or parenting time order violation” means an individual’s act or failure to act that interferes with a parent’s right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(k) “De novo hearing” means a new judicial consideration of a matter previously heard by a referee.

(l) “Department” means the department of health and human services.

(m) “Domestic relations matter” means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

(i) 1846 RS 84, MCL 552.1 to 552.45.

(ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.

(iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(iv) 1968 PA 293, MCL 722.1 to 722.6.

(v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.

(vi) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) The uniform interstate family support act, 2015 PA 255, MCL 552.2101 to 552.2905.

(n) “Friend of the court” means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.

(o) “Friend of the court case” means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a.

(p) “Health care coverage” means a fee for service, health maintenance organization, preferred provider organization, or other type of private health care coverage or public health care coverage.

(q) “Income” means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

Sec. 2a. As used in this act:

(a) “Medical assistance” means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396w-5.

(b) “Office” and “office of the friend of the court” mean an agency created in section 3.

(c) “Office of child support” means the office of child support created in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.

(d) “Payer” means a person ordered by the circuit court to pay support.

(e) “Private health care coverage” means health care coverage obtained through an employer or purchased by an individual from an insurer.

(f) “Public assistance” means cash assistance provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(g) “Public health care coverage” means health care coverage that is established or maintained by a local, state, or federal government such as Medicaid established under title XIX of the social security act, 42 USC 1396 to 1396w-5 or the state children’s health insurance program established under title XXI of the social security act, 42 USC 1397aa to 1397mm.

(h) “Recipient of support” means the following:

- (i) The spouse, if the support order orders spousal support.
- (ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is 18 years of age or older.
- (iii) The department, if support has been assigned to that department.
- (iv) The county, if the minor is in county-supported foster care.
- (i) “State advisory committee” means the committee established by the bureau under section 19.
- (j) “State disbursement unit” or “SDU” means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.
- (k) “Support” means all of the following:

- (i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

- (ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the pregnancy of the mother or the birth of the child, or for the repayment of genetic testing expenses.

- (iii) A surcharge under section 3a of the support and parenting time enforcement act, MCL 552.603a.

- (l) “Support and parenting time enforcement act” means 1982 PA 295, MCL 552.601 to 552.650.

- (m) “Support order” means an order entered by the circuit court for the payment of support in a sum certain, whether in the form of a lump sum or a periodic payment.

- (n) “Title IV-D” means part D of title IV of the social security act, 42 USC 651 to 669b.

- (o) “Title IV-D agency” means that term as defined in section 2 of the support and parenting time enforcement act, MCL 552.602.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall use a procedure provided in section 17b to periodically review the order, as follows:

- (a) If a child is being supported in whole or in part by public assistance, not less than once each 36 months unless both of the following apply:

(i) The office receives notice from the department that good cause exists not to proceed with support action.

(ii) Neither party has requested a review.

(b) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to act on more than 1 request received from a party each 36 months.

(c) If a child is receiving medical assistance, not less than once each 36 months unless either of the following applies:

(i) The order requires provision of health care coverage for the child and neither party has requested a review.

(ii) The office receives notice from the department that good cause exists not to proceed with support action and neither party has requested a review.

(d) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office shall determine whether an order is due for review.

(e) At the direction of the court.

(f) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage should be modified, or both. Reasonable grounds to review an order under this subdivision include any of the following:

(i) Temporary or permanent changes in the physical custody of a child that the court has not ordered.

(ii) Increased or decreased need of the child.

(iii) Probable access by a parent to dependent health care coverage that is accessible to the child and available at a reasonable cost. Health care coverage is presumed accessible to the child and presumed available at a reasonable cost if it meets the guidelines provided in the child support formula developed by the bureau under section 19.

(iv) Changed dependent health care coverage cost from the amount used in the prior child support order.

(v) Changed financial conditions of a recipient of support or a payer, including any of the following:

(A) Application for or receipt of public assistance, unemployment compensation, or worker's compensation.

(B) Incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than 1 year. Within 14 days after receiving information that a recipient of support or payer is incarcerated or released from incarceration as described in this sub-subparagraph, the office shall initiate a review of the order.

(vi) That the order was based on incorrect facts.

(2) A review initiated by the office under subsection (1)(f) does not preclude the recipient of support or payer from requesting a review under subsection (1)(b).

(3) Within 180 days after determining that a review is required under subsection (1), the office shall obtain a modification of the order if appropriate.

(4) The office shall use the child support formula developed by the bureau under section 19 in calculating the child support award under section 17b.

(5) The office shall petition the court if modification is determined to be necessary under section 17b unless either of the following applies:

(a) The difference between the existing and projected child support award is less than the minimum threshold for modification of a child support amount as established by the formula.

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons for and amount of the prior deviation remain unchanged.

(6) The notice under section 17b(3) constitutes a petition for modification of the support order and shall be filed with the court.

(7) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office shall schedule a hearing before the court.

(8) If a support order lacks provisions for health care coverage, the office shall petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order when health care coverage is accessible to the child and available at a reasonable cost. The office shall use the guidelines provided for in the child support formula developed by the bureau under section 19 to recommend which parent provides health care coverage that is accessible to the child and available at a reasonable cost. The office shall not petition the court to require both parents to provide health care coverage under this subsection unless both parents already provide coverage or both agree to provide coverage. This subsection does not prevent the court from exercising its discretion to order health care coverage based on the child's needs or the parent's resources.

(9) The office shall determine the costs to each parent for dependent health care coverage and child care costs and shall disclose those costs in the recommendation under section 17b(3).

Sec. 19. (1) The state friend of the court bureau is created within the state court administrative office, under the supervision and direction of the supreme court.

(2) The bureau shall have its main office in Lansing.

(3) The bureau shall do all of the following:

(a) Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:

(i) Case load and staffing standards for employees who perform alternative dispute resolution functions, investigation and recommendation functions, referee functions, enforcement functions, and clerical functions.

(ii) Orientation programs for clients of the office.

(iii) Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.

(iv) Procedural changes in response to the type of grievances received by an office.

(v) Model pamphlets and procedural forms, which shall be distributed to each office.

(vi) A formula to be used in establishing and modifying a child support amount and health care obligation. The formula shall be based upon the needs of the child and the actual resources of each parent. The formula shall establish a minimum threshold for modification of a child support amount. The formula shall consider the child care and dependent health care coverage costs of each parent. The formula shall include guidelines for determining which parent is required to maintain health care coverage for the child and include a presumption for determining the reasonable cost and accessibility of health care coverage. The formula shall include guidelines for setting and administratively adjusting the amount of periodic payments for overdue support, including guidelines for adjustment of arrearage payment schedules when the current support obligation for a child terminates and the payer owes overdue support.

(b) Provide training programs for the friend of the court, providers of alternative dispute resolution, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules. The training programs shall include training in the dynamics of domestic violence and in handling domestic relations matters that have a history of domestic violence.

(c) Gather and monitor relevant statistics.

(d) Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding. The report shall be transmitted to the legislature and to each office and shall be made available to the public. The annual report required by this subdivision shall include, but is not limited to, all of the following:

(i) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.

(ii) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all citizen advisory committees in this state during the preceding year.

(iii) An identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services.

(e) Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.

(f) Develop standards and procedures for the transfer of part or all of the responsibilities for a case from 1 office to another in situations considered appropriate by the bureau.

(g) Certify alternative dispute resolution training programs.

(h) Establish a 9-person state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, giving preference to a member of a citizen advisory committee:

(i) Three public members who have had contact with an office of the friend of the court.

(ii) Three attorneys who are members of the state bar of Michigan and whose practices are primarily domestic relations law. Not more than 1 attorney may be a circuit court judge.

(iii) Three human service professionals who provide family counseling.

(i) Cooperate with the office of child support in developing and implementing a statewide information system as provided in the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(j) Develop and make available guidelines to assist the office of the friend of the court in determining the appropriateness in individual cases of the following:

(i) Imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support.

(ii) Implementing the offset of a delinquent payer's state income tax refund.

(k) Develop and provide the office of the friend of the court with all of the following:

(i) Form motions, responses, and orders to be used by a party, without the assistance of legal counsel, in making or responding to a motion for a payment plan under section 5e of the support and parenting time enforcement act, MCL 552.605e, or for the modification of a child support, custody, or parenting time order, including a domicile or residence provision.

(ii) Instructions on preparing and filing the forms, instructions on service of process, and instructions on scheduling a support, custody, or parenting time modification hearing.

(iii) Guidelines for imputing income for the calculation of child support.

(l) Develop guidelines for, and encourage the use of, plain language within the office including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account provided as required in section 9.

(m) In consultation with the domestic and sexual violence prevention and treatment board created in section 2 of 1978 PA 389, MCL 400.1502, develop guidelines for the implementation of section 41 of the support and parenting time enforcement act, MCL 552.641, that take into consideration at least all of the following regarding the parties and each child involved in a dispute governed by section 41 of the support and parenting time enforcement act, MCL 552.641:

(i) Domestic violence.

(ii) Safety of the parties and child.

(iii) Uneven bargaining positions of the parties.

(n) Coordinate the provision of title IV-D services by the friend of the court and cooperate with the office of child support in providing those services.

(4) The state advisory committee established under subsection (3)(h) shall advise the bureau in the performance of its duties under this section. The bureau shall make a state advisory committee report or recommendation available to the public. State advisory committee members shall be reimbursed for their expenses for mileage, meals, and, if necessary, lodging, under the schedule for reimbursement established annually by the legislature. A state advisory committee meeting is open to the public. A member of the public attending a state advisory committee meeting shall be given a reasonable opportunity to address the committee on any issue under consideration by the committee. If a vote is to be taken by the state advisory committee, the opportunity to address the committee shall be given before the vote is taken.

(5) The bureau may call upon each office of the friend of the court for assistance in performing the duties imposed in this section.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4304 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor

**SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)**  
**Act 295 of 1982**

**552.602 Definitions.**

Sec. 2. As used in this act:

(a) "Account" means any of the following:

- (i) A demand deposit account.
- (ii) A draft account.
- (iii) A checking account.
- (iv) A negotiable order of withdrawal account.
- (v) A share account.
- (vi) A savings account.
- (vii) A time savings account.
- (viii) A mutual fund account.
- (ix) A securities brokerage account.
- (x) A money market account.
- (xi) A retail investment account.

(b) "Account" does not mean any of the following:

- (i) A trust.
- (ii) An annuity.
- (iii) A qualified individual retirement account.
- (iv) An account covered by the employee retirement income security act of 1974, Public Law 93-406.
- (v) A pension or retirement plan.
- (vi) An insurance policy.

(c) "Alternative contempt track" means the alternative contempt track docket established under section 35a.

(d) "Cash" means money or the equivalent of money, such as a money order, cashier's check, or negotiable check or a payment by debit or credit card, which equivalent is accepted as cash by the agency accepting the payment.

(e) "Custody or parenting time order violation" means an individual's act or failure to act that interferes with a parent's right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.

(f) "Department" means the department of health and human services.

(g) "Domestic relations matter" means a circuit court proceeding as to child custody, parenting time, child support, or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:

- (i) 1846 RS 84, MCL 552.1 to 552.45.
- (ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.
- (iii) The child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.
- (iv) 1968 PA 293, MCL 722.1 to 722.6.
- (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.
- (vi) The revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.
- (vii) The uniform interstate family support act, 2015 PA 255, MCL 552.2101 to 552.2905.

(h) "Driver's license" means license as that term is defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25.

(i) "Employer" means an individual, sole proprietorship, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that hires and pays an individual for his or her services.

(j) "Financial asset" means a deposit, account, money market fund, stock, bond, or similar instrument.

(k) "Financial institution" means any of the following:

- (i) A state or national bank.
- (ii) A state or federally chartered savings and loan association.
- (iii) A state or federally chartered savings bank.
- (iv) A state or federally chartered credit union.
- (v) An insurance company.

(vi) An entity that offers any of the following to a resident of this state:

- (A) A mutual fund account.
- (B) A securities brokerage account.
- (C) A money market account.
- (D) A retail investment account.
- (vii) An entity regulated by the Securities and Exchange Commission that collects funds from the public.
- (viii) An entity that is a member of the national association of securities dealers and that collects funds from the public.
- (ix) Another entity that collects funds from the public.
- (l) "Friend of the court act" means the friend of the court act, 1982 PA 294, MCL 552.501 to 552.535.
- (m) "Friend of the court case" means that term as defined in section 2 of the friend of the court act, MCL 552.502.
- (n) "Health care coverage" means a fee for service, health maintenance organization, preferred provider organization, or other type of private health care coverage or public health care coverage.
- (o) "Income" means any of the following:
  - (i) Commissions, earnings, salaries, wages, and other income due or to be due in the future to an individual from his or her employer or a successor employer.
  - (ii) A payment due or to be due in the future to an individual from a profit-sharing plan, a pension plan, an insurance contract, an annuity, Social Security, unemployment compensation, supplemental unemployment benefits, or worker's compensation.
  - (iii) An amount of money that is due to an individual as a debt of another individual, partnership, association, or private or public corporation, the United States or a federal agency, this state or a political subdivision of this state, another state or a political subdivision of another state, or another legal entity that is indebted to the individual.
- (p) "Insurer" means an insurer, health maintenance organization, health care corporation, or other group, plan, or entity that provides health care coverage in accordance with any of the following acts:
  - (i) The public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
  - (ii) The insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.
  - (iii) The nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1101 to 550.1704.
- (q) "Medical assistance" means medical assistance as established under title XIX of the social security act, 42 USC 1396 to 1396w-5.
- (r) "Most recent semiannual obligation" means the total amount of current child support owed by a parent during the preceding January 1 to June 30 or July 1 to December 31.
- (s) "Occupational license" means a certificate, registration, or license issued by a state department, bureau, or agency that has regulatory authority over an individual that allows an individual to legally engage in a regulated occupation or that allows the individual to use a specific title in the practice of an occupation, profession, or vocation.
- (t) "Office of child support" means the office of child support established in section 2 of the office of child support act, 1971 PA 174, MCL 400.232.
- (u) "Office of the friend of the court" means an agency created in section 3 of the friend of the court act, MCL 552.503.
- (v) "Order of income withholding" means an order entered by the circuit court providing for the withholding of a payer's income to enforce a support order under this act.
- (w) "Payer" means an individual who is ordered by the circuit court to pay support.
- (x) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (y) "Plan administrator" means that term as used in relation to a group health plan under section 609 of title I of the employee retirement income security act of 1974, 29 USC 1169, if the health care coverage plan of the individual who is responsible for providing a child with health care coverage is subject to that act.
- (z) "Political subdivision" means a county, city, village, township, educational institution, school district, or special district or authority of this state or of a local unit of government.
- (aa) "Private health care coverage" means health care coverage obtained through an employer or purchased by an individual from an insurer.
- (bb) "Public health care coverage" means health care coverage that is established or maintained by a local, state, or federal government such as Medicaid established under title XIX of the social security act, 42 USC 1396 to 1396w-5 or the state children's health insurance program established under title XXI of the social security act, 42 USC 1397aa to 1397mm.
- (cc) "Recipient of support" means the following:
  - (i) The spouse, if the support order orders spousal support.
  - (ii) The custodial parent or guardian, if the support order orders support for a minor child or a child who is

18 years of age or older.

(iii) The department, if support has been assigned to that department.

(iv) The county, if the minor child is in county-funded foster care.

(dd) "Recreational or sporting license" means a hunting, fishing, or fur harvester's license issued under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, but does not include a commercial fishing license or permit issued under part 473 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.47301 to 324.47362.

(ee) "Referee" means a person who is designated as a referee under the friend of the court act.

(ff) "Source of income" means an employer or successor employer, a labor organization, or another individual or entity that owes or will owe income to the payer.

(gg) "State disbursement unit" or "SDU" means the entity established in section 6 of the office of child support act, 1971 PA 174, MCL 400.236.

(hh) "State friend of the court bureau" means that bureau as created in the state court administrative office under section 19 of the friend of the court act, MCL 552.519.

(ii) "Support" means all of the following:

(i) The payment of money for a child or a spouse ordered by the circuit court, whether the order is embodied in an interim, temporary, permanent, or modified order or judgment. Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.

(ii) The payment of money ordered by the circuit court under the paternity act, 1956 PA 205, MCL 722.711 to 722.730, for the necessary expenses connected to the mother's pregnancy or the birth of the child, or for the repayment of genetic testing expenses.

(iii) A surcharge under section 3a.

(jj) "Support order" means an order entered by the circuit court for the payment of support, whether or not a sum certain.

(kk) "Title IV-D" means part D of title IV of the social security act, 42 USC 651 to 669b.

(ll) "Title IV-D agency" means the agency in this state performing the functions under title IV-D and includes a person performing those functions under contract, including an office of the friend of the court or a prosecuting attorney.

(mm) "Work activity" means any of the following:

(i) Unsubsidized employment.

(ii) Subsidized private sector employment.

(iii) Subsidized public sector employment.

(iv) Work experience, including work associated with the refurbishing of publicly assisted housing, if sufficient private sector employment is not available.

(v) On-the-job training.

(vi) Referral to and participation in the PATH: partnership. accountability. training. hope. work partnership program or successor program prescribed in the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, or other job search and job readiness assistance.

(vii) A community service program.

(viii) Vocational educational training, not to exceed 12 months with respect to an individual.

(ix) Job skills training directly related to employment.

(x) Education directly related to employment, in the case of an individual who has not received a high school diploma or a certificate of high school equivalency.

(xi) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of an individual who has not completed secondary school or received such a certificate.

(xii) The provision of child care services to an individual who is participating in a community service program.

**History:** 1982, Act 295, Eff. July 1, 1983;—Am. 1985, Act 210, Eff. Mar. 1, 1986;—Am. 1990, Act 240, Imd. Eff. Oct. 10, 1990;—Am. 1995, Act 141, Eff. Jan. 1, 1996;—Am. 1995, Act 236, Eff. Mar. 28, 1996;—Am. 1996, Act 120, Imd. Eff. Mar. 6, 1996;—Am. 1996, Act 235, Eff. Jan. 1, 1997;—Am. 1996, Act 239, Eff. Jan. 1, 1997;—Am. 1998, Act 334, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 160, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 565, Eff. Dec. 1, 2002;—Am. 2002, Act 567, Eff. June 1, 2003;—Am. 2002, Act 568, Eff. Dec. 1, 2002;—Am. 2002, Act 570, Eff. June 1, 2003;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2004, Act 208, Eff. June 30, 2005;—Am. 2009, Act 193, Imd. Eff. Dec. 28, 2009;—Am. 2014, Act 373, Eff. Mar. 17, 2015;—Am. 2015, Act 256, Eff. Jan. 1, 2016;—Am. 2019, Act 26, Imd. Eff. June 20, 2019.

**SUPPORT AND PARENTING TIME ENFORCEMENT ACT (EXCERPT)**  
**Act 295 of 1982**

**552.605a Information to be provided to office of the friend of the court; health care coverage; use of guidelines; bond.**

Sec. 5a. (1) For a friend of the court case, a child support order entered or modified by the court shall provide that each party shall keep the office of the friend of the court informed of both of the following:

(a) The name and address of his or her current source of income.

(b) Health care coverage that is available to him or her or that is maintained by him or her; the name of the insurance company, nonprofit health care corporation, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate, or contract.

(2) If a child support order is entered, the court shall require that 1 or both parents obtain or maintain health care coverage that is accessible to the child and is available to the parent at a reasonable cost, for the benefit of the minor children of the parties and, subject to section 5b, for the benefit of the parties' children who are not minor children. The court shall utilize guidelines as provided for in the child support formula developed by the bureau under section 19 of the friend of the court act, MCL 552.519, to determine health care coverage that is accessible to the child and available at a reasonable cost. The court shall not require both parents to provide health care coverage under this subsection unless the parents already provide coverage or both parents agree to provide coverage. This subsection does not prevent the court from exercising its discretion to order health care coverage based on the child's needs and the parents' resources.

(3) A court may require either parent to file a bond with 1 or more sufficient sureties, in a sum to be fixed by the court, guaranteeing payment of child support.

**History:** Add. 2001, Act 106, Eff. Sept. 30, 2001;—Am. 2002, Act 572, Eff. Dec. 1, 2002;—Am. 2019, Act 26, Imd. Eff. June 20, 2019.

Item 7

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>UNIFORM SPOUSAL SUPPORT ORDER (PAGE 1)</b> <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	<b>CASE NO.</b>
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**Court address** \_\_\_\_\_ **Court telephone no.** \_\_\_\_\_

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

This order is entered  after hearing.  on stipulation/consent of the parties.

**IT IS ORDERED, UNLESS OTHERWISE ORDERED IN ITEM 11:**  Standard provisions have been modified (see item 11).

1. **Spousal Support.** Spousal support shall be paid monthly through the Michigan State Disbursement Unit as follows:

Payer:	Payee:	Amount: \$	Effective date:
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2. Income withholding takes immediate effect for those items payable through the Michigan State Disbursement Unit.

3. This order continues until the death of the payee or until the earliest of the following events:

- Date: \_\_\_\_\_  \$ \_\_\_\_\_ is paid.
- Remarriage of the payee.  Death of the payer.
- Other (specify all other events): \_\_\_\_\_

4. For tax purposes, the payments will be deductible to the payer and included in the income of the payee.

5. Payments that must be paid directly to the third party (not to the payee) are listed below. (Payments to be made directly to a third party are not payable through the Michigan State Disbursement Unit or friend of the court.)

Type	Amount Per Month	Start Date	Pay to	End Date
	\$			
	\$			
	\$			
	\$			

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

STATE OF MICHIGAN  
JUDICIAL CIRCUIT  
COUNTY

UNIFORM SPOUSAL SUPPORT ORDER  
(PAGE 2)

CASE NO.

EX PARTE  TEMPORARY  MODIFICATION  FINAL

Court address

Court telephone no.

Plaintiff's name

v

Defendant's name

- 6. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Support is a judgment the date it is due and is not retroactively modifiable. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues for more than the periodic support payments payable for two months under the payer's support order.
- 7. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
- 8. **Fees.** The payer of support shall pay statutory and service fees as required by law.
- 9. **Prior Orders. This order supersedes all prior spousal support orders.** Past-due amounts owed under any prior support order are preserved.
- 10. **Property Settlement.** All property settlement (alimony in gross) payment obligations that are set forth in the judgment are not part of this order.
- 11. **Other: (Attach separate sheets as needed.)**

\_\_\_\_\_  
Plaintiff (if consent/stipulation) Date

\_\_\_\_\_  
Defendant (if consent/stipulation) Date

\_\_\_\_\_  
Plaintiff's attorney Date

\_\_\_\_\_  
Defendant's attorney Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**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

**COURT USE ONLY**



This article clarifies information provided on page 10 of IRS Publication 5307, Tax Reform Basics for Individuals and Families for the repeal of deduction for alimony payments under the Tax Cuts & Jobs Act of 2017.

Alimony or separation payments paid to a spouse or former spouse under a divorce or separation agreement, such as a divorce decree, a separate maintenance decree, or a written separation agreement, may be alimony for federal tax purposes. Alimony or separation payments are deductible if the taxpayer is the payer spouse. Receiving spouses must include the alimony or separation payments in their income.

Beginning Jan. 1, 2019, alimony or separate maintenance payments are not deductible from the income of the payer spouse, or includable in the income of the receiving spouse, if made under a divorce or separation agreement executed after Dec. 31, 2018.

This also applies to a divorce or separation agreement executed on or before Dec. 31, 2018, and modified after December 31, 2018, as long as the modification:

- changes the terms of the alimony or separate maintenance payments; and
- states that the alimony or separate maintenance payments are not deductible by the payer spouse or includable in the income of the receiving spouse.

On the other hand, generally alimony or separate maintenance payments are deductible from the income of the payer spouse and includable in the income of the receiving spouse, if made under a divorce or separation agreement executed on or before Dec. 31, 2018, even if the agreement was modified after December 31, 2018, so long as the modification is not one described in the preceding paragraph.

*Page Last Reviewed or Updated: 22-Jul-2019*

## Item 8

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>EMPLOYER'S DISCLOSURE OF HEALTH INSURANCE AND/OR INCOME INFORMATION</b>	<b>CASE NO.</b>
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Friend of the court address Telephone no.

**NOTICE TO EMPLOYER**

Under Michigan law, you are required to provide information according to MCL 552.518. Return this completed form to the friend of the court at the above address. **Complete both sides and sign.**

1. Employee name		2. Address	
3. Social security number		4. Employer name	5. Employer federal identification no.
6. Employer address			

7. Hourly base pay	8. Shift premium	9. COLA	10. Avg. overtime \$/week	11. W-4 Exemp.	12. Reg. work hours /week	13. Pay period (weekly, etc.)
14. No. weeks paid this yr.	15. Date hired	16. Date of term. (if appl.)	17. Reason for leaving		18. Is this person receiving unemployment benefits? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Calculate year-to-date figures as of last pay period.

19. INCOME	Reg. Earnings (incl. shift prem. and COLA)	Overtime	Commissions and Bonuses	Pension and Longevity	Profit Sharing	Other (explain)	Gross	Deferred income in addition to gross
Year to Date								
Last Calendar Year								
20. RETIREMENT CONTRIBUTIONS	Mandatory Employee	Voluntary Employee						
Year to Date								
Last Calendar Year								
21. OTHER INCOME	Disability	Workers Comp.	Sick Pay	SUB Pay				
Year to Date					Disability carrier			
Last Calendar Year					Worker's compensation carrier			
22. WITHHOLDING	Federal Income Tax	F.I.C.A.	State Income Tax	Local Income Tax	Mandatory Professional or Union Dues	Alimony and Child Support	Mandatory Withholding (explain)	
Year to Date								
Last Calendar Year								

23. Check all that apply

- Employer offers a medical flexible spending account.
- Dependent insurance not offered to employees.
- Dependent insurance  medical  dental  optical is offered to the employee but the employee has not enrolled. (Attach information regarding dependent coverages and cost.)
- Employee will be eligible for dependent insurance. Date available: \_\_\_\_\_  
(Attach information regarding dependent coverages and cost.)
- Employee has enrolled for dependent insurance. (Complete items 24 through 29. If you need additional space, use the space below.)

24. Medical insurance company name, address, telephone no.   Policy no. and Group no.	25. Dental insurance company name, address, telephone no.   Policy no. and Group no.
26. Optical insurance company name, address, telephone no.   Policy no. and Group no.	27. Other insurance (i.e. prescription, mental health)

28. What dependent coverage is offered? Specify cost to employee

employee only   
  individual plus one   
  per family

Medical \$ \_\_\_\_\_ per \_\_\_\_\_   
  Dental \$ \_\_\_\_\_ per \_\_\_\_\_   
  Optical \$ \_\_\_\_\_ per \_\_\_\_\_

29. What dependents of employee are covered?

Name	DOB	Relationship	Medical	Dental	Optical
<div style="border: 1px solid black; display: inline-block; padding: 2px;">Effective Date of Coverage</div>					

Date	Name of person preparing form (type or print)	Telephone no.
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The information obtained from this disclosure form will be treated as confidential and will not be used or released except for purposes of administering, enforcing, and complying with state and federal laws governing child support.

Name of contact (type or print)	Title	Telephone no.	Date
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Use this space for any necessary explanations.

## Item 9

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>		<b>VERIFIED STATEMENT</b>				<b>CASE NO.</b>	
1. Parent's last name			First name		Middle name		2. Any other names by which parent is or has been known
3. Date of birth			4. Social security number			5. Driver's license number and state	
6. Mailing address and residence address (if different)							
7. E-mail address							
8. Eye color		9. Hair color	10. Height	11. Weight	12. Race	13. Gender	14. Scars, tattoos, etc.
15. Mobile telephone no.		16. Home telephone no.		17. Work telephone no.		18. Occupation	
19. Business/Employer's name and address						20. Gross weekly income	
21. Did this parent apply for or receive public assistance? If yes, please specify kind and case number. <input type="checkbox"/> Yes <input type="checkbox"/> No							
22. Other parent's last name			First name		Middle name		23. Any other names by which parent is or has been known
24. Date of birth			25. Social security number			26. Driver's license number and state	
27. Mailing address and residence address (if different)							
28. E-mail address							
29. Eye color		30. Hair color	31. Height	32. Weight	33. Race	34. Gender	35. Scars, tattoos, etc.
36. Mobile telephone no.		37. Home telephone no.		38. Work telephone no.		39. Occupation	
40. Business/Employer's name and address						41. Gross weekly income	
42. Did this parent apply for or receive public assistance? If yes, please specify kind and case number. <input type="checkbox"/> Yes <input type="checkbox"/> No							
43. a. Name and sex of minor child in case		M / F	b. Birth date	c. Age	d. Soc. sec. no.	e. Residential address	
44. a. Name and sex of other minor child of either party		M / F	b. Birth date	c. Age	d. Residential address		
45. Health care coverage available for each minor child							
a. Name of minor child		b. Name of policy holder		c. Name of insurance co./HMO		d. Policy/Certificate/Contract/Group no.	
46. Name(s) and address(es) of person(s) other than parties, if any, who may have custody of child(ren) during pendency of this case.							

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

If any of the public assistance information above changes before your judgment is entered, you are required to give the friend of the court written notice of the change. If you want child support services, complete form DHS 1201-D, available at your local friend of the court office or [courts.mi.gov/Administration/SCAO/Forms/courtforms/domesticrelations/generalfoc/dhs1201d.pdf](http://courts.mi.gov/Administration/SCAO/Forms/courtforms/domesticrelations/generalfoc/dhs1201d.pdf)

Michigan Compiled Laws Annotated  
Michigan Court Rules of 1985  
Chapter 3. Special Proceedings and Actions  
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.206

Rule 3.206. Initiating a Case

Effective: January 1, 2020  
Currentness

**(A) Information in Case Initiating Document.**

- (1) The form, captioning, signing, and verifying of documents are prescribed in MCR 1.109(D) and (E).
- (2) Except for matters considered confidential by statute or court rule, in all domestic relations actions, the complaint or other case initiating document must state
  - (a) the allegations required by applicable statutes;
  - (b) the residence information required by statute; and
  - (c) the complete names of any minors involved in the action, including all minor children of the parties and all minor children born during the marriage, and for complaints for divorce, the ages of all children born of the marriage.
- (3) When any pending or resolved family division case exists that involves family members of the person(s) named in the case initiation document filed under subrule (2), the filing party must complete and file a case inventory listing those cases, if known. The case inventory is confidential, not subject to service requirements in MCR 3.203, and is available only to the party that filed it, the filing party's attorney, the court, and the friend of the court. The case inventory must be on a form approved by the State Court Administrative Office. This does not apply to outgoing requests to other states and incoming registration actions filed under the Revised Uniform Reciprocal Enforcement of Support Act, MCL 780.151 *et seq.* and the Uniform Interstate Family Support Act, MCL 552.2101 *et seq.*
- (4) In an action for divorce, separate maintenance, annulment of marriage, or affirmation of marriage, regardless of the contentions of the parties with respect to the existence or validity of the marriage, the complaint also must state
  - (a) the names of the parties before the marriage;
  - (b) whether there are minor children of the parties or minor children born during the marriage;

(c) whether a party is pregnant;

(d) the factual grounds for the action, except that in an action for divorce or separate maintenance the grounds must be stated in the statutory language, without further particulars; and

(e) whether there is property to be divided.

(5) A party who requests spousal support in an action for divorce, separate maintenance, annulment, affirmation of marriage, or spousal support, must allege facts sufficient to show a need for such support and that the other party is able to pay.

(6) A party who requests an order for personal protection or for the protection of property, including but not limited to restraining orders and injunctions against domestic violence, must allege facts sufficient to support the relief requested.

**(B)** In a case in which the custody or parenting time of a minor is to be determined or modified, the filing party shall file a Uniform Child Custody Jurisdiction Enforcement Act Affidavit, on a form approved by the State Court Administrative Office, as required by MCL 722.1209(1).

**(C) Verified Statement and Verified Financial Information Form.**

(1) *Verified Statement.* In an action involving a minor, or if child support or spousal support is requested, the party seeking relief must provide to the friend of the court a verified statement containing, at a minimum, personal identifying, financial, and health care coverage information of the parties and minor children. A copy of the Verified Statement must be served on the other party. The Verified Statement must be completed on a form approved by the State Court Administrative Office.

(2) *Verified Financial Information Form.* Unless waived in writing by the parties, or unless a settlement agreement or consent judgment of divorce or other final order disposing of the case has been signed by both parties at the time of filing, and except as set forth below, each party must serve a Verified Financial Information Form (as provided by SCAO) within 28 days following the date of service of defendant's initial responsive pleading. If a party is self-represented and his or her address is not disclosed due to domestic violence, the parties' Verified Financial Information forms will be exchanged at the first scheduled matter involving the parties or in another manner as specified by the court or stipulated to by the parties. A party who is a victim of domestic violence, sexual assault or stalking by another party to the case, may omit any information which might lead to the location of where the victim lives or works, or where a minor child may be found. Failing to provide this Verified Financial Information form may be addressed by the court or by motion consistent with MCR 2.313. The Verified Financial Information form does not preclude other discovery. A proof of service must be filed when Verified Financial Information forms are served.

(3) The information in the Verified Statement and Verified Financial Information forms is confidential, and is not to be released other than to the court, the parties, or the attorneys for the parties, except on court order. For good cause, the addresses of a party and minors may be omitted from the copy of the Verified Statement and Verified Financial Information forms that are served on the other party. If a party excludes his or her address for good cause, that party shall either:

(a) submit to electronic filing and electronic service under MCR 1.109(G), or

(b) provide an alternative address where mail can be received.

(4) If any of the information required to be in the Verified Statement or Verified Financial Information forms is omitted, the party seeking relief must explain the reasons for the omission in those forms, or in a separate statement, verified under MCR 1.109(D)(3)(b) to be filed with the court by the due date of the form.

(5) A party who has served a Verified Financial Information form must supplement or correct its disclosure as ordered by the court or otherwise in a timely manner if the party learns that in some material respect the Verified Financial Information form is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the action or in writing.

(6) When the action is to establish paternity or child support and the pleadings are generated from Michigan's automated child support enforcement system, the party is not required to comply with subrule (C)(1) or (C)(2). However, the party may comply with subrule (C)(1) and (C)(2) to provide the other party an opportunity to supply any omissions or correct any inaccuracies.

**(D) Attorney Fees and Expenses.**

(1) A party may, at any time, request that the court order the other party to pay all or part of the attorney fees and expenses related to the action or a specific proceeding, including a post-judgment proceeding.

(2) A party who requests attorney fees and expenses must allege facts sufficient to show that:

(a) the party is unable to bear the expense of the action, including the expense of engaging in discovery appropriate for the matter, and that the other party is able to pay, or

(b) the attorney fees and expenses were incurred because the other party refused to comply with a previous court order, despite having the ability to comply, or engaged in discovery practices in violation of these rules.

**Credits**

[Adopted January 28, 1993, effective May 1, 1993, 441 Mich. Amended October 1, 1997, effective January 1, 1998, 456 Mich; September 11, 2002, effective January 1, 2003, 467 Mich; April 1, 2003, effective September 1, 2003, 468 Mich; May 30, 2018, effective September 1, 2018, 501 Mich. Amended effective September 11, 2019, 503 Mich. Amended June 19, 2019, effective January 1, 2020, 503 Mich; September 18, 2019, effective January 1, 2020, 503 Mich; November 13, 2019, effective January 1, 2020, 503 Mich.]

**Editors' Notes**

**COMMENTS**

Staff Comment to 1993 Adoption

Former subrule 3.204(A) has been rewritten [effective May 1, 1993] as subrule 3.206(A) to clarify the pleading requirements for different types of domestic relations actions. Subrule (B) is similar to former subrule 3.204(B), except that the term “alimony” has been replaced by the term “spousal support,” and there are several additions to the information that must be provided. For instance, it is now necessary to include in the verified statement the driver's license number and physical description of each party, any other names by which a party is known, and information about health care coverage. Also, the verified statement must now disclose the estimated weekly gross income of each party instead of the estimated after-tax income, and there must be a sworn affidavit identifying the reason for any omissions in the verified statement. Former subrule 3.204(C) has been eliminated; Rule 3.209 governs actions to be taken when parties reconcile. Subrule (C) governs attorney fees and expenses.

#### Staff Comment to 1998 Amendment

The amendment of MCR 3.206 relates to statutory changes made by 1996 PA 388, which created the family division of the circuit court. The amendment is effective January 1, 1998.

New MCR 3.206(A)(4) creates a requirement for identifying pending or prior family division actions involving members of the same family. References to that provision are included in MCR 5.931(B)(8), governing delinquency proceedings, and MCR 5.961(B)(7), governing child protective proceedings.

The amendment of Rule 3.206 of the Michigan Court Rules implements recent statutory changes that have created a family division of the circuit court. This amendment will remain in effect until further order of the court.

#### Staff Comment to January, 2003 Amendment

The September 11, 2002, amendments of MCR 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119, which were given immediate effect, are related to the group of domestic violence statutes enacted in December 2001 that took effect April 1, 2002.

The changes in MCR 3.206 and 3.214 are related to 2001 PA 195, which adopted the Uniform Child-Custody Jurisdiction and Enforcement Act, MCL 722.1101 *et seq.* There is also some nonsubstantive reorganization of MCR 3.214.

The amendment of MCR 3.705 implements the statutory provisions regarding the statement of reasons for granting or denying personal protection orders. See 2001 PA 196.

The amendment of MCR 3.706 incorporates the statutory provisions regarding enforceability of Michigan personal protection orders in other jurisdictions. See 2001 PA 200 and 201.

MCR 3.708 and 5.982 are amended to include foreign protection orders, which are made enforceable in Michigan by 2001 PA 197.

MCR 8.119(F) is amended to conform to 2001 PA 205, which directs that when a motion to seal court records involves allegations of domestic violence, the court is to consider the safety of the potential victim in ruling on the motion.

Note of January 22, 2003: By order dated September 11, 2002, this Court amended Rules 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119 of the Michigan Court Rules, effective immediately. 467 Mich xxvii-xxxi (No. 2, 2002). At the same time, the Court stated that it would consider at a future public hearing whether to retain the amendments, which relate to a group of statutes concerning domestic violence that were adopted in December 2001. Notice and an opportunity for comment at a public hearing having been provided, the amendments are retained.

#### Staff Comment to September, 2003 Amendment

The April 1, 2003, amendment of MCR 3.206(C), effective September 1, 2003, was suggested by the Michigan Judges Association to (1) reduce the number of hearings that occur because of a litigant's vindictive or wrongful behavior, (2) shift the costs associated with wrongful conduct to the party engaging in the improper behavior, (3) remove the ability of a vindictive litigant to apply financial pressure to the opposing party, (4) create a financial incentive for attorneys to accept a wronged party as a client, and (5) foster respect for court orders.

#### Staff Comment to 2018 Amendment

The amendments in this order are intended to begin moving trial courts toward a statewide uniform e-Filing process. In addition, the order moves existing language into MCR 1.109 as a way to, for the first time, include most filing requirements in one single rule, instead of scattered in various rules. The order largely mirrors the administrative orders that most e-Filing pilot projects have operated under, but contains some significant new provisions. For example, courts are required to maintain documents in an electronic document management system, and the electronic record is the official court record.

#### Staff Comment to 2019 Amendment

The amendments of MCR 1.109, 3.206, 3.931, and 3.961 enable family division courts to use the required case inventory form to administer cases while keeping the information confidential. This change is intended to prevent providing information that could affect the safety of domestic violence victims and their children.

#### Staff Comment to First January 1, 2020 Amendment

These amendments are based on a proposal created by a special committee of the State Bar of Michigan and approved for submission to the Court by the Bar's Representative Assembly. The rules require mandatory discovery disclosure in many cases, adopt a presumptive limit on interrogatories (20 in most cases, but 35 in domestic relations proceedings) and limit a deposition to 7 hours. The amendments also update the rules to more specifically address issues related to electronically stored information, and encourage early action on discovery issues during the discovery period.

The amendment of MCR 2.309(A)(2) sets a presumptive limit of twenty interrogatories for each separately represented party. Several commenters suggested that the term “discrete subpart” be more explicitly defined. But the rule's reference to “a discrete subpart” is intended to draw guidance from federal courts construing FR Civ P 30(a)(1). Generally, subparts are not separately counted if they are logically or factually subsumed within and necessarily related to the primary question. In upholding the limit, parties and courts should also pragmatically balance the overall goals of discovery and the admonition of MCR 1.105. Further, the intent of the provision at MCR 2.301(B)(4) is to ensure that parties responding to discovery requests have the full time period to do so as provided for under these rules prior to the expiration of the discovery period.

#### Staff Comment to Second January 1, 2020 Amendment

The amendments of MCR 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119 and rescission of MCR 2.226 and 8.125 continue the process for design and implementation of the statewide electronic-filing system.

#### Staff Comment to Third January 1, 2020 Amendment

This amendment of MCR 3.206 combines and harmonizes two amendments issued in separate ADM files (ADM File No. 2002-37 and ADM File No. 2019-18) amending the same rule.

MI Rules MCR 3.206, MI R SPEC P MCR 3.206

## Item 10

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT PROBATE COURT COUNTY</b>	<b>UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT AFFIDAVIT</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

<b>CASE NAME:</b>
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1. The name and present address of each child (under 18) in this case is:
  
2. The addresses where the child(ren) has/have lived within the last 5 years are:
  
3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:
  
4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except:** Specify case name and number, court name and address, and date of child custody determination, if one.
  
5. I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except:** Specify case name and number, court name and address, and nature of the proceeding.  
  
 That proceeding  is continuing.  has been stayed by the court.  
 Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.
  
6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except:** State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is \_\_\_\_\_ . See back for definition of "home state."

8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant	Name of affiant (type or print)	Address of affiant
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Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Date      Signature: \_\_\_\_\_

Notary public, State of Michigan, County of \_\_\_\_\_

"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period.

Michigan Compiled Laws Annotated  
Michigan Court Rules of 1985  
Chapter 1. General Provisions  
Subchapter 1.100. Applicability; Construction

MI Rules MCR 1.109

Rule 1.109. Court Records Defined; Document Defined; Filing  
Standards; Signatures; Electronic Filing and Service; Access

Effective: January 1, 2020 to December 31, 2020  
Currentness

**(A) Court Records Defined.**

(1) Court records are defined by MCR 8.119 and this subrule. Court records are recorded information of any kind that has been created by the court or filed with the court in accordance with Michigan Court Rules. Court records may be created using any means and may be maintained in any medium authorized by these court rules provided those records comply with other provisions of law and these court rules.

(a) Court records include, but are not limited to:

(i) documents, attachments to documents, discovery materials, and other materials filed with the clerk of the court,

(ii) documents, recordings, data, and other recorded information created or handled by the court, including all data produced in conjunction with the use of any system for the purpose of transmitting, accessing, reproducing, or maintaining court records.

(b) For purposes of this subrule:

(i) Documents include, but are not limited to, pleadings, orders, and judgments.

(ii) Recordings refer to audio and video recordings (whether analog or digital), stenotapes, log notes, and other related records.

(iii) Data refers to any information entered in the case management system that is not ordinarily reduced to a document, but that is still recorded information, and any data entered into or created by the statewide electronic-filing system.

(iv) Other recorded information includes, but is not limited to, notices, bench warrants, arrest warrants, and other process issued by the court that do not have to be maintained on paper or digital image.

(2) Discovery materials that are not filed with the clerk of the court are not court records. Exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.

**(B) Document Defined.** A document means a record produced on paper or a digital image of a record originally produced on paper or originally created by an approved electronic means, the output of which is readable by sight and can be printed to 8 ½ x 11 inch paper without manipulation.

**(C) Filing With Court Defined.** Pleadings and other documents and materials filed with the court as required by these court rules must be filed with the clerk of the court in accordance with MCR 1.109(D), except that the judge to whom the case is assigned may accept materials for filing when circumstances warrant. A judge who does so shall note the filing date on the materials and immediately transmit them to the clerk. It is the responsibility of the party who presented the materials to the judge to confirm that they have been filed with the clerk. If the clerk records the receipt of materials on a date other than the filing date, the clerk shall record the filing date in the case history.

**(D) Filing Standards.**

(1) *Form and Captions of Documents.*

(a) All documents prepared for filing in the courts of this state and all documents prepared by the court for placement in a case file must be legible and in the English language, comply with standards established by the State Court Administrative Office, and be on good quality 8 ½ by 11 inch paper or transmitted through an approved electronic means and maintained as a digital image. The font size must be 12 or 13 point for body text and no less than 10 point for footnotes, except with regard to forms approved by the State Court Administrative Office. Transcripts filed with the court must contain only a single transcript page per document page, not multiple pages combined on a single document page.

(b) The first part of every document must contain a caption stating:

(i) the name of the court;

(ii) the names of the parties or the title of the action or proceeding, subject to (c);

(iii) the case number, including a prefix of the year filed and a two-letter suffix for the case-type code from a list provided by the State Court Administrator pursuant to MCR 8.117, according to the principal subject matter of the proceeding;

(iv) the identification of the document;

(v) the name, business address, telephone number, and state bar number of each attorney appearing in the case; and

(vi) the name, an address, and telephone number of each party appearing without an attorney.

(c) In a civil action initiating document, the title of the action must include the names of all the parties, with the plaintiff's name placed first. In subsequent documents, it is sufficient to state the name of the first party on each side with an appropriate indication of other parties, such as "et al."

(d) In a case filed under the juvenile code, the caption must also contain a petition number, where appropriate.

(e) If an action has been assigned to a particular judge in a multi-judge court, the name of that judge must be included in the caption of a document later filed with the court.

(f) An affidavit must be verified by oath or affirmation.

(g) Pursuant to Administrative Order No. 2006-2, a filer is prohibited from filing a document that contains another person's social security number except when the number is required or allowed by statute, court rule, court order, or for purposes of collection activity when it is required for identification.

(2) *Case Initiation Information.* A party filing a case initiating document and a party filing any response or answer to a case initiating document shall provide specified case information in the form and manner established by the State Court Administrative Office and as specified in other applicable rules. At a minimum, specified case information shall include the name, an address for service, an e-mail address, and a telephone number of every party, and:

(a) in a civil action, either of the following statements:

(i) There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint, or

(ii) A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in [this court]/ [ \_\_\_\_\_ Court], where it was given case number \_\_\_\_\_ and was assigned to Judge \_\_\_\_\_. The action [remains]/[is no longer] pending.

(b) in proceedings governed by chapters 3.200 and 3.900, except for outgoing requests to other states and incoming registration actions filed under the Revised Uniform Reciprocal Enforcement of Support Act, MCL 780.151 *et seq.* and the Uniform Interstate Family Support Act, MCL 552.2101 *et seq.*, either of the following statements, if known:

(i) There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person[s] who [is/are] the subject of the complaint or petition, or

(ii) There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person[s] who [is/are] the subject of the complaint or petition. I have filed a completed case inventory listing those cases.

(3) *Verification*. Except when otherwise specifically provided by rule or statute, a document need not be verified or accompanied by an affidavit. If a document is required or permitted to be verified, it may be verified by

(a) oath or affirmation of the party or of someone having knowledge of the facts stated; or

(b) except as to an affidavit, including the following signed and dated declaration:

“I declare under the penalties of perjury that this \_\_\_\_\_ has been examined by me and that its contents are true to the best of my information, knowledge, and belief.” Any requirement of law that a document filed with the probate court must be sworn may be also met by this declaration.

In addition to the sanctions provided by subrule (E), a person who knowingly makes a false declaration under this subrule may be found in contempt of court.

(4) All other materials submitted for filing shall be prepared in accordance with this subrule and standards established by the State Court Administrative Office. An attachment or discovery material that is submitted for filing shall be made part of the public case file unless otherwise confidential.

(5) Except where electronic filing is implemented, all original documents filed on paper may be reproduced and maintained by the court as a digital image in place of the paper original in accordance with standards established by the State Court Administrative Office. Any document reproduced under this subrule replaces the paper as the official record.

(6) A clerk of the court may reject nonconforming documents as prescribed by MCR 8.119.

(7) Electronic filing and electronic service of documents is governed by subrule (G) and the policies and standards of the State Court Administrative Office.

(8) *Filing Documents Under Seal*. Public documents may not be filed under seal except when the court has previously entered an order in the case under MCR 2.302(C). However, a document may be made nonpublic temporarily before an order is entered as follows:

(a) A filer may request that a public document be made nonpublic temporarily when filing a motion to seal a document under MCR 8.119(I). As part of the filing, the filer shall provide a proposed order granting the motion to seal and shall identify each document that is to be sealed under the order. The filer shall bear the burden of establishing good cause for sealing the document.

(b) Pending the court's order, the filer shall serve on all the parties:

(i) copies of the motion to seal and the request to make each document nonpublic temporarily,

(ii) each document to be sealed, and

(iii) the proposed order.

(c) The clerk of the court shall ensure that the documents identified in the motion are made nonpublic pending entry of the order.

(d) Before entering an order sealing a document under this rule, the court shall comply with MCR 8.119(I). On entry of the order on the motion, the clerk shall seal only those documents stated in the court's order and shall remove the nonpublic status of any of the documents that were not stated in the order.

**(E) Signatures.**

(1) A signature, as required by these court rules and law, means a written signature as defined by MCL 8.3q or an electronic signature as defined by this subrule.

(2) *Requirement.* Every document filed shall be signed by the person filing it or by at least one attorney of record. A party who is not represented by an attorney must sign the document. In probate proceedings the following also applies:

(a) When a person is represented by an attorney, the signature of the attorney is required on any paper filed in a form approved by the State Court Administrator only if the form includes a place for a signature.

(b) An application, petition, or other paper may be signed by the attorney for the petitioner, except that an inventory, account, acceptance of appointment, and sworn closing statement must be signed by the fiduciary or trustee. A receipt for assets must be signed by the person entitled to the assets.

(3) *Failure to Sign.* If a document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party.

(4) An electronic signature is acceptable in accordance with this subrule.

(a) An electronic signature means an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. The following form is acceptable: /s/ John L. Smith.

(b) Retention of a signature electronically affixed to a document that will be retained by the court in electronic format must not be dependent upon the mechanism that was used to affix that signature.

(5) *Effect of Signature.* The signature of a person filing a document, whether or not represented by an attorney, constitutes a certification by the signer that:

(a) he or she has read the document;

(b) to the best of his or her knowledge, information, and belief formed after reasonable inquiry, the document is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; and

(c) the document is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(6) *Sanctions for Violation.* If a document is signed in violation of this rule, the court, on the motion of a party or on its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including reasonable attorney fees. The court may not assess punitive damages.

(7) *Sanctions for Frivolous Claims and Defenses.* In addition to sanctions under this rule, a party pleading a frivolous claim or defense is subject to costs as provided in MCR 2.625(A)(2). The court may not assess punitive damages.

(F) Requests for access to public court records shall be granted in accordance with MCR 8.119(H).

**(G) Electronic Filing and Service.**

(1) *Definitions.* For purposes of this subrule:

(a) “Authorized user” means a user of the e-filing system who is registered to file, serve, and receive documents and related data through approved electronic means. A court may revoke user authorization for good cause as determined by the court, including but not limited to a security breach.

(b) “Electronic filing” or “e-filing” means the electronic transmission of data and documents to the court through the electronic-filing system.

(c) “Electronic-filing system” means a system provided by the State Court Administrative Office that permits electronic transmission of data and documents.

(d) “Electronic notification” means the electronic transmission of information from the court to authorized users through the electronic-filing system. This does not apply to service of documents. See subrule (f).

(e) “Electronic service” or “e-service” means the electronic service of information by means of the electronic-filing system under this rule. It does not include service by alternative electronic service under MCR 2.107(C)(4).

(f) “Notice of electronic filing or service” means a notice automatically generated by the e-filing system at the time a document is filed or served.

(2) *Electronic-Filing and Electronic-Service Standards.* Courts shall implement electronic filing and electronic service capabilities in accordance with this rule and shall comply with the standards established by the State Court Administrative Office. Confidential and nonpublic information must be electronically filed or electronically served in compliance with these standards to ensure secure transmission of the information.

(3) *Scope and Applicability.*

(a) A court shall:

(i) accept electronic filing and permit electronic service of documents;

(ii) comply with the electronic-filing guidelines and plans approved by the State Court Administrative Office; and

(iii) maintain electronic documents in accordance with the standards established by the State Court Administrative Office.

(b) A court may allow documents, including but not limited to materials related to case evaluations or inventory information for decedent estates, to be transmitted to the court for purposes other than filing in a case file.

(c) *Non-Electronic Materials.* Courts must accommodate the filing and serving of materials that cannot be filed or served electronically.

(d) *Converting Paper Documents.* The clerk of the court shall convert to electronic format any document filed on paper.

(e) A court may electronically serve notices, orders, opinions, and other documents by means of the electronic-filing system.

(f) For the required case types, attorneys must electronically file documents in courts where electronic filing has been implemented. All other filers are required to electronically file documents only in courts that have been granted approval to mandate electronic filing by the State Court Administrative Office under AO 2019-XX.

(g) Where electronic filing is mandated, a party may file paper documents with that court and be served with paper documents according to subrule (G)(6)(a)(ii) if the party can demonstrate good cause for an exemption. For purposes of this rule, a court shall consider the following factors in determining whether the party has demonstrated good cause:

(i) Whether the person has a lack of reliable access to an electronic device that includes access to the Internet;

- (ii) Whether the person must travel an unreasonable distance to access a public computer or has limited access to transportation and is unable to access the e-Filing system from home;
  - (iii) Whether the person has the technical ability to use and understand email and electronic filing software;
  - (iv) Whether access from a home computer system or the ability to gain access at a public computer terminal present a safety issue for the person;
  - (v) Any other relevant factor raised by a person.
- (h) Upon request, the following persons are exempt from electronic filing without the need to demonstrate good cause:
- (i) a person who has a disability that prevents or limits the person's ability to use the electronic filing system;
  - (ii) a person who has limited English proficiency that prevents or limits the person's ability to use the electronic filing system; and
  - (iii) a party who is confined by governmental authority, including but not limited to an individual who is incarcerated in a jail or prison facility, detained in a juvenile facility, or committed to a medical or mental health facility.
- (i) A request for an exemption must be filed with the court in paper where the individual's case will be or has been filed. If the individual filed paper documents at the same time as the request for exemption, the clerk shall process the documents for filing. If the documents meet the filing requirements of subrule (D), they will be considered filed on the day they were submitted.
- (i) The request for an exemption must be on a form approved by the State Court Administrative Office and verified under MCR 1.109(D)(3). There is no fee for the request.
  - (ii) The request must specify the reasons that prevent the individual from filing electronically. The individual may file supporting documents along with the request for the court's consideration.
  - (iii) A judge must review the request and any supporting documentation and issue an order granting or denying the request within two business days of the date the request was filed.
  - (iv) The clerk of the court must promptly mail the order to the individual. The clerk must place the request, any supporting documentation, and the order in the case file. If there is no case file, the documents must be maintained in a group file.
  - (v) An exemption granted under this rule is valid only for the court in which it was filed and for the life of the case unless the individual exempted from filing electronically registers with the electronic-filing system. In that event, the individual

waives the exemption and becomes subject to the rules of electronic filing and the requirements of the electronic-filing system. An individual who waives an exemption under this rule may file another request for exemption.

(4) *Official Court Record.* The electronic version of any document filed with or generated by the court under this rule and any case initiation data transmitted in accordance with subrule (D)(2) is an official court record.

(5) *Electronic-Filing Process.*

(a) General Provisions.

(i) Specified case information, including e-mail addresses for achieving electronic service, shall be provided electronically by the authorized user in the form and manner established by the State Court Administrative Office pursuant to subrule (D)(2).

(ii) The authorized user has the responsibility of ensuring that a filing has been received by the electronic-filing system. If the authorized user discovers that the version of the document available for viewing through the e-filing system does not depict the document as submitted, the authorized user shall notify the clerk of the court immediately and resubmit the filing if necessary. In the event of a controversy between the clerk of the court and the authorized user, the authorized user may file a motion with the court under subrule (G)(7).

(iii) If the clerk of the court rejects a submitted document pursuant to MCR 8.119(C), the clerk shall notify the authorized user of the rejection and the reason for the rejection. A rejected document shall not become part of the official court record and the rejection shall be recorded in an electronic-filing transaction from the court to the authorized user in accordance with subrule (c).

(b) *Time and Effect of Electronic Filing.* A document submitted electronically is deemed filed with the court when the transmission to the electronic-filing system is completed and the required filing fees have been paid or waived. If a document is submitted with a request to waive the filing fees, no fees will be charged at the time of filing and the document is deemed filed on the date the document was submitted to the court. A transmission is completed when the transaction is recorded as prescribed in subrule (c). Regardless of the date a filing is accepted by the clerk of the court, the date of filing is the date submitted. Electronic filing is not restricted by the operating hours of a court and any document submitted at or before 11:59 p.m. of a business day is deemed filed on that business day. Any document submitted on a Saturday, Sunday, legal holiday, or other day on which the court is closed pursuant to court order is deemed filed on the next business day.

(c) *Electronic-Filing Transaction.* On receipt of a submission or on rejection of a submission for nonpayment, the electronic-filing system shall record the filing transaction and send a notice of receipt of the submission and payment or rejection to the authorized user. When the filing transaction is date and time stamped, the electronic-filing system shall record the filing transaction and send a notice of electronic-filing to the authorized user. If the filing is rejected, the electronic-filing system shall record the rejection and send a notice of the rejection to the authorized user. The system shall maintain for every court a record of each submission, payment, filing, and rejection transaction in accordance with the records retention and disposal schedules and standards established by the State Court Administrative Office. A notice of electronic filing shall include the date and time of the transaction, the name of the authorized user filing the document(s), the type of document, the name of the authorized user receiving the notice, and a hyperlink to the filed or rejected document(s).

(d) Documents Under Seal. Except for documents filed pursuant to a protective order issued under MCR 2.302(C), a party seeking to file a document under seal must comply with subrule (D)(8).

(6) *Electronic-Service Process.*

(a) General Provisions.

(i) Service of process of case initiating documents shall be made in accordance with the rules and laws required for the particular case type.

(ii) Service of process of all other documents electronically filed shall be accomplished electronically among authorized users through the electronic-filing system unless one or more parties have been exempted from electronic filing, or a party has not filed a response or answer or has not registered with the electronic-filing system and that party's e-mail address is unknown. In those circumstances, service shall be made on that party by any other method required by Michigan Court Rules.

(iii) Delivery of documents through the electronic-filing system in conformity with these rules is valid and effective personal service and is proof of service under Michigan Court Rules.

(iv) Except for service of process of initiating documents and as otherwise directed by the court or court rule, service may be performed simultaneously with filing.

(v) When a court rule permits service by mail, service may be accomplished electronically under this subrule.

(b) Time and Effect. A document served electronically through the electronic-filing system in conformity with all applicable requirements of this rule is considered served when the transmission to the recipient's e-mail address is completed. A transmission is completed when the transaction is recorded as prescribed in subrule (c).

(c) Electronic-Service Transaction. On transmission of a document, the electronic-filing system shall record the service transaction. The system shall maintain for every court a record of each service transaction in accordance with the state-approved records retention and disposal schedules and standards established by the State Court Administrative Office.

(7) *Transmission Failures.*

(a) In the event the electronic-filing system fails to transmit a document submitted for filing, the authorized user may file a motion requesting that the court enter an order permitting the document to be deemed filed on the date it was first attempted to be sent electronically. The authorized user must prove to the court's satisfaction that:

(i) the filing was attempted at the time asserted by the authorized user;

(ii) the electronic-filing system failed to transmit the electronic document; and

(iii) the transmission failure was not caused, in whole or in part, by any action or inaction of the authorized user. A transmission failure caused by a problem with a filer's telephone line, ISP, hardware, or software shall be attributed to the filer.

(b) Scheduled system outages, such as for system maintenance, shall be posted on the MiFILE website.

(c) Notice shall be provided on the MiFILE website and/or the One Court of Justice website if the electronic-filing system becomes unavailable for an extended or indefinite period. The notice shall indicate that filers are responsible for filing documents on paper and serving paper in another manner required by Michigan Court Rules in order to meet any deadlines imposed by statute or court rule.

### **Credits**

[Adopted February 22, 1990, effective January 1, 1991, 434 Mich. Amended September 30, 2003, effective January 1, 2004, 469 Mich. Amended effective May 24, 2012, 491 Mich. Amended October 31, 2012, effective January 1, 2013, 493 Mich.; May 30, 2018, effective September 1, 2018, 501 Mich. Amended March 20, 2019, effective May 1, 2019, 503 Mich. Amended effective August 14, 2019, 503 Mich. Amended June 5, 2019, effective September 1, 2019, 503 Mich. Amended effective September 11, 2019, 503 Mich. Amended September 18, 2019 effective January 1, 2020, 503 Mich.]

### **Editors' Notes**

#### **COMMENTS**

Staff Comment to 1991 Adoption

A proposal to require the use of letter-size paper for pleadings and other papers filed in Michigan courts has been under consideration for several years. See Administrative Order 1987-8.

New MCR 1.109, effective January 1, 1991, adopts such a requirement, consistent with the trend in many other jurisdictions, including the federal courts.

The requirement does not apply to attachments, though parties are encouraged to reproduce them on 8 ½ -by-11-inch paper as well.

Staff Comment to 2004 Amendment

The September 30, 2003 amendment of Rules 1.109 and 2.113 of the Michigan Court Rules, effective January 1, 2004, established a uniform type-size standard for all papers filed in Michigan courts. This conforms to the 12-point minimum that is required for briefs filed at the Court of Appeals, MCR 7.212(B), and applications and briefs filed at the Supreme Court, MCR 7.302, 7.304, 7.306, and 7.309. There is an exception for court forms approved by the State Court Administrative Office. The change does not preclude the filing of typewritten or legible handwritten pleadings, provided they meet the size requirements.

Staff Comment to 2012 Amendment

This amendment explicitly allows for the use of an electronic signature, and allows notarization by electronic process.

#### Staff Comment to 2013 Amendment

The amendments of these rules update the rules making them less “paper” focused and reflecting the use of electronic technology in the way courts process court records. The amendments also clarify and delineate the types of records and other materials maintained by a court, and clarify how access is provided.

#### Staff Comment to 2018 Amendment

The amendments in this order are intended to begin moving trial courts toward a statewide uniform e-Filing process. In addition, the order moves existing language into MCR 1.109 as a way to, for the first time, include most filing requirements in one single rule, instead of scattered in various rules. The order largely mirrors the administrative orders that most e-Filing pilot projects have operated under, but contains some significant new provisions. For example, courts are required to maintain documents in an electronic document management system, and the electronic record is the official court record.

#### Staff Comment to May, 2019 Amendment

The amendments of Rules 1.109, 2.102, 2.104, 2.106, 2.107, 2.117, 2.119, 2.403, 2.503, 2.506, 2.508, 2.518, 2.602, 2.603, 2.621, 3.101, 3.104, 3.203, 3.205, 3.210, 3.302, 3.607, 3.613, 3.614, 3.705, 3.801, 3.802, 3.805, 3.806, 4.201, 4.202, 4.303, 4.306, 5.001, 5.104, 5.105, 5.107, 5.108, 5.113, 5.117, 5.118, 5.119, 5.120, 5.125, 5.126, 5.132, 5.162, 5.202, 5.203, 5.205, 5.302, 5.304, 5.307, 5.308, 5.309, 5.310, 5.311, 5.313, 5.402, 5.404, 5.405, 5.409, 5.501, and 5.784 and addition of Rule 3.618 of the Michigan Court Rules are an expected progression necessary for design and implementation of the statewide electronic-filing system. These particular amendments will assist in implementing the goals of the project.

#### Staff Comment to August, 2019 Amendment

These amendments update cross-references and make other nonsubstantive revisions to clarify the rules.

#### Staff Comment to September 1, 2019 Amendment

The amendment of MCR 1.109 provides a single statewide process for requesting an exemption from the requirement to e-File, including both an automatic exemption for certain persons, and a list of factors for the court to consider when determining whether to exempt a person from the requirement to e-File.

#### Staff Comment to September 11, 2019 Amendment

The amendments of MCR 1.109, 3.206, 3.931, and 3.961 enable family division courts to use the required case inventory form to administer cases while keeping the information confidential. This change is intended to prevent providing information that could affect the safety of domestic violence victims and their children.

#### Staff Comment to 2020 Amendment

The amendments of MCR 1.109, 2.107, 2.113, 2.116, 2.119, 2.222, 2.223, 2.225, 2.227, 3.206, 3.211, 3.212, 3.214, 3.303, 3.903, 3.921, 3.925, 3.926, 3.931, 3.933, 3.942, 3.950, 3.961, 3.971, 3.972, 4.002, 4.101, 4.201, 4.202, 4.302, 5.128, 5.302, 5.731, 6.101, 6.615, 8.105, and 8.119 and rescission of MCR 2.226 and 8.125 continue the process for design and implementation of the statewide electronic-filing system.

MI Rules MCR 1.109, MI R GEN MCR 1.109

**UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT (EXCERPT)**  
**Act 195 of 2001**

**722.1209 Pleading or sworn statement; information.**

Sec. 209. (1) Subject to the law of this state providing for confidentiality of procedures, addresses, and other identifying information, in a child-custody proceeding, each party, in its first pleading or in an attached sworn statement, shall give information, if reasonably ascertainable, under oath as to the child's present address, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or sworn statement must state all of the following:

(a) Whether the party has participated, as a party or witness or in another capacity, in another child-custody proceeding with the child and, if so, identify the court, the case number of the child-custody proceeding, and the date of the child-custody determination, if any.

(b) Whether the party knows of a proceeding that could affect the current child-custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, and, if so, identify the court, the case number, and the nature of the proceeding.

(c) The name and address of each person that the party knows who is not a party to the child-custody proceeding and who has physical custody of the child or claims rights of legal custody or physical custody of, or parenting time with, the child.

(2) If the information required by subsection (1) is not furnished, upon motion of a party or its own motion, the court may stay the proceeding until the information is furnished.

(3) If the declaration as to an item described in subsection (1) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(4) Each party has a continuing duty to inform the court of a proceeding in this or another state that could affect the current child-custody proceeding.

(5) If a party alleges in a sworn statement or a pleading under oath that a party's or child's health, safety, or liberty would be put at risk by the disclosure of identifying information, the court shall seal and not disclose that information to the other party or the public unless the court orders the disclosure after a hearing in which the court considers the party's or child's health, safety, and liberty and determines that the disclosure is in the interest of justice.

**History:** 2001, Act 195, Eff. Apr. 1, 2002.

Item 11

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>ORDER REGARDING CUSTODY AND PARENTING TIME</b>	<b>(A) CASE NO.</b>
--	---	---------------------

Court address Court telephone no.

**(B)** Plaintiff's name, address, and telephone no.

---

Third party's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

**(C)** Date: \_\_\_\_\_

Judge: \_\_\_\_\_ Bar no.

- (D)** 1. This order is entered  after hearing.  
 on consent/stipulation of the parties.  
 after friend of the court alternative dispute resolution.

**(E) THE COURT FINDS:**

2. A motion requesting custody, parenting time, and support or a change to custody, parenting time, and support was filed.
3. A response to the motion was filed.
4. A change of circumstances  does  does not exist that warrants a custody order or a change in custody.
5. Proper cause  does  does not exist that warrants a custody order or a change in custody.
6. It  is  is not in the best interests of the child(ren) to  establish  change parenting time.
7. A material change of circumstances exists that warrants a change in the support order.
8. The parties met through the friend of the court alternative dispute resolution process. During the course of the alternative dispute resolution process the parties reached the agreement set forth in this order.
9. It is in the best interests of the child(ren) to dismiss the motion.

**IT IS ORDERED:**

10. The motion regarding custody, parenting time, and support is dismissed. The prior order remains in effect.
11. Custody is granted as follows:  
 Name(s) of child(ren): \_\_\_\_\_  
 Joint legal to  plaintiff.  defendant.  third party.  
 Unless otherwise agreed, a parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with MCL 722.31.  
 Joint physical to  plaintiff.  defendant.  third party.  
 Sole legal to  plaintiff.  defendant.  third party.  
 Sole physical to  plaintiff.  defendant.  third party.

12. Parenting time is  established.  changed as follows:  
 Explain in detail what the court has ordered.

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

13. The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. Each parent will endeavor to guide a child so as to promote the affectionate relationship between a child and the other parent. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary, or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child for the other party.

14. The parent with primary physical custody shall notify the friend of the court in writing whenever the address of a minor child changes. The domicile of the minor child may not be moved from the State of Michigan without prior approval of the court.

15. The Uniform Child Support Order is incorporated by reference (form FOC 10/52).

16. Except as provided in item 17, neither parent shall exercise parenting time in a foreign country/nation that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

17. Based on written agreement of the parties, \_\_\_\_\_ may exercise parenting time in \_\_\_\_\_, which is not a party to the Hague Convention on the Civil Aspects of International Child Abduction.

\_\_\_\_\_  
Plaintiff (if consent/stipulation) Date

\_\_\_\_\_  
Defendant (if consent/stipulation) Date

\_\_\_\_\_  
Plaintiff's attorney Date

\_\_\_\_\_  
Defendant's attorney Date

Prepared by: \_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

**CERTIFICATE OF MAILING**

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 by MCR 2.107(C)(3). I declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**COURT USE ONLY**

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>UNIFORM CHILD SUPPORT ORDER</b> <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	<b>CASE NO.</b>
--	--	-----------------

Court address Court telephone no.

Plaintiff's name, address, and telephone no.
Plaintiff's attorney name, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name, address, and telephone no.

- This order is entered     after hearing.     after statutory review.     on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with \_\_\_\_\_ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

**IT IS ORDERED**, unless otherwise ordered in item 12 or 13:     Standard provisions have been modified (see item 12 or 13).

**1. The children who are supported under this order and the payer and payee are:**

Payer:	Payee:	
Children's names, birthdates, and annual overnights with payer:		
Children's names	Date of birth	Overnights

Effective \_\_\_\_\_, the payer shall pay a monthly child support obligation for the children named above.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust:	\$	\$	\$	\$	\$
Subtotal:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Benefit credit:	\$	\$	\$	\$	\$
<b>Total:</b>	\$	\$	\$	\$	\$
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

(Continued on page 2.)

1. **Item 1** (continued).

**Uninsured Health-Care Expenses.** All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid \_\_\_\_\_% by the plaintiff and \_\_\_\_\_% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is \_\_\_\_\_.

**Obligation Ends.** Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

- Post-majority Support:** The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age:

(Specify name of child and date obligation ends.)

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**Child Care.** The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses. The child-care obligation for each child ends on August 31 following the child's 12th birthday, at which time the total child care obligation reduces by that child's pro rata share unless specified differently in this order.

2. **Insurance.** For the benefit of the children, the  plaintiff  defendant shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy  
 up to a maximum of \$ \_\_\_\_\_ for plaintiff.  up to a maximum of \$ \_\_\_\_\_ for defendant.  
 not to exceed 6% of the plaintiff's/defendant's gross income.
3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.
4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
8. **Redirection and Abatement.** Subject to statutory procedures, the friend of the court: 1) may redirect support paid for a child to the person who is providing the actual care, support, and maintenance of that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
9. **Fees.** The payer of support shall pay statutory and service fees as required by law.

- 10. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
- 11. **Prior Orders. This order supersedes all prior child support orders and all continuing provisions are restated in this order.** Past-due amounts owed under any prior support order in this case are preserved and paid at the rate calculated using the arrearage guideline in the Michigan Child Support Formula.
- 12. **Michigan Child Support Formula Deviation.** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.
- 13. **Other:** (Attach separate sheets as needed.)

\_\_\_\_\_  
Plaintiff (if consent/stipulation) Date

\_\_\_\_\_  
Defendant (if consent/stipulation) Date

\_\_\_\_\_  
Plaintiff's attorney Date

\_\_\_\_\_  
Defendant's attorney Date

Prepared by: \_\_\_\_\_  
Name (type or print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**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.  I certify that I also served the Deviation Addendum (FOC 10d) with this order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**COURT USE ONLY**

<b>STATE OF MICHIGAN CIRCUIT COURT</b>	<b>DOMESTIC VIOLENCE SCREENING</b>	<b>CASE NO. and JUDGE</b>
--	------------------------------------	---------------------------

Your name: \_\_\_\_\_ Date: \_\_\_\_\_  
First, middle, and last name

Our goal is to provide a safe environment for families with a friend of the court case. We often meet with both parents. However, there are times bringing both parents together may not be appropriate. Your answers to the following questions will help us determine whether both parents can meet together in a safe environment. The information you provide can only be viewed by judges, referees, and friend of the court staff. It cannot be viewed by the other parent or his or her attorney, and it cannot be used in any court proceedings. Please answer the following questions to the best of your ability.

1. Do you feel safe around the other parent?     yes     no    If no, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Is there currently or has there ever been a personal protection order or a no contact order limiting contact between you and the other parent?     yes     no    If yes, please explain and include when and where:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Is there currently or has there ever been a personal protection order or a no contact order issued against the other parent or you by someone else?     yes     no     Unknown about other parent    If yes, please explain and include when and where:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Have the police been called to your home or involved in any incidents in the past year between you and the other parent?  
 yes     no    If yes, please describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Have you or the other parent been arrested in the past year?  yes  no

If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you ever felt unsafe around the other parent?  yes  no

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Is there currently or has there ever been child protective (abuse/neglect) actions involving you and/or the other parent in Michigan or any other state or country?  yes  no  unknown about other parent

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Do you have any concerns about discussing issues regarding your children in front of the other parent?  yes  no

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Are you afraid that the other parent will harm or pressure you during or after a friend of the court meeting because of what is discussed in the meeting?  yes  no If yes, please explain \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you have any concerns about sitting in the same room with the other parent?  yes  no

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Do you think you can speak up for yourself in a friend of the court meeting if the other parent is also present?

yes  no If no, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Has the other parent ever made you feel threatened or harassed?  yes  no

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13: Is there anything not already discussed that would prevent you from participating in a friend of the court meeting with the other parent?  yes  no If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Your safety is important, so please contact us to discuss any safety concerns you may have and what can be done to address your concerns.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

<b>STATE OF MICHIGAN CIRCUIT COURT</b>	<b>ALTERNATIVE DISPUTE RESOLUTION SUMMARY REPORT FOR:</b> <input type="checkbox"/> <b>CONSENT ORDER</b> <input type="checkbox"/> <b>RECOMMENDED ORDER</b>	<b>CASE NO. and JUDGE</b>
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Friend of the court address Telephone no.

Plaintiff's name	<b>v</b>	Defendant's name
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**Use note:** Upon completion of the alternative dispute resolution process, a copy of this report should be sent to the judge together with the proposed order, if applicable. This report is not to be placed in the court file.

1. This report is being submitted following a  
 facilitative and information-gathering conference.     joint meeting.

2. The parties met with a friend of the court alternative dispute resolution provider on \_\_\_\_\_ .  
Date

3. The parties     were able     were unable    to reach an agreement.

4. The friend of the court alternative dispute resolution provider:  
 will take no further action.  
 will provide a recommended order to the court.  
 will serve a recommended order on the parties.  
 recommends the following action to resolve the remaining contested issues: \_\_\_\_\_

\_\_\_\_\_

has identified the following contested issues that might require the court's immediate attention: \_\_\_\_\_

\_\_\_\_\_

Other: \_\_\_\_\_

5. The parties have agreed to the following:

6. The parties do not agree to the following:

7. The child(ren) currently reside(s) with     plaintiff.     defendant.     both parties.

8. The child(ren) currently attend the following school(s): \_\_\_\_\_  
\_\_\_\_\_

9. The parties' work schedules are:

Plaintiff:  Su  M  Tu  W  Th  F  Sa \_\_\_\_\_ to \_\_\_\_\_  
Time Time

Defendant:  Su  M  Tu  W  Th  F  Sa \_\_\_\_\_ to \_\_\_\_\_  
Time Time

Other: \_\_\_\_\_  
\_\_\_\_\_

10. a. The plaintiff has had the following contact with the children:

b. The defendant has had the following contact with the children:

11. After proper screening and completion of a friend of the court alternative dispute resolution session the following issues were or were not raised:

Substance abuse issues	<input type="checkbox"/> yes	<input type="checkbox"/> no	Domestic abuse issues	<input type="checkbox"/> yes	<input type="checkbox"/> no
Child abuse issues	<input type="checkbox"/> yes	<input type="checkbox"/> no	Mental health issues	<input type="checkbox"/> yes	<input type="checkbox"/> no

12. Other issues the court should be aware of and/or action for consideration:

13. Attached is a support recommendation and calculations.

14. Following friend of the court alternative dispute resolution, the child custody factors and established custodial environment summary is as follows:

a. Established custodial environment

**Definition:** The custodial environment of a child is established if over an appreciable time the child naturally looks to the parent or parents in that environment for guidance, discipline, the necessities of life, and parental comfort. The age of the child, the physical environment, and the inclination of the parent or parents and the child as to permanency of the relationship shall also be considered.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

b. Child custody factors

Factor A. The love, affection, and other emotional ties existing between the parties involved and the child.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

Factor B. The capacity and disposition of the parties involved to give the child love, affection, and guidance and the continuation of the education and raising of the child in his or her religion or creed, if any.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

Factor C. The capacity and disposition of the parties involved to provide the child with food, clothing, medical care, or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

Factor D. The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

Factor E. The permanence, as a family unit, of the existing or proposed custodial home or homes.

This factor does not appear to be in dispute.

This factor appears to be in dispute.

Factor F. The moral fitness of the parties involved.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor G. The mental and physical health of the parties involved.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor H. The home, school, and community record of the child.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor I. The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor J. The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and other parent or the child and the parents. A court may not consider negatively for the purposes of this factor any reasonable action taken by a parent to protect a child or that parent from sexual assault or domestic violence by the child's other parent.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor K. Domestic violence, regardless of whether the violence was directed at or witnessed by the child.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

Factor L. Any other factor considered by the court to be of relevance to a particular child custody dispute.  
 This factor does not appear to be in dispute.  
 This factor appears to be in dispute.

\_\_\_\_\_  
Signature and date

\_\_\_\_\_  
Print name

Michigan Compiled Laws Annotated  
Michigan Court Rules of 1985  
Chapter 3. Special Proceedings and Actions  
Subchapter 3.200. Domestic Relations Actions

MI Rules MCR 3.224

Rule 3.224. Friend of the Court Alternative Dispute Resolution

Effective: January 1, 2020

Currentness

**(A) Friend of the Court Alternative Dispute Resolution Plan.** The chief judge of each circuit court shall submit a friend of the court alternative dispute resolution (ADR) plan to the State Court Administrative Office (SCAO) for approval as a local administrative order. The plan shall:

(1) Require the use of the domestic violence screening protocol provided by the SCAO to identify domestic violence, the existence of a protection order as defined in MCL 552.513 between the parties or other protective order, child abuse or neglect, and other safety concerns. The plan shall provide a method to address those concerns.

(2) State the circumstances under which the friend of the court may exclude a case from friend of the court ADR under subrule (D)(2).

(3) Designate the matters each friend of the court ADR process will address, subject to subrule (C)(1).

(4) Designate which friend of the court ADR processes are used in prejudgment or postjudgment friend of the court domestic relations cases.

(5) Designate the manner in which the friend of the court will conduct each process.

(6) Specify how cases are referred to friend of the court ADR.

(7) Address how the court complies with the training, qualifications, and confidentiality provisions for friend of the court ADR processes established by the SCAO pursuant to subrule (J).

(8) Provide that attorneys of record will be allowed to attend, and participate in, all friend of the court ADR processes, or elect not to attend upon mutual agreement with opposing counsel and their client.

(9) Set forth any additional procedures, standards, training, qualifications, and confidentiality requirements of any other friend of the court ADR process the court uses other than those processes set forth in this rule.

(10) Provide that participants in a friend of the court ADR process may not record the proceeding.

**(B) Definitions.** When used in this rule, unless the context indicates otherwise:

(1) “Domestic violence” means the presence of coercion or violence that would make friend of the court ADR physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues.

(2) “Friend of the court ADR” means a process established under MCL 552.513 by which the parties are assisted to voluntarily agree to resolve a dispute concerning child custody, parenting time, or support that arises from a domestic relations matter. Friend of the court ADR includes friend of the court mediation, and may include facilitative and information-gathering conferences, joint meetings, and other friend of the court alternative dispute resolution services.

(3) “Friend of the court facilitative and information-gathering conference” is a process in which a facilitator assists the parties in reaching an agreement. If the parties fail to reach an agreement, the facilitator may prepare a report and/or recommended order.

(4) “Friend of the court domestic relations mediation” means a process in which a neutral third party facilitates confidential communication between parties to explore solutions to settle custody and parenting time or support issues for friend of the court cases. Friend of the court domestic relations mediation is not governed by MCR 3.216, which relates to domestic relations mediation conducted without participation or supervision of the friend of the court.

(5) “Joint meeting” means a process in which a person discusses proposed solutions with the parties to a custody or parenting time complaint or an objection to a friend of the court support recommendation.

(6) “Protected party” means a person who has a personal protection order or other protective order against another party to the case or a person who, due to the presence of coercion or violence in a relationship with another party to the case, could be physically or emotionally unsafe.

**(C) Friend of the Court ADR Referral.**

(1) On written stipulation of the parties, on written motion of a party, or on the court's initiative, the court may order any contested custody, parenting time, or support issue in a domestic relations case, including postjudgment matters to the friend of the court mediation by written order.

(2) The court may, by an order or through its friend of the court ADR plan, provide that the parties are to meet with a person conducting ADR other than friend of the court domestic relations mediation concerning custody, parenting time, and support issues, unless otherwise provided by statute or court rule.

**(D) Cases Exempt from Friend of the Court ADR.**

(1) Parties who are, or have been, subject to a personal protection order or other protective order or who are involved in a past or present child abuse and neglect proceeding may not be referred to friend of the court ADR without a hearing to determine whether friend of the court ADR is appropriate. The court may order ADR if a protected party requests it without holding a hearing.

(2) The friend of the court may exempt cases from ADR by the friend of the court on the basis of the following:

(a) child abuse or neglect;

(b) domestic abuse, unless the protected party submits a written consent and the friend of the court takes additional precautions to ensure the safety of the protected party and court staff;

(c) inability of one or both parties to negotiate for themselves at the ADR, unless attorneys for both parties will be present at the ADR session;

(d) reason to believe that one or both parties' health or safety would be endangered by ADR; or

(e) for other good cause shown.

(3) The friend of the court shall notify the court when a friend of the court case has been exempted from friend of the court ADR.

(4) If the friend of the court exempts a case from ADR, a party may file a motion and schedule a hearing to request the court to order friend of the court ADR.

**(E) Objections to Friend of the Court ADR.**

(1) A party may object to ADR under this rule. An objection must be based on one or more of the factors in subrule (D)(2), and must allege facts in support of the objection.

(2) *Objection to Mediation:*

(a) To object to friend of the court domestic relations mediation, a party must file a written motion to remove the case from friend of the court mediation and a notice of hearing of the motion, and serve a copy on all parties or their attorneys of record within 14 days after receiving notice of the order. The motion must be set for hearing within 14 days after it is filed, unless the hearing is adjourned by agreement of counsel or the court orders otherwise.

(b) A timely motion must be heard before the case is mediated.

*(3) Objection to Friend of the Court Facilitative Information-Gathering Conference:*

(a) To object to a friend of the court facilitative and information-gathering conference, a party must include the objection within the pleading or postjudgment motion initiating the action, a responsive pleading or answer, or file the objection within 14 days of the date that the notice is sent to the party. All objections must be filed with the court.

(b) The objecting party must schedule the hearing, and serve a copy of the objection and notice of hearing on all parties and/or attorneys of record.

(c) If a party timely objects, the friend of the court shall not hold a facilitative and information-gathering conference unless the court orders a conference after motion and hearing or the objecting party withdraws the objection.

*(4) Objection to Joint Meetings:*

(a) To object to a joint meeting, the party must file a written objection with the friend of the court and provide a copy to all parties and their attorneys of record before the time scheduled for the joint meeting.

(b) If a party files an objection, the friend of the court shall not hold a joint meeting unless the court orders a joint meeting following a hearing on motion of a party or the objecting party withdraws the objection.

**(F) Friend of the Court Facilitative and Information-Gathering Conference Procedure.**

(1) A friend of the court facilitative and information-gathering conference shall use the following procedure:

(a) The conference may not begin until the friend of the court case has been screened for domestic violence using a screening protocol provided by the State Court Administrative Office as directed by the Supreme Court.

(b) If domestic violence is identified or suspected, the conference may not proceed unless the protected party submits a written consent and the friend of the court takes additional precautions to ensure the safety of court staff and the protected party. Throughout the facilitative and information-gathering conference process, the facilitator must make reasonable efforts to screen domestic violence that would make the conference physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues.

(c) At the beginning of the conference, the facilitator will advise the parties and their attorneys, if applicable, of the following:

(i) the purpose of the conference and how the facilitator will conduct the conference and submit an order or recommendation to the court under (F)(2)(a);

(ii) how information gathered during the conference will be used;

(iii) that statements made during the conference are not confidential and can be used in other court proceedings, and shall not be recorded; and

(iv) that the parties are expected to provide information as required by MCL 552.603 to the friend of the court and the consequences of not doing so.

(2) If the parties resolve all contested issues, the facilitator shall submit a report to the court as provided in subrule (I) and may provide a proposed order to the court setting forth the parties' agreements.

(a) If the parties do not resolve all contested issues at the conference or the parties agree to resolve all or some contested issues but do not sign the proposed order, the facilitator shall submit a report as provided in subrule (I) and may do one of the following:

(i) Prepare and forward a recommended order to the court within seven days from the date of the conference. The court may enter the recommended order if it approves the order and must serve it on all parties and attorneys of record within seven days after the date the court enters the order. Accompanying the order must be a notice that a party may object to the order by filing a written objection to the court within 21 days after the date of service, and by scheduling a hearing on the objection. If there is a timely objection, the hearing must be held within 21 days after the objection is filed. If a party objects, the order remains in effect pending a hearing on a party's objection unless the court orders otherwise.

(ii) Prepare and serve a recommended order on the parties within seven days from the date of the conference along with a notice that the recommended order will be presented to the court for entry unless a party objects by filing a written objection within 21 days after the date of service, and by scheduling a hearing on the objection. If neither party files a timely objection, the court may enter the order if it approves.

(iii) Submit a recommendation to the court for further action the court might take to help the parties resolve the remaining contested issues in the case, or alert the court there are contested issues that might require the court's immediate attention.

(b) A party may consent to entry of a recommended order by signing a copy of the order at the time of the conference or after receiving the recommended order. A party who consents to entry of the order waives the right to object to the order and must file a motion to set the order aside once it enters.

(c) Except for communications made during domestic violence screening under subrule (A)(1), (F)(1)(a), and (H)(1)(a), communications made during a friend of the court facilitative and information-gathering conference are not confidential and may be used in court proceedings.

**(G) Friend of the Court Domestic Relations Mediation Procedure.**

(1) Domestic relations mediation will be conducted by a mediator selected by the friend of the court.

(a) The mediation may not begin until the friend of the court case has been screened for domestic violence using a screening protocol provided by the State Court Administrative Office as directed by the Supreme Court.

(b) If domestic violence is identified or suspected, the mediation process may not continue unless the protected party submits a written consent and the friend of the court takes additional precautions to ensure the safety of the protected party and court staff. Throughout the mediation process, the mediator must make reasonable efforts to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues.

(c) At the beginning of the mediation, the mediator will advise the parties and their attorneys, if applicable, of the following:

(i) the purpose of mediation;

(ii) how the mediator will conduct mediation;

(iii) except as provided for in MCR 2.412(D)(8), statements made during the mediation process are confidential and cannot be used in court proceedings.

(d) If the parties reach an agreement, the mediator shall submit a proposed order and a report pursuant to subrule (I) within seven days.

(e) If the parties do not reach an agreement within seven days of the completion of mediation, the mediator shall so advise the court stating only the date of completion of the process, who participated in the mediation, whether settlement was reached, and whether additional friend of the court ADR proceedings are contemplated.

(2) With the exceptions provided for in MCR 2.412(D), communications during friend of the court domestic relations mediation process are confidential and cannot be used in court proceedings and cannot be recorded.

**(H) Joint Meeting Procedure.**

(1) Joint meetings shall be conducted as provided in this subrule:

(a) The joint meeting may not begin until the friend of the court case has been screened for domestic violence using a screening protocol provided by the State Court Administrative Office as directed by the Supreme Court.

(b) If domestic violence is identified or suspected, the meeting may not proceed unless the protected party submits a written consent and the friend of the court takes additional precautions to ensure the safety of the protected party and court staff. Throughout the joint meeting, the person conducting the joint meeting must make reasonable efforts to screen for the presence of coercion or violence that would make the joint meeting physically or emotionally unsafe for any participant or that would impede achieving a voluntary and safe resolution of issues.

(c) At the beginning of a joint meeting, the person conducting the meeting shall do the following:

(i) advise the parties that statements made during the joint meeting are not confidential and can be used in other court proceedings;

(ii) advise the parties that the purpose of the meeting is for the parties to reach an accommodation and how the person will conduct the meeting;

(iii) advise the parties that the person may recommend an order to the court to resolve the dispute; and

(iv) explain to the parties the information provided for in subrules (H)(1)(d)-(e).

(d) At the conclusion of a joint meeting, the person conducting the meeting shall submit a report within seven days pursuant to subrule (I) and may do one of the following:

(i) If the parties reach an accommodation, record the accommodation in writing and provide a copy to the parties and attorneys of record. If the accommodation modifies an order, the person must submit a proposed order to the court. If the court approves the order, the court shall enter it; or

(ii) Submit an order to the court stating the person's recommendation for resolving the dispute. The parties may consent by signing the recommended order and waiving the objection period in accordance with (H)(1)(e)(iii). If the court approves the order, the court shall enter it.

(e) If the person conducting the joint meeting submits a recommended order within seven days to the court, the friend of the court must serve the parties and attorneys of record a copy of the order and a notice that provides the following information:

(i) that the court may enter the recommended order resolving the dispute unless a party objects to the order within 21 days after the notice is sent;

(ii) when and where a written objection must be submitted;

(iii) that a party may waive the 21-day objection period by returning a signed copy of the recommended order; and

(iv) if a party files a written objection within the 21-day limit, the friend of the court office shall set a court hearing before a judge or referee to resolve the dispute. If a party fails to file a written objection within the 21-day limit, the office shall submit the proposed order to the court for entry if the court approves it.

(2) Except for communications made during domestic violence screening, communications made during a joint meeting are not confidential and may be used in other court proceedings and cannot be recorded.

**(I)** The SCAO shall develop forms for reports and orders that the friend of the court shall use in the ADR processes under this court rule.

(1) A report form for a proposed consent order shall contain sufficient information to allow the court to make an independent determination that the proposed order is in the child's best interest.

(2) When the parties do not resolve some or all of the issues in a facilitative and information-gathering conference or when the friend of the court submits a proposed order following a joint meeting, the report shall contain the parties' agreed-upon and disputed facts and issues.

(3) A report under this subrule is not a friend of the court report entitled to consideration under MRE 1101(b)(9). In any contested hearing, the court may use the report to:

(a) decide the contested matter to the extent the parties do not dispute the issues or facts in the report or to the extent that the contested issues and facts are not material to the court's decision; or

(b) if the parties dispute any issues or facts in the report, the court must make an independent determination based on evidence and testimony presented at the hearing or a subsequent hearing.

(4) The court may, on its own motion, order the friend of the court to conduct an investigation and provide a report under MCL 552.505(1)(G).

**(J) Qualification of ADR Providers.**

(1) The SCAO shall establish training and qualification requirements for persons conducting each type of ADR under this court rule.

(2) The SCAO shall also provide a process for waiving training and qualification requirements when:

(a) the trial court demonstrates a person who meets the requirements is not reasonably available and the court's proposed candidate has suitable qualifications equivalent to those established by the SCAO; or

(b) the person will complete the requirements within a reasonable time determined by the SCAO.

**Credits**

[Adopted July 24, 2019, effective January 1, 2020, 503 Mich.]

**Editors' Notes**

**COMMENTS**

**Staff Comment to 2020 Adoption**

This proposal was developed by a workgroup facilitated by SCAO's Friend of the Court division to make more uniform the ADR processes used by Friend of the Court offices.

MI Rules MCR 3.224, MI R SPEC P MCR 3.224  
Current with amendments received through February 1, 2020.

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End of Document

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