



# Frequently Asked Questions

(And answers from the  
State Court Administrative Office  
Friend of the Court Bureau)

**FAQ 2020-02**

**August 24, 2020**

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## Friends of the Court Changing Legal Addresses

This FAQ answers common questions and clarifies policy related to Administrative Memorandum 2019-01: [Friend of the Court Guidelines for Determining, Changing, or Suppressing Addresses of Parties and Nonparties](#) dated January 15, 2019. If court or friend of the court (FOC) staff have questions or would like additional information or clarification on the Address Memorandum, please contact Tim Cole at [colet@courts.mi.gov](mailto:colet@courts.mi.gov) or 517-373-5975.

1. Q. Can an FOC office administratively change the legal address of a party under [MCR 3.203\(D\)\(2\)](#) after receiving postal verification of a new address from the United States Postal Service (USPS)?
  - A. Yes. [MCL 552.603\(7\)\(a\)](#) requires parties to notify their FOCs in writing within 21 days of a change in their address. When mail is returned from a legal address as undeliverable, the FOC may administratively change the legal address once the new address is verified.<sup>1</sup> A postal verification is not completely certain.<sup>2</sup> Although the USPS verification only confirms that mail for an individual is delivered to a particular address, not that the person actually lives there, the address is preferable to a situation in which mail continues to be mailed to a bad address and returned as undeliverable.<sup>3</sup>
2. Q. Can the FOC change the legal address on its records when a different address appears on the QN 116 (unemployment report)?
  - A. When mail is returned from a legal address as undeliverable, the FOC may administratively change the legal address to the address listed on the QN 116 report. The FOC should send a postal verification to the address listed on the QN 116 report to verify mail is delivered to the party at that address.

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<sup>1</sup> [MCR 3.203](#) and [SCAO Administrative Memorandum 2019-01](#).

<sup>2</sup> The process has some safeguards. Anyone who submits false or inaccurate information on this form is subject to punishment by fine or imprisonment or both under 18 USC 2, 1001, 1702, and 1708.

<sup>3</sup> Some FOCs have received notice from the USPS that their office may be charged increased mailing costs if they do not make timely updates of addresses that have been returned to the office as undeliverable under a “move update” found at <https://changeaddress-mail.com/lp-2.php?nid=b95&aid=m216-200506-lp2>. The USPS requires mailers who claim presort or automation rates for first class mail service to demonstrate that they updated the addresses in their mailing lists within a specific time frame prior to the mailing date. The State of Michigan’s Department of Technology, Management, and Budget (DTMB) has equipment that automatically handles this concern for FOC offices that use DTMB mailing services.

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3. Q. Can the FOC change the legal address if a party provides a new address while testifying in a court proceeding?
- A. Sometimes a party orally declares or affirms an address to be his/her own current mailing address during a hearing before a judge or referee. While this information might be reliable, Michigan Court Rules do not approve this as a method of verification. Compliance with the Michigan Court Rules requires that a party confirm the new address in writing. If the party fails to change an address in writing, the FOC should not change its address for the party unless mail is returned as undeliverable and the FOC sends a postal verification to the new address to ensure that mail is delivered to the party. Another acceptable alternative would be for the court to order the FOC to change the address because of the new information.
4. Q. Can an FOC office consider mail returned as undeliverable based on an electronic notification from a USPS source that the address is no longer valid for the addressee?
- A. Yes. The USPS determines and returns mail as undeliverable based on its electronic databases. Because the information returned on undeliverable mail comes from the same source, the FOC may rely on electronic information from a USPS source in the same manner as information returned on undeliverable notices or papers.
5. Q. Can an FOC office administratively change a party's address in its records based on an electronic notification from the USPS source?<sup>4</sup>
- A. Yes. After determining that mail is undeliverable to a party, the office may treat electronic notification of a new address from a USPS database in the same manner as other written verification from the USPS. When an office uses information provided by a source other than the party to update the address for service required under [MCR 3.203\(D\)\(2\)](#), SCAO recommends notifying the party to give the party an opportunity to provide a different address to receive service of notices associated with the party's case(s).
6. Q. Can an FOC office update its records using an address that the party provides via electronic means (e.g., MiChildSupport, electronic documents, secured websites, etc.)?
- A. Yes. An office may treat information provided electronically by a party the same as if it was provided in a physical document. Before relying on the information, however, FOC offices should have some assurance that the *party* disclosed or wrote it. Some methods to authenticate that information originated from the party include recognized digital signatures or IDs, electronically imaged documents, imaged signatures, delivery from the individual's verified e-mail address,<sup>5</sup> and information reported to the office through an individual's password-restricted account in a database or secured website. Offices should maintain an appropriate record that properly documents the electronic communication.
7. Q. Which address should the FOC use when it sends out two postal verifications and the USPS verifies that the person is receiving mail at both addresses?
- A. When the FOC sends two postal verifications and the USPS verifies that a party is receiving mail at both addresses, the FOC should send an [FOC 108](#) to both addresses. The FOC should administratively change the address when it receives the completed FOC 108

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<sup>4</sup> As of the date of this FAQ, the USPS electronic notification system used by the Michigan Child Support System is known as the National Change of Address.

<sup>5</sup> A verified address is an address the FOC staff person has reason to believe is the party's e-mail address.

or use the most recent address verified by the postal verification if the FOC 108 is not returned.

8. Q. Can the FOC administratively change a party's address when it receives information that a party is incarcerated?
  - A. The FOC should independently verify the party's incarceration, expected length of incarceration, and that mail is returned as undeliverable from the party's address.