

**THIRTY-FIFTH JUDICIAL CIRCUIT OF MICHIGAN
OFFICE OF FRIEND OF THE COURT**

Circuit Court Judge
MATTHEW J. STEWART

**SHIAWASSEE COUNTY
208 N. SHIAWASSEE
CORUNNA, MICHIGAN 48817
PHONE: (989) 743-2397
Account Information: 1-877-543-2660**

Friend of the Court
KRISTY L. BRAY

Deputy Friend of the Court
THOMAS L. EDWARDS

**MOTION TO (EXEMPT) OPT OUT
OF FRIEND OF THE COURT SERVICES**

The Friend of the Court is required by law to open a case for purposes of administering and enforcing the obligation of parties in a domestic relations matter. Pursuant to MCL 552.505a, the law also provides that parties may file a motion to request that a Friend of the Court case not be opened or maintained. Opting out of Friend of the Court Services means accepting responsibility for ALL enforcement, including child support, medical support, parenting time, and custody issues. People who wish to do without Friend of the Court Services must assure compliance with the statutory qualifications, acknowledge the services they are willing to do without, and obtain an order signed by the Judge to whom their case is assigned making their case a non-Friend of the Court case.

PROCEDURE

1. Both parties must agree to opt out of Friend of the Court services.
2. Either party may prepare the Motion to Exempt (Opt Out) of Friend of the Court Services. You will also need to complete the following documents enclosed in this packet:
 - Request for Hearing on Motion
 - Motion to Exempt (Opt Out) of Friend of the Court Services
 - Verification of Eligibility (to be completed by FOC representative)
 - Advice of Rights (signed by both parties)
 - Order Exempting Case from Friend of the Court Services
 - Uniform Child Support Order, No Friend of the Court Services
3. You will need an original and three (3) copies of each of the above documents – the original for the clerk and one copy for plaintiff, defendant, and the Friend of the Court.
4. Motions to Opt Out of Friend of the Court Services are heard by the Friend of the Court Referee. You must obtain a hearing date and time from the Friend of the Court by calling (989) 743-2397. Please inform the representative that you need to obtain a hearing date for a Referee Hearing on your Motion to Opt Out of Friend of the Court Services. Once the hearing date and time is obtained, the Motion, Advice of Rights and Notice of Hearing with Certificate of Mailing must then be filed with the Circuit Court Clerk (second floor), and the appropriate filing fee must be paid. **NOTE: THERE IS A \$20.00 MOTION FEE.** The Verification of Eligibility must be completed by FOC staff PRIOR to the hearing. Please bring the Order Exempting Case from Friend of the Court Services and Uniform Child Support Order, No Friend of the Court Services with you to the hearing.

Note: A Motion to Opt Out of Friend of the Court Services must be agreed to by both parties. Both parties MUST appear before the Referee for the hearing so that the Referee can be assured that both parties are in agreement, that the case qualifies to opt out, and that opting out is not contrary to the best interest of the child(ren). Please also note that all fees and State-owed arrears must be paid prior to the motion hearing.

<p align="center">STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</p>	<p align="center">NOTICE OF HEARING</p>	<p align="center">CASE NO.</p>
--	--	---------------------------------------

Court address Fax no. Court telephone no.

Plaintiff's name, address, and telephone no.

Attorney:
v

Defendant's name, address, and telephone no.

Attorney:

A hearing will be held

Date: _____

Time: _____

Location: _____

Judge/Referee: _____

Bar no. Referee

for the following purpose:

- The defendant is required to attend this hearing.
- The plaintiff is required to attend this hearing.

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice of hearing on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Date

Signature

STATE OF MICHIGAN 35TH JUDICIAL CIRCUIT SHIAWASSEE COUNTY	MOTION TO EXEMPT (OPT OUT OF) FRIEND OF THE COURT SERVICES	CASE NO.
---	---	-----------------

208 N SHIAWASSEE ST CORUNNA MI 48817

(989) 743-2397

Plaintiff's Name, Address, & Phone
Plaintiff's Attorney, Bar no., Address, & Phone

V

Defendant's Name, Address, & Phone
Defendant's Attorney, Bar no., Address, & Phone

The parties file this Motion to Exempt (Opt Out) of Friend of the Court Services pursuant to MCL 552.505a, and

1. The parties state the following:
 - a. Neither party object to the entry of the requested order.
 - b. Neither party received public assistance for themselves or a child in the case.
 - c. No money is due to the state because of past public assistance for a child in the case.
 - d. no child support arrearage has occurred in the last 12 months; or a child support arrearage has existed in the last 12 months; however, the payee has or wants to voluntarily waive(d) same or it has been paid in full.
 - e. No custody or parenting time violation has occurred in the last 12 months.
 - f. Neither party to this case has reopened a Friend of the Court case in the last 12 months.
 - g. There is no history of domestic violence nor is there any unequal bargaining position between the parties involved in this case.
 - h. We have executed FOC 101 Advice of Rights Regarding Use of Friend of the Court Services advising us of the services we will not receive if this motion is granted.

2. We understand the following:
 - a. That the closure of the Friend of the Court case does not release either party from the party's obligations imposed in the underlying domestic relations matter. The parties to a closed Friend of the Court case assume full responsibility for administration and enforcement of obligations imposed in the underlying domestic relations matter. The failure of either party to keep accurate records may constitute a waiver of the party's right to claim any arrearage or credit regarding the child support account.
 - b. If we want to ensure that child support payments made after a Friend of the Court case is closed will be taken into account in any possible future Friend of the Court enforcement action, the child support payments must be made through the Michigan State Disbursement Unit (MISDU). If we choose to continue to have child support payments made through the MISDU, the office of the Friend of the Court shall not close its Friend of the Court case until each party provides the

MISDU with the information necessary to process the child support payments required in the underlying domestic relations matter.

- c. If after this case is exempted from the Friend of the Court services, we request to re-open our case or apply for public assistances, the office of the Friend of the Court shall open or reopen a Friend of the Court case. If the Friend of the Court opens or reopens a case for any reason, the following requirements will apply:
1. We must cooperate fully with the Friend of the Court in establishing the case as a Friend of the Court case;
 2. We must provide copies of all orders in the case to the Friend of the Court;
 3. The Friend of the Court is no responsible for determining any support arrearage that is not indicated by payment made through the MISDU;
 4. Support is payable through the Friend of the Court effective the date the Request to Reopen Friend of the Court case form is received by the Friend of the Court.
 5. The Friend of the Court may prepare and submit, ex parte, a support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order.

THEREFORE, we request that the Court allow us to opt out of Friend of the Court services and enter an order as follows:

1. Exempting the case form Friend of the Court enforcement, investigation, or accounting functions for custody, parenting time, or support.
2. Except where indicated below, we request no income withholding shall issue in this case and that support be paid directly by the payer to the payee, and request that the Friend of the Court terminate any existing income withholding.
 - We request support be paid through the Michigan State Disbursement Unit (MISDU) on a case previously open with the Friend of the Court and to be paid by income withholding to the extent allowed by statutes and court rules, however, the Friend of the Court is not responsible for the income withholding.

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

Date: _____

Plaintiff Signature

Date: _____

Defendant Signature

VERIFICATION OF ELIGIBILITY

(to accompany the Motion to Exempt (Opt Out) of Friend of the Court Services)

THE FORM **MUST** BE FILLED OUT BY THE FRIEND OF THE COURT FOR THE PETITIONER AND PRESENTED TO THE JUDGE OR REFEREE AT THE TIME OF YOUR HEARING. YOU MAY BRING THIS FORM TO THE FRIEND OF THE COURT NO EARLIER THAN **TWO WEEKS** PRIOR TO YOUR HEARING AND IT WILL BE COMPLETED FOR YOU.

Date: _____

Docket: _____

IV-D: _____

The Friend of the Court confirms the following:

1. Neither party receives public assistance (which includes cash assistance, Medicaid, food stamps, child care, or foster care benefits) for themselves or a child in the case (attach “Verification of Public Assistance”)

2. No money is due to the state because of past public assistance for a child in the case.

3. No child support arrearage has existed in the last 12 months, however, the payee has voluntarily waived all arrears owed to her; or the payee wants to waive arrears on the record at the hearing; or it has been paid in full.

4. Neither party to this case has reopened a Friend of the Court case in the last 12 months.

5. All statutory service fees and/or state medical support arrears have been paid; or statutory service fees and or/ state medical support in the amount of \$ _____, are due to owing and must be paid prior to the entry of the Order.

Comment: _____

Signature: _____

Friend of the Court Representative

Date: _____

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (PAGE 1)	CASE NO.
Friend of the court address		Telephone no.

1. Right to Refuse Friend of the Court Services

- a. You have the right to refuse friend of the court services for custody, parenting time, and support. To decline friend of the court services, you must file with the court a motion requesting that friend of the court services not be required. You must attach a signed copy of this advice of rights to the motion. The court will grant the motion provided both parties agree and have signed this advice of rights and it determines that all the following are true.
 - 1) Under MCL 552.505a, neither of you receives or has received public assistance or requests friend of the court services.
 - 2) There is no evidence of domestic violence or of an uneven bargaining position between you.
 - 3) The court finds that declining to receive friend of the court services is not against the best interests of a child.
- b. If you already have a friend of the court case, you can file a motion to discontinue friend of the court services provided both parties agree and have signed this advice of rights and the court finds that all the following are true.
 - 1) Neither of you receives public assistance or requests friend of the court services.
 - 2) There is no evidence of domestic violence or an uneven bargaining position between you.
 - 3) The court finds that declining to receive friend of the court services is not against the best interests of a child.
 - 4) No money is due the governmental entity because of past public assistance.
 - 5) No arrearage or violation of a custody or parenting-time order has occurred in the last 12 months.
 - 6) Neither of you has reopened a friend of the court case in the last 12 months.

2. Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)

a. Accounting Services

Friends of the court must collect support and disburse it within 48 hours. Friend of the court accounting services include:

- 1) friend of the court accounting for payments received and sent,
- 2) adjustments of support for parenting time or other credits, and
- 3) annual statements of accounts, if requested.

b. Support Enforcement Services

The friend of the court must begin to enforce support when one month of support is overdue. For friend of the court cases, child-support enforcement services include:

- paying support out of tax refunds.
- asking the court to order the nonpaying party to come to court to explain the failure to pay.
- having unpaid support paid out of property the payer owns.
- reporting support arrearage to a consumer reporting agency or requesting that the payer's license(s) be suspended.
- collecting support by an income withholding order.

If you choose not to receive friend of the court services, any existing income withholding source will be notified that the friend of the court is no longer responsible for income withholding. **The parties will be solely responsible for stopping or changing income withholding as the law allows.** The friend of the court will stop any unfinished collection actions.

c. Medical Support Enforcement Services

The friend of the court is required to recommend how the parents divide health-care expenses and to take action to collect the amounts that a parent fails or refuses to pay. When a parent is required to insure the children, the friend of the court is authorized to instruct an employer to enroll the children in an insurance plan when the parent fails or refuses to do so.

d. Support Review and Modification Services

Once every three years, persons with friend of the court cases may request the friend of the court to review the support amount. After completing the review, the friend of the court must file a motion to raise or lower support, or inform the parties that it recommends no change. It must also review support when changed circumstances lead it to believe that support should be modified.

e. Custody and Parenting-Time Investigation Services

For disputes about custody or parenting time in friend of the court cases, the friend of the court sometimes must investigate and provide reports to the parties and the court.

f. Mediation Services

Friend of the court offices must provide mediation services to help parties with friend of the court cases settle custody and parenting-time disputes.

g. Custody and Parenting-Time Enforcement Services

For friend of the court cases, the friend of the court must enforce custody and parenting time when a party complains that it is violated. Child-custody and parenting-time enforcement services include:

(See page 2)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ADVICE OF RIGHTS REGARDING USE OF FRIEND OF THE COURT SERVICES (PAGE 2)	CASE NO.
--	--	-----------------

Friend of the court address

Telephone no.

2. Friend of the Court Services (you will not receive these services if you choose not to use the friend of the court)

(continued from page 1)

g. Custody and Parenting-Time Enforcement Services (continued from page 1)

- asking the court to order the noncooperating party to come to court to explain the failure to obey the parenting-time order.
- suspending the licenses of individuals who deny parenting time.
- awarding makeup parenting time.
- joint meetings to resolve complaints.

3. Michigan State Disbursement Unit and IV-D Services

a. Michigan State Disbursement Unit (MiSDU)

If you choose not to receive friend of the court services, you may continue to make and receive child support payments through MiSDU. MiSDU will keep track of the amount paid and sent out. However, MiSDU cannot provide you with all the accounting functions the friend of the court provides. All payments made through MiSDU must be distributed according to the amounts due as required by federal law. When a payer has more than one case, federal law determines how a payment is divided among the cases. **Even if you choose not to receive friend of the court services, payments through MiSDU must be divided among all a payer's cases and distributed in the same manner as payments on friend of the court cases. You cannot discontinue friend of the court services if you want to use MiSDU unless you first provide to MiSDU all the information that MiSDU needs to set up an account.**

b. Your Rights Under Title IV-D of the Social Security Act

Title IV-D of the Social Security Act provides federal government resources to collect child support and it allows certain funding to be used for parenting-time and custody services. In Michigan, critical Title IV-D services are delivered by the friend of the court. **If you choose not to receive friend of the court services, you cannot receive most Title IV-D services.**

4. Public Assistance

Receipt of public assistance means receipt of any of the following benefits: cash assistance, medical assistance, food assistance, foster care, and/or child care.

ACKNOWLEDGMENT REGARDING SERVICES

Check below only if you do not want to receive friend of the court services. Then date, print name, and sign.

I have read this advice of rights and I understand the friend of the court services I am entitled to receive.

I acknowledge that by signing below **I am choosing not to receive** any friend of the court services. I understand that before this choice can take effect, a motion requesting this choice and the other party's agreement must be filed with the court for approval. I also understand that the court may deny this choice if certain conditions are not met as stated in this advice of rights.

Name (type or print)

Name (type or print)

Signature

Date

Signature

Date

If you did not check the above box, you are choosing to receive friend of the court services. For the most effective friend of the court services, you can request Title IV-D services by dating and signing below.

I request Title IV-D services through the friend of the court office.

Date

Signature

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**ORDER EXEMPTING CASE FROM
FRIEND OF THE COURT SERVICES
(PAGE 1)**

CASE NO.

Court address

Telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

Attorney:

Attorney:

Date of hearing: _____ Judge: _____

Bar no.

THE COURT FINDS:

1. There is no evidence of domestic violence or of an unequal bargaining position between the parties in the case.
2. Granting the parties the relief they have requested would not be against the best interests of any child in the case.
3. The parties have filed executed copies of a form advising them of services they will not receive if their motion is granted.
4. Neither party receives public assistance.
5. No money is due the governmental entity because of past public assistance in the case.
6. No arrearage or custody or parenting-time order violation has occurred in the last 12 months in this case.
7. Neither party has reopened a friend of the court case in the last 12 months.
8. The parties do not want Title IV-D services and have requested that any existing Title IV-D case be closed. (Note: This box should be checked unless exceptional circumstances exist that entitle the Title IV-D case to remain open.)

IT IS ORDERED:

9. Subject to the provisions of item 14 below, this case is not a friend of the court case.
10. This case is not a Title IV-D case. (Note: This box should be checked if item 8 has been checked.)
11. The friend of the court shall not be involved in the enforcement, investigation, or accounting functions for custody, parenting time, or support in this case.
12. The parties are responsible for all enforcement and accounting functions for custody, parenting time, or support in this case.

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

Do not write below this line - For court use only

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER EXEMPTING CASE FROM FRIEND OF THE COURT SERVICES (PAGE 2)	CASE NO.
--	--	-----------------

Court address Telephone no.

Plaintiff's name

v

Defendant's name

13. Except as indicated below, there is no income withholding in this case, support will be paid directly by the payer to the payee, and the friend of the court shall terminate any existing income withholding. Should this case become a friend of the court case, the payer must keep the friend of the court advised of the name and address of the payer's source of income and any health-care coverage that is available to the payer as a benefit of employment or that the payer maintains, including the name of the insurance company, health-care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit the payer maintains the coverage.
- a. Child support shall be paid through the Michigan State Disbursement Unit (MiSDU) by income withholding to the extent allowed by statutes and court rules; however, the friend of the court is not responsible for income withholding. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.
 - b. Child support shall be paid through MiSDU by the payer.
14. If child support payments are to be made through MiSDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until MiSDU notifies the friend of the court that it has been provided with the information necessary to process the child-support payments. There will be no accounting for support that is not paid through MiSDU.
15. The friend of the court shall open a friend of the court case if a party applies for or receives public assistance, a child is placed in foster care, or either party submits to the friend of the court a written request to reopen the friend of the court case. If this case becomes a friend of the court case for any reason, the following provisions shall apply.
- a. The parties must cooperate fully with the friend of the court in establishing the case as a friend of the court case.
 - b. The parties must provide copies of all orders in their case to the friend of the court.
 - c. The parties must supply any documents that a party to a friend of the court case is required to supply if they have not already done so.
 - d. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through MiSDU.
 - e. Support is payable through MiSDU effective the date the case becomes a friend of the court case.
 - f. The friend of the court may prepare and submit, ex parte, a uniform support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order.
 - g. At the request of the friend of the court, the parties shall complete a Verified Statement and Application for Title IV-D Services.

_____ Date

_____ Judge

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

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER, NO FRIEND OF COURT SERVICES (PAGE 1) <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO.
--	---	-----------------

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:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

(Continued on page 2.)

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

UNIFORM CHILD SUPPORT ORDER,
NO FRIEND OF COURT SERVICES (PAGE 2)
 EX PARTE TEMPORARY MODIFICATION FINAL

CASE NO.

Court address

Court telephone no.

Plaintiff's name

v

Defendant's name

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. The child-care obligation for each child ends August 31 following the child's 12th birthday. 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.

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.)

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.

(Continued on page 3.)

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**UNIFORM CHILD SUPPORT ORDER,
NO FRIEND OF COURT SERVICES (PAGE 3)**

CASE NO.

EX PARTE TEMPORARY MODIFICATION FINAL

Court address

Court telephone no.

Plaintiff's name

v

Defendant's name

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 the order.

Date

Signature

COURTUSE ONLY

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER DEVIATION ADDENDUM (PAGE ____)	CASE NO.
--	---	-----------------

Court address Court telephone no.

Plaintiff's name	v	Defendant's name
------------------	---	------------------

THE COURT FINDS:

1. Paragraph(s) _____ in the preceding pages of the uniform order deviate from the Michigan Child Support Formula and are warranted to avoid an unjust or inappropriate result.
(specify paragraph number)
2. Pursuant to MCL 552.605(2), it has been determined from the facts of this case that:
 - a. The child support obligation that would be ordered by applying the Michigan Child Support Formula is:

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

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:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$
<input type="checkbox"/> Support was reduced because payer's income was reduced.					

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 _____.

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.

(SEE SECOND PAGE)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	UNIFORM CHILD SUPPORT ORDER DEVIATION ADDENDUM (PAGE ____)	CASE NO.
--	---	-----------------

Court address _____ Court telephone no. _____

Plaintiff's name

v

Defendant's name

(Item 2 continued.)

b. Applying the Michigan Child Support Formula is unjust or inappropriate because: (Specify the deviation factors relied on.)

c. The child support order deviates from the Michigan Child Support Formula as follows:
(Specify which provisions of the child support formula create an unjust or inappropriate result and explain how this order deviates from the provisions.)

d. The value of property or other support awarded instead of the payment of child support: (If not applicable, put none.)

Plaintiff (if consent/stipulation) Date

Defendant (if consent/stipulation) Date

Plaintiff's attorney Date

Defendant's attorney Date

Prepared by: _____
Name (type or print)

NOTE: When deviating, this form must be completed, attached, and served along with the rest of the Uniform Child Support Order. The proof of service on the Uniform Child Support Order must indicate this form was included.

Deviation Factors

Strict application of the formula may produce an unjust or inappropriate result in a case when any of the following situations occur:

1. The child has special needs.
2. The child has extraordinary educational expenses.
3. A parent is a minor.
4. The child's residence income is below the threshold to qualify for public assistance, and at least one parent has sufficient income to pay additional support that will raise the child's standard of living above the public assistance threshold.
5. A parent has a reduction in the income available to support a child due to extraordinary levels of jointly accumulated debt.
6. The court awards property in lieu of support for the benefit of the child (§4.03).
7. A parent is incarcerated with minimal or no income or assets.
8. A parent has incurred, or is likely to incur, extraordinary medical expenses for either that parent or a dependent.
9. A parent earns an income of a magnitude not fully taken into consideration by the formula.
10. A parent receives bonus income in varying amount or at irregular intervals.
11. Someone other than the parent can supply reasonable and appropriate health care coverage.
12. A parent provides substantially all the support for a stepchild, and the stepchild's parents earn no income and are unable to earn income.
13. A child earns an extraordinary income.
14. The court orders a parent to pay taxes, mortgage installments, home insurance premiums, telephone or utility bills, etc. before entry of a final judgment or order.
15. A parent must pay significant amounts of restitution, fines, fees, or costs associated with that parent's conviction or incarceration for a crime other than those related to failing to support children, or a crime against a child in the current case or that child's sibling, other parent, or custodian.
16. A parent makes payments to a bankruptcy plan or has debt discharged, when either significantly impacts the monies that parent has available to pay support.
17. A parent provides a substantial amount of a child's day-time care and directly contributes toward a significantly greater share of the child's costs than those reflected by the overnights used to calculate the offset for parental time.
18. A child in the custody of a third-party recipient spends a significant number of overnights with the payer that causes a significant savings in the third party's expenses.
19. The court ordered nonmodifiable spousal support paid between the parents before October 2004.
20. When a parent's share of net child care expenses exceeds 50 percent of that parent's base support obligation calculated under (§3.02) before applying the parental time offset.
21. Any other factor the court deems relevant to the best interests of a child.