

**INGHAM COUNTY
FAMILY DIVISION
INGHAM COUNTY CIRCUIT COURT**



FRIEND OF THE COURT

HANDBOOK
(6th Edition)

**Revised
08/2018**

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FRIEND OF THE COURT HANDBOOK

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**INGHAM COUNTY FRIEND OF THE COURT
FAMILY DIVISION
THIRTIETH JUDICIAL CIRCUIT
P.O. Box 40097
Lansing, MI 48901**

Harry Moxley
Deputy Court Administrator
Family Division / Friend of the Court



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FAX: 517-483-6107

WELCOME!!!

The Ingham County Friend of the Court first developed this Handbook and web page in 2000 to bring you information about the Ingham County Circuit Court, Family Division and the operations of the office of the Friend of the Court. Basic legal policies governing the Friend of the Court are established by state law. In addition, the judges of Ingham County have adopted procedures to ensure full compliance with the law and help guarantee fairness to the parties.

Domestic disputes are difficult and challenging for the parties to the dispute. It is the children, and the “best interests of the children” that is the major focal point of judicial concern, and the concern of Ingham County Friend of the Court.

If you are involved in a domestic dispute it is advised that you review the Ingham County Friend of the Court Handbook so that you fully understand the principles that will be applied in your case. It must also be remembered, however, that there is no specific rule that applies to each set of circumstances. When a dispute cannot be resolved between the parties, your case may have to be heard by a referee or a judge.

We hope that you find this Handbook and web site helpful. If you believe that there is information that needs to be updated or changed, please feel free to contact your caseworker at the Ingham County Friend of the Court.

Sincerely,

Harry Moxley, Deputy Court Administrator
Family Division / Friend of the Court

**INGHAM COUNTY
FRIEND OF THE COURT DIRECTORY**

Location:
303 W. Kalamazoo Street
First Floor, Grady Porter Building
Lansing, MI 48933
(Next to the Ingham County Veteran's
Memorial Courthouse. Must enter
through security at 313 W. Kalamazoo)

Mailing Address:
Ingham County Friend of the Court
P.O. Box 40097
Lansing, MI 48901

Office Telephone:
(517) 483-6103

Office Fax:
(517) 483-6107

**Telephone Accessed Computer
IVR- Interactive Voice Response):**
877-543-2660

Parenting Time Helpline:
(517) 483-6377

Family Division Judges and Locations

Main Circuit Court Switchboard Telephone number: (517) 483-6500
Main Family Division Switchboard Telephone number: (517) 483-6105

Judge Richard J. Garcia Chief Circuit and Probate Judge	313 W. Kalamazoo Street Veteran's Memorial Courthouse, Lansing, Michigan	(517) 483-6339
Judge Laura L. Baird Chief Circuit Judge Pro Tem	313 W. Kalamazoo Street Veteran's Memorial Courthouse, Lansing, Michigan	(517) 483-6438
Judge R. George Economy Chief Probate Judge Pro Tem	313 W. Kalamazoo Street Veteran's Memorial Courthouse, Lansing, Michigan	(517) 483-6328
Judge Janelle A. Lawless	313 W. Kalamazoo Street Veteran's Memorial Courthouse, Lansing, Michigan	(517) 483-6436

Other Circuit Judges

Judge Joyce Draganчук Presiding Judge General Trial Division	313 W. Kalamazoo Street	(517) 483-6432
Judge Rosemarie E. Aquilina	313 W. Kalamazoo Street	(517) 483-6526
Judge Clinton Canady III	313 W. Kalamazoo Street	(517) 483-6524
Judge William E. Collette	Ingham County Courthouse, Mason	(517) 676-7223
Judge James S. Jamo	313 W. Kalamazoo Street	(517) 483-6426

INTRODUCTION - WHAT WE DO FOR YOU

The Ingham County Friend of the Court would like to provide you with information regarding our office functions mandated by the State of Michigan through the Michigan Child Support Enforcement System (MiCSES).

From time to time there may be some state-imposed delays in services, such as in mailing forms and other information. Our goal, however, is to do everything we can to make these processes as easy as possible for you.

HOURS OF OPERATION

Monday through Friday, 8:00 am to 5:00 pm, including the noon hour.
Caseworker calling hours are 9:00 AM-10:30 AM and 2:30 PM-4:00 PM.
No calling hours on Wednesday mornings.

INTERACTIVE VOICE RESPONSE SYSTEM

Dial 877-543-2660

An Interactive Voice Response (IVR) system has been implemented in conjunction with the MiCSES computer system. You may access general information about Friend of the Court services available on the IVR line. **This is the easiest and quickest way to get account information.** Please use the IVR line before you contact your caseworker.

You will need to enter your Social Security Number in order to access your case information. The first time that you use the system, you will be required to set a “PIN” (Personal Identification Number), so that no one else can access your account. You must remember this PIN and use it each time you access your account. Please be sure to write it down. Although no one can change account information on the telephone, if you want to keep your information private you should not share your PIN. If you lose or forget your PIN, the directions are available on line for resetting the PIN.

WEBSITE: fc.ingham.org

The Friend of the Court website is the easiest way of accessing general information about our procedures, as well as information regarding how to contact our office, employer information, the FOC Handbook, and some forms.

ADOBE ACROBAT READER is required to access the forms on the website and is available to download from the website FREE OF CHARGE.

Michigan State Disbursement Unit

Contact the MiSDU for PIN reset request, direct deposit application and debit card enrollment. MiSDU offers four easy payment options:

- Online: www.misdu.com
- Phone: Call Friend of the Court IVR number, 877-543-2660
- Mail: MiSDU, PO Box 30351, Lansing, MI 48909
- PayNearMe at retail locations

US Bank ReliaCard

If you do not have direct deposit and use a US Bank ReliaCard, contact them to report lost or stolen cards or for other card-related services.

www.usbankreliacard.com
855-233-8374

State Court Administrative Office Friend of the Court Bureau

Contact for court forms and pamphlets.
www.courts.mi.gov
517-373-5975

Office of Child Support 866-540-0008

Contact us if you:

- Wish to establish a child support order;
- Cannot apply online for child support services;
- Have not received a letter from us shortly after receiving your public assistance;
- Need paternity established; or
- Were told you were in non-cooperation with Office of Child Support.

Prosecuting Attorney's Office

Contact us to provide requested information to establish your child support order.

Address:

Grady J. Porter Building
303 West Kalamazo, Floor 3R
Lansing, MI 48933

Telephone:
517-483-6108

Fax:
517-483-6446

DHS-Pub-139-PA (Rev. 1-17) Previous edition obsolete.



**Apply and Access
Your Child
Support Case
Online Anytime**

michigan
child support

www.michigan.gov/MiChildSupport

Sign up today for:

Income Withholding Status
Child Support Hearing Dates
Case Information
Payment Summaries
Child Support Owed
Friend of the Court Office Information



Scan with your smartphone to connect!

Ingham County Friend of the Court

Contact us for enforcing or modifying existing support orders.

Physical Address:

303 West Kalamazoo, 1st Floor
Lansing, MI 48933

Mailing Address:

Friend of the Court
PO Box 40097
Lansing, MI 48901

CALLING HOURS:
9:00 AM – 10:30 AM
2:30 PM – 4:00 PM
NO WED. MORNINGS

Telephone:
517-483-6103

Fax:
517-483-6107

PT Helpline:
517-483-6377

Interactive Voice Response (IVR):
877-543-2660

Email Address:
focinfo@ingham.org

Website:
www.fc.ingham.org/

10-Digit Court Docket # _____
9-Digit IV-D # _____
Caseworker _____

FRIEND OF THE COURT HANDBOOK

INTRODUCTION

This handbook summarizes the Friend of the Court's (FOC) duties and procedures, parties' rights and responsibilities, and some basic court procedures involving domestic relations cases.

This handbook also outlines the basic responsibilities of parties when the court has issued an order for support, parenting time or custody. Any questions regarding procedures or requirements outlined in this handbook may be discussed with the **Friend of the Court** staff, or you may want to review it with your attorney.

THE OFFICE OF THE FRIEND OF THE COURT

The family division of the circuit court decides divorce, paternity, custody, and support matters. The FOC is part of the circuit court and is supervised by the chief judge. The FOC submits recommendations to the court in domestic relations cases that are referred to the FOC.

Friend of the Court Duties

The Michigan Legislature created the FOC system in 1919. The FOC has the following duties:

- When directed by the judge, to investigate and to make recommendations to the court regarding:
 - Custody;
 - Parenting time;
 - Child support, medical support, and sometimes spousal support.
- To offer voluntary alternative dispute resolution (ADR) services to help settle disagreements about custody or parenting time.
- In cooperation with the [Michigan State Disbursement Unit](#) (MiSDU), to collect, record, and distribute support payments as ordered by the court.
- To help the court enforce orders for custody, parenting time, and support.
- To inform the parties they may decline FOC services.
- To make available forms that parties may use to file motions and responses regarding custody, parenting time, support, change of domicile, and repayment plans.
- To inform the parties of the availability of joint custody.

The FOC has NO authority to do the following:

- Investigate abuse and neglect.
- Change an order.

- Investigate criminal activity.
- Give legal advice to either party.

Together with the [Michigan Office of Child Support](#) (OCS) and the [Family Support Unit](#) of the Prosecuting Attorney’s Office, local FOC offices administer all aspects of Michigan’s child support program. OCS is part of the Michigan Department of Health and Human Services (DHHS). OCS administers the child support requirements of the Federal Social Security Act, Title IV, Part D, and oversees MiSDU, and the Michigan Child Support Enforcement System (MiCSES), Michigan’s child support computer system.

Rights and Responsibilities of Each Party

Each Party Has the Right To:

- Meet with the FOC employee who is investigating custody or parenting time.
- Ask the FOC to recommend that an order for support or health insurance be modified.
- Expect the FOC office to perform its duties under Michigan laws and court rules.
- Be treated fairly and courteously by FOC employees.
- File a grievance concerning an FOC employee or an FOC office procedure.
- Hire and consult with an attorney.
- If the parties agree and the court approves, decline all FOC assistance (“opt out”).

Each Party Has the Responsibility To:

- Provide the following information *in writing* to every FOC office that is administering a case involving that party, and provide updates to this information as it changes:
 - A current residential address.
 - A single, current mailing address. If a party has a confidential address that party MUST provide the FOC with an alternate mailing address.
 - Current employer’s (or other source of income) name, address, and telephone number.
 - Current telephone number (residential or mobile).
 - Occupational, recreational, or driver’s licenses held, and license number(s).
 - Social security number, unless exempt by law from disclosing that number.
 - Current address of children.
 - Current information regarding health care coverage that is available to either party as a benefit of employment, or that either party purchases directly from an insurer.

- Treat **Friend of the Court** employees with courtesy. Remember, Friend of the Court personnel are agents of the Family Division Circuit Court, and are directed by law and court order to enforce support, parenting time, custody and medical provisions.
- Provide other information required by law to help the FOC carry out its duties.

A party must also:

- Attend the “FOCUS ON THE CHILDREN” required presentation.
- Obey all court orders.
- Immediately contact the Friend of the Court office with any changes or updates.

FOCUS ON THE CHILDREN
Parenting and Mutual Respect = Love

The entire staff of the Ingham County Friend of the Court is dedicated to the protection of the best interests of your children. We need your help to meet this challenging goal.

The first step in accomplishing the goal is for both parents to attend a FOCUS ON THE CHILDREN session which is organized by the Friend of the Court (see Special Services Offered by the Ingham County Friend of Court – FOCUS ON THE CHILDREN – Page 32)

When parents do not live together, children and parents alike may experience anxiety which may cause anger, sadness and sorrow. Family structure and relationships are different, including the relationship between both parents and the children.

Parents can help by establishing or maintaining children’s regular routines, **encouraging frequent and regular contact between children and both parents**, and by being supportive of the other parent’s involvement in the children’s day-to-day life through participation in school and other activities, and freely exchanging information regarding the children’s well-being. *This means that in addition to the custodial parent not interfering with established parenting time, that the non-custodial parent be regular and timely in exercising parenting time so that the children will not be disappointed.*

While the husband-wife or significant other relationship may end, the responsibility to be co-parents continues forever. Though your legal responsibilities may end when your children become adults, your relationship as parents continues indefinitely. Your children will always want you to be part of their lives, to attend school events and graduations, to be at their weddings, the birth of their children, and other major life events. They want to be able to proudly say that despite what mom and dad may have felt toward one another, **“they always treated each other with courtesy and respect and never put us (the children) in the middle of their dispute.”**

Family law matters can be difficult and painful. The Family Division and FOC are aware of the many emotions which complicate the legal decisions surrounding you and your children.

MiCSES (MICHIGAN CHILD SUPPORT ENFORCEMENT SYSTEM)

The Michigan Support Child Support Enforcement System (MiCSES) was developed by the State of Michigan to meet federal requirements for a uniform “state wide” support enforcement system. MiCSES is the case management computer system for the child support program. The MiCSES system allows every child support worker in the State to have the same information on a case.

Also in conjunction with the MiCSES program is **MICase** which allows you to view payment and enforcement information regarding your child support case on line. You can log on to MICase at www.michigan.gov/micase.

MiSDU (MICHIGAN STATE DISBURSEMENT UNIT)

The [Michigan State Disbursement Unit](#) (MiSDU) is the State agency that both receives all child support payments and makes all disbursements. The MiSDU is Michigan’s single site where all child support payments are processed. All child support payments made at the Friend of the Court offices are sent to the MiSDU for processing and distribution.

The Friend of the Court is charged with the responsibility of enforcing all aspects of the support order.

COURT PROCEDURES

Procedures of the Court

Any individual wishing to start a domestic relations action must file the correct papers according to the specific statutes of this State and the Michigan Court Rules. There may be many complicated issues and legal matters involved in a domestic relations case. Although the court cannot require a party to use an attorney to start or defend an action, it may be advisable to have an attorney to give you advice, file the correct papers and follow the specific court procedures mandated by law. Friend of the Court staff will not provide legal advice to parties on a case.

Plaintiff's Complaint

Every domestic relations matter begins with the person requesting the court’s assistance (Plaintiff) filing a “complaint” which asks the court to do any of the following:

- Grant a divorce.
- Order a person to pay child support (including medical support) or spousal support.
- Establish paternity.
- Establish custody of a child with one (or both) parties.
- Establish each party’s parenting time with a child.

The defendant is the person against whom the complaint is filed.

Service of Process

The court rules provide that the defendant be served with a copy of the complaint and summons. The summons is an instrument used to commence a civil action. The summons notifies a person that an action has been started against them, and that they are required to answer the complaint that was filed.

The typical ways to give notice are (1) for a third party to personally hand the papers to the defendant, or (2) send them by certified mail as required by Michigan Court Rule.

Defendant's Answer to Complaint

If the Defendant is served and does not file an answer to the complaint within the time permitted by Michigan Court Rule (21 days), he/she may lose the right to have his/her concerns heard by the court. This could result in the court entering an order giving the Plaintiff everything he or she requested in the complaint. It is essential, therefore, that the defendant make prompt response to the complaint.

DOMESTIC RELATIONS PROCEDURES

Divorce

A person who wants to end their marriage must have a Circuit Court Family Division order ending the marriage. To finalize a Divorce at least one of the parties must appear in court to testify that there is no chance the parties will reconcile. In Michigan, a divorce can be granted even if one of the parties does not want the divorce (no fault).

A divorce ends the legal relationship between a husband and wife. The divorce, however, does not end the parties' relationship when they have children.

Many decisions must be made before a divorce is granted. These decisions may include:

1. Who will make decisions, provide daily guidance and take care of the children? (custody)
2. What contact will children have with each parent? (parenting time)
3. How should the property be divided? (property settlement)
4. How will financial responsibilities for the children be divided? (child support)
5. What amount, if any, should one party contribute toward the support of the other, either permanently or temporarily? (spousal support/alimony)
6. How will the children's medical, dental and other health care expenses be paid? (health care coverage)
7. Will the wife take back her maiden name? (restoration of maiden name)
8. Will children be allowed to move from the State of Michigan? (domicile)

Divorce issues may be resolved in the following ways:

1. The parties may be able to reach an agreement by themselves or by talking to their attorneys.
2. Various forms of Alternative Dispute Resolution are available. The FOC will schedule a conference when ordered by the court. Mediation is also available through private attorneys skilled at mediation, or through private agencies to resolve the issues of property and custody.

3. A **Friend of the Court** referee hearing may be scheduled to hear issues of support, custody and parenting time. The referee will submit a recommended order to the judge for entry.
4. The judge may help in settling a matter by having a pretrial or settlement conference.
5. The judge will hold a hearing or trial on the issues that have not been resolved.

Recommendations on custody, parenting time, child support and spousal support will be made by the **Friend of the Court** office, if the Circuit Court Family Division orders the office to do so.

In some cases the court may immediately enter a child support, custody and parenting time order upon the request of a plaintiff or defendant. In **Ingham County** this is usually done only after a conference with an FOC investigator. This conference will take place at the FOC office. Both parties are required to attend to present their positions to the FOC investigator. In **Ingham County**, attorneys are permitted to attend the conference as **observers only**. The conference is non-adversarial, and intended to allow the parties a chance to agree upon how to resolve custody, parenting time and child support matters.

Whether or not the parties are in agreement, the **Friend of the Court** investigator will make a timely recommendation to the Court on the issues of custody, support, and parenting time which will become a temporary order. Either party may object to the order by filing objections within 14 days after the recommended order was mailed (the date on the proof of mailing.) If objections are not filed within 14 days, the order automatically becomes a temporary order of the court. Even if an objection is filed, the court's order remains in effect until the court modifies the order, so that support, custody and parenting time orders will be legally binding on all parties. (See page 25 for more details regarding conferences.)

Reconciliations and Dismissals

Not every divorce matter that is started ends in a divorce. If the parties are attempting to work out their differences and wish to have enforcement of their court orders suspended, they must provide the Court and the **Friend of the Court** with written notice of their RECONCILIATION. A reconciliation notice does not dismiss a divorce action, but suspends it.

If the parties have resolved their differences and wish to stop the divorce action, they must file an Order of Dismissal with the circuit court and provide a copy to the **Friend of the Court**.

In either situation, if children have received public assistance, arrangements to pay any back support must be made with the **Friend of the Court** who will continue to enforce the court orders until all money owed to the state is paid.

Judgments

A judgment contains the orders of the court which address support, parenting time, custody, property and other related issues.

There is a minimum 60 day waiting period from the date the complaint for divorce is filed until a divorce can be finalized if there are no children. There is a 6 month waiting period from the date the complaint for divorce is filed until a divorce can be finalized if there are minor children.

If the divorce is contested the proceedings may take longer to complete because a trial will have to be held.

Once a Judgment of Divorce has been entered, parties must comply with its terms. The language in your judgment takes precedence over earlier orders, or over any guidelines contained in this handbook.

If you are dissatisfied with your judgment, you may wish to contact an attorney.

Modification of a Judgment or Order

After a judgment or order has been entered in a divorce action, there are some orders that can be modified (changed). These include: custody, parenting time, support, and change of domicile provisions. A change can only occur if: (1) both parties have signed an agreement (stipulation and consent agreement), which, if approved by the court, will be entered as an order or Amended Judgment; OR (2) a motion has been filed, a hearing has been held and the court enters a written order granting a change. *Only a judge can sign orders or judgments.*

The **Friend of the Court** has a responsibility to make recommendations to the court in certain circumstances for child support, custody and parenting time modification (see child support, custody and parenting time sections of this handbook.)

FAMILY SUPPORT ACTIONS

A child support order is a court order directing a parent to pay a specific amount of money for the support of each minor child of that parent who is not living with him or her. Support orders may be issued as part of a divorce settlement, family support case, paternity action, or interstate child support case.

To obtain a child support order, you may either contact an attorney, represent yourself, or for free help, contact the Department of Health and Human Services child support specialist by calling (toll free) 1-866-540-0008 or 1-866-661-0005. You can also apply for child support services through DHHS by completing and submitting the IV-D Child Support Services Application/Referral form DHS-1201 (http://www.michigan.gov/documents/DHS-1201_136519_7.pdf). After the IV-D Child Support Services Application/Referral form is completed DHHS will refer the case to the [county prosecutor](#) to obtain court orders for child support in both public assistance and nonpublic assistance cases.

The **Friend of the Court** has the responsibility to enforce all orders of support. If the parents get back together and decide to end the family support order, they must contact either the Prosecuting Attorney or their attorney to obtain an Order of Dismissal. Notifying a Department of Health and Human Services (DHHS) or **Friend of the Court** caseworker does not end the court's support order. If the parties have received public assistance, arrangements to pay any back support must be made with the **Friend of the Court**.

Either parent may begin a divorce action even though the court has ordered support in a family support action. The duty to pay support under the Family Support Order may end upon entry of a support order or a divorce judgment. However, if delinquent support is owed either to the State or the other party under the Family Support Action, arrangements to pay the back support must be made with the **Friend of the Court**.

If the parties have a Family Support Order and have also filed for divorce, and decide to stop the divorce action, they must file an Order of Dismissal. **Filing an order to dismiss the divorce will not end the family support action unless it is also dismissed.**

PATERNITY ACTIONS

Paternity is the legal identification of a child's natural father when the parents are not married. If the mother is married when she became pregnant, or when the child is born, her husband is considered by law to be the father. If the mother is **not** married when she became pregnant, or when the child is born, paternity can be established voluntarily or a judge can declare a man to be the legal father of the child.

Once paternity is established, the child has the same right to financial support as a child born to married parents.

In Ingham County, paternity actions are started by the Prosecuting Attorney's office after a referral by the Michigan Department of Health and Human Services (DHHS). The DHHS makes referrals whether or not a party receives public assistance. Contact a DHHS child support specialist by calling 866-540-0008 or 866-661-0005 (see information about paternity from DHHS at http://www.michigan.gov/documents/dhs/DHS-PUB-0780_211984_7.pdf).

Either party has the right to contact a private attorney to file the paternity action.

THE FRIEND OF THE COURT DOES NOT ESTABLISH PATERNITY and the Friend of the Court cannot help with parenting time until a court order establishing paternity has been entered by the court.

Once paternity has been established, the court will order child support, reimbursement of medical expenses for the birth of the child and on-going health care expenses of the child.

In **Ingham County**, if the parents can not agree upon custody and parenting time (the provision in the order for the father or mother to see the child) when the Prosecutor's office is processing the case, the case will be referred to the Friend of the Court for a conference with an FOC investigator to address custody and parenting time.

If the mother and father marry after the court enters the paternity order, they must give a copy of the marriage license to the **Friend of the Court** to end the support order. Child support will stop charging effective the date the Friend of the Court receives a copy of the marriage license. Arrangements must be made with the Friend of the Court to pay all money owed to any public agency.

INTERGOVERNMENTAL CASES

If the parent required to pay support leaves the State of Michigan, he or she must continue to pay support through the **Friend of the Court**. If the child support payments stop, the parent receiving support has the following choices:

A) Contact the **Friend of the Court** to register the Michigan support order in the state where the payer is residing under the Uniform Interstate Family Support Act (UIFSA) for enforcement only. This registration enables the state the payer is residing in to enforce Michigan's order as its own, but does not allow modification of Michigan's order.

B) Contact the **Friend of the Court** to do an income withholding order in the state the payer resides in if employment is known. If that other state, or the employer, will not honor Michigan's income withholding order, the **Friend of the Court** can ask the other state to register the income withholding order in that state. If this action becomes necessary, registering the order for enforcement only is the best avenue as that state can then enforce as well as enter an income withholding order.

If both parties are out of state, Michigan cannot modify the child support and medical portions of the order as Michigan no longer has Continuing Exclusive Jurisdiction (CEJ) over these issues (spousal support, custody and parenting time enforcement continue to have CEJ in Michigan.) Either party can contact the **Friend of the Court** and obtain a certified copy of the Michigan order which can then be registered in the state of the non-moving party. This then gives that state Continuing Exclusive Jurisdiction over support issues.

If you never had a Michigan order but have an order from another state and now reside in Michigan, the **Friend of the Court** can do the following for you if you are not receiving your support:

- A) The **Friend of the Court** can register your home state's order in the state the payer is now residing in and in a limited number of foreign countries for enforcement only. If you want a modification, we would register the order for modification and enforcement.
- B) If the payer is still in your original home state, but that state refuses to send payments directly to you, you can contact the **Friend of the Court** to do an Interstate Redirection of Child Support which allows the collecting state to send payments through this office. The **Friend of the Court** cannot enforce on these cases, but we can ask the home state to enforce. You will be asked to do this by DHHS if you are receiving public assistance.

If you never had a child support order in any state, you would have to contact DHHS by calling (toll free) 1-866-540-0008 or 1-866-661-0005, for a referral to the Prosecutor's office to establish a child support case in the state where the payer resides.

CUSTODY

Establishing child custody is done through either a divorce case, a family support case, or a paternity case.

A custody order establishes both the custody and parenting time arrangement for the children. A custody order can be reviewed and changed if both parties agree and the court revises the order, or if a motion is filed with the court.

A number of custody arrangements are possible. The most common are:

Joint Legal Custody: Means parents will communicate and cooperate with one another and attempt to reach mutual decisions regarding major issues affecting their children. This decision making process includes, but is not limited to, major medical decisions, educational decisions and religious upbringing. Most judges grant joint legal custody, unless there is some compelling reason not to do so, such as child abuse or non-involvement in the life of the child.

Joint Physical Custody: Means that children live with one parent part of the time and the other parent part of the time. This time does not have to be equal. The parent who has care of the children at any given time is responsible for routine daily decisions regarding the children.

Primary Physical Custody: Means that the children live primarily with one parent.

Sole Custody: Means that the children live with one parent and that parent is responsible for making the major decisions regarding the children.

Parents are encouraged to reach their own agreements regarding custody. When parents cannot agree, the judge must decide by considering all of the factors enumerated under the Michigan Child Custody Act (MCL 722.21 and MCL 722.23). In a disputed custody case the **Friend of the Court** will make recommendations in writing to the Court.

The court will determine custody after considering the factors listed in the Child Custody Act. The factors are used to examine qualities of the parents and the child's relationship with each parent. The preference of a child is only one of twelve factors that the court must consider.

Custody Factors

All decisions affecting children are made on the basis of the best interest of the child. The factors enumerated under the Child Custody Act governing child custody decisions are as follows:

- A) *The love, affection and other emotional ties existing between the parties involved and the child.*
- B) *The capacity and disposition of the parties involved to give the child love, affection and guidance, and to continue the education and raising of the child in his or her religion or creed, if any.*
- 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.*
- D) *The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.*
- E) *The permanence, as a family unit, of the existing or proposed custodial home or homes.*
- F) *The moral fitness of the parties involved.*
- G) *The mental and physical health of the parties involved.*
- H) *The home, school, and community record of the child.*
- I) *The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.*

- J) *The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.*
- K) *Domestic violence, regardless of whether the violence was directed against or witnessed by the child.*
- L) *Any other factor considered by the court to be relevant to a particular child custody dispute.*

Changing a Custody Order

To request a change in your custody order, you must file a motion with the Clerk of the Court. You are the "moving party." The other party is referred to as the "respondent". You must state adequate facts and details in your motion.

CUSTODY QUESTIONS AND ANSWERS *(Frequently Asked Questions)*

1. How do I get an order for custody?

A motion requesting the court to grant you custody of your children must be filed with the court. (Usually this is included in the initial complaint in a divorce case, or in the answer.) If both parents agree, and sign an agreement (stipulation and order), that agreement, if approved by the court, may be entered as a custody order.

2. How do I change an existing order for custody?

A motion to modify a custody order must be filed with the court, or the parents can sign a written agreement changing custody (stipulation and order), which if approved by the court, will change custody. The Friend of the Court cannot file a motion for you.

3. Do I need to have an attorney to get custody?

It is not required that you have an attorney to file a motion for custody. However, there are many complicated issues involved in a custody case. Therefore you may want to have an attorney represent you. The **Friend of the Court** cannot file a custody motion for you.

4. Is there any way the court can assist us in reaching an agreement on custody?

The **Friend of the Court** may schedule a domestic relations conference with an FOC investigator for both new and existing cases. These conferences may assist parties in settling a custody dispute (see page 8 of the FOC handbook.) The parties may also agree to a private mediation service offered by people with skills and special training in domestic matters who are paid a "fee for service" by the parties.

5. After a motion for custody has been filed, and we cannot reach our own agreement, what does the Friend of the Court have to do?

The **Friend of the Court**, at the direction of the Court, is required to do any of the following:

- (1) Offer a conference with an FOC investigator to facilitate the resolution of the issues presented.
- (2) Conduct an investigation and file a written report and recommendation to the court based on the factors listed in the Michigan Child Custody Act.
- (3) Conduct a full evidentiary hearing before an FOC referee.

6. Do I have the right to receive a copy of the Friend of the Court report and recommendation on custody?

The Friend of the Court will provide a copy of the Friend of the Court report and recommendation to each party, or to his/her attorney.

7. What will happen if I have an order for custody and the other parent does not return the child to me as stated in the court order?

You have several choices:

- (1) You may contact your attorney to bring a “show cause” or contempt proceeding against the other party; or
- (2) You can file a written complaint with the **Friend of the Court** and request that they enforce your order; or
- (3) You can contact the Prosecuting Attorney and request that a kidnapping charge be initiated if you have reason to believe that the other parent intends to keep the child.

8. Does the Friend of the Court have a responsibility to investigate alleged abuse and/or neglect of a child?

Allegations of abuse or neglect should be reported to Department of Health and Human Services, [Child Protective Services](#) office, phone number 1-855-444-3911.

UNIFORM SUPPORT ORDERS

A uniform support order is an order entered by Circuit Court Family Division which requires the payment of support. Every new or amended support order must be entered on a “Uniform Support Order” (a “USO”) form required by the Michigan Supreme Court. (See MCR 3.211).

Support may include: 1) child support; 2) spousal support; 3) payment of expenses of medical, dental or other health care (including birth expenses); 4) child care expenses; 5) educational expenses; and 6) blood tests.

Support Order Reviews

If ordered by the Court, the **Friend of the Court** will conduct a financial investigation and make a written report and recommendation to the parties and the court regarding child support. **Friend of the Court** reports cannot be used as evidence in court without the agreement of both parties. However, the **Friend of the Court** financial investigators may be called to testify about their report

and recommendations.

Child Support Formula (Guidelines)

State and Federal law require that a “child support formula” be used by **Friends of the Court** and Prosecuting Attorneys when recommending appropriate child support amounts. Child support must be stated in support orders in monthly (4.35 weeks) amounts.

In Michigan, a child support formula has been developed which considers both the non-custodial and custodial parent's income, as well as the custody arrangements of the children agreed to or ordered by the court, as well as reasonable medical and health insurance expenses.

For more information about the child support formula currently in use, you may contact either the **Friend of the Court** or your attorney. Information is also contained on the Michigan Courts website: <http://courts.mi.gov/administration/scao/officesprograms/foc/pages/child-support-formula.aspx>.

Opting out of Friend of the Court Services

By law, the Friend of the Court is required to open and maintain a Friend of the Court case for all domestic relations matters involving minor children. The only exception to this requirement is when the parties, either in their initial pleadings or by separate motion, file a motion requesting that a file not be opened by the Friend of the Court. Information about friend of the court services and opting out of those services is provided on the [Advice of Rights Regarding Use of Friend of the Court Services \(form FOC 101\)](#).

The Court must specifically order that child support will not be payable through the Friend of the Court, and that the parties are not eligible to receive any future services to be rendered by the Friend of the Court (see MCL 552.505a).

If you have already opted out of receiving friend of the court services and wish to reinstate those services, you may file a [Request to Reopen Friend of the Court Case \(form FOC 104\)](#).

In the cases where such an “opt out” order is entered by the Court, the parties themselves shall have responsibility for administering and enforcing the obligations imposed by the court in any judgments or orders entered by the court.

Collection of Support

Support payments and disbursements are now handled through the Michigan State Disbursement Unit (MiSDU). All questions concerning payments and disbursements should be directed to MiSDU by calling 877-543-2660.

Support is normally paid through income withholding; however, if you are paying directly because you are self-employed, or have no regular source of employment income, when you remit your payments to MiSDU, please include your case number on the payment voucher provided by MiSDU. Do not send cash through the mail. The web-site for making online payments to MiSDU is <https://www.misdu.com/secure/default.aspx>, and the mailing address is P.O. Box 30351, Lansing, MI 48909-7851. If payments are made at the Friend of the Court, the payment must be made in cash, cashier's check, money order, or [credit card](#). Checks will be accepted for fees and court costs only.

Direct Deposit

Direct deposit of your child support into your checking or savings account is available and encouraged! This process of electronic transfer of funds to your account is the fastest and safest way to receive child support money. Once you are signed up, your support check will be automatically deposited, eliminating your need to go to the bank to cash or deposit your check. A direct deposit form is attached to this handbook ([Attachment G](#)) or is available at the Friend of the Court office, at our web site fc.ingham.org, or from the IVR (Interactive Voice Response) line (1-877-543-2660).

Debit Cards

If you do not have your child support payments directly deposited into your bank account, your payments will be made to a “debit card”, referred to as Reliacard, issued by US Bank. Child support will be automatically sent to your debit card account. The debit cards may be used at stores, businesses, and restaurants the same way a bank card may be used, if the business accepts Visa. In some cases there may be a transaction fee for use of your debit card. See [Attachment H](#). If you have questions regarding the Reliacard, you may call 1-855-233-8374 (US BANK), or go to the website <https://www.usbankreliacard.com>.

SUPPORT ENFORCEMENT

Rules for Distributing Child Support Payments

The Michigan Child Support Enforcement System allocates payments to cases based on federal law. This means that child support payments are “shared” among all of a payer’s cases in the state, in proportion to unpaid current support and arrearage balances, even if a payment is designated for only one case by an employer or an individual.

When payment is received from a payer or an employer, the computer system looks at the amount owed on all cases and determines the distribution of the payment according to federal law. If a payer has more than one case, distribution can become quite complicated.

Here are some common ways that child support can be distributed:

1. A payer has ONE case and sends LESS than the current support owed

If the family is not receiving public assistance, the money is distributed to the family for current support. Nothing is sent to the state or for fees.

2. A payer has MORE THAN one case and sends the current support owed or LESS

The system looks at all of a payer’s open cases and money is distributed among the cases proportionately.

Example: A payer is ordered by the court to pay \$60/month on Case 1 and \$40/month on Case 2.

- A. If the payer makes a \$100 payment, it will be allocated proportionately across both cases: 60% (\$60) to Case 1 and 40% (\$40) to Case 2.
- B. If the payer makes a \$70 payment, it will be allocated 60% (\$42) to Case 1 and 40% (\$28) to Case 2.

3. **A payer has MORE THAN one case and sends MORE than the current support owed**

Current support is paid first to all cases. Arrears owed to families not on public assistance are paid next. Monies are then paid on state arrearages. Fees are paid last.

Example: A payer is ordered to pay \$60/month on Case 1 and \$40/month on Case 2. The family in Case 1 is on public assistance. The family in Case 2 is not receiving public assistance. There is an arrearage on Case 1 of \$100. There is an arrearage on Case 2 of \$75. The payer makes a \$200 payment.

- A. \$60 is paid to the state for current support on Case 1 (because the family in Case 1 is on public assistance); \$40 is paid to the family for current support on Case 2 (because the family in Case 2 is not on public assistance).
- B. \$25 is paid to the state for arrears on Case 1 (because the family in Case 1 is on public assistance).
- C. \$75 is paid to the family for arrears on Case 2 (because the family in Case 2 is not on public assistance).

FOR A FURTHER EXPLANATION OF SUPPORT DISTRIBUTION, SEE “[ATTACHMENT B](#)” TO THIS HANDBOOK

Enforcement of Support Orders

The **Friend of the Court** has many options available to enforce support orders. These options include:

1. Income Withholding Orders

Based upon requirements of Federal (U.S.) Law, an income withholding order requires the payer's (person required to pay support) employer (or other source of income) to withhold support from the payer's paycheck. All support orders issued in the State of Michigan must provide for an order of income withholding which takes effect immediately unless MCL 552.604(3) is complied with exempting the order from withholding.

2. Interstate Actions

When a payer can be located and lives out of state and is behind in his or her support payments, the **Friend of the Court** may begin an interstate income withholding action.

In order for a **Friend of the Court** office to start an interstate income withholding action, it must have the following information:

- (A) Name, address and social security number of payer.
- (B) Name and address of payer's employer or other source of income.

3. Show Cause Hearings/Contempt

If an order for income withholding is not effective and support is not paid on time, the **Friend of the Court** may begin a civil contempt proceeding by filing a petition with the court for an Order to Show Cause. An employer who fails to deduct and remit sums from the payer's paycheck may also be found in contempt of court.

A Show Cause hearing held in the matter is initially heard by a referee or other representative at the office of the **Friend of the Court**. If arrangements satisfactory to the Friend of the Court are not made by the payer, the matter will be taken to the Judge, who will decide whether the person is in contempt and what action should be taken. The Judge may order immediate or future payment, or the payer may be incarcerated until a stated sum of money is paid, and costs may be ordered.

4. Bench Warrants

If the show cause hearing is held and the payer does not appear, the Judge will issue a bench warrant for the payer's arrest. Once the court issues a bench warrant, the responsibility for the payer's arrest lies with law enforcement agencies. When arrested, the payer will be required to post bond and to pay costs associated with the issuance of the bench warrant.

5. Court Service Officer

The Ingham County **Friend of the Court** has a Court Service Officer whose major duty is to work with law enforcement agencies to locate and arrest persons who have outstanding bench warrants. Anonymous tips may be left by e-mail at foctipline@ingham.org, or a person may contact our office with information during business hours.

6. Tax Intercepts

If back child support is owed, the State Child Support Enforcement System (MiCSES) will automatically request an income tax refund intercept. In order for a case to qualify for a state tax intercept, \$150.00 or more must be owed in support; in order to qualify for a federal tax intercept, \$500 or more must be owed in support. A tax intercept is where any tax refund (federal and state) owed to a payer is sent to MiSDU and applied to back child support. (Note: There are often delays in this process due to the federally imposed confidentiality of tax information). **Information regarding tax intercept payments may only be given to the payer of support as required by federal law.**

7. Liens

In some cases, the **Friend of the Court** may be able to obtain a lien on a payer's property, or upon an "expectation" the payer might have, i.e. lawsuit, workers compensation claim, estate of a deceased relative, etc. If you have information about property or a claim, contact the **Friend of the Court**. The Friend of the Court has an active asset seizure and "boot" program (a vehicle is rendered inoperable by "boot"). The seized items may be auctioned and the proceeds, less costs, are applied to the case.

8. License Suspensions

The **Friend of the Court** may initiate action to have occupational, sporting, or drivers licenses suspended for payers with an arrearage of two or more months of support. A payer can avoid a license suspension by showing that there is a mistake regarding the amount of the arrearage, or by entering into an agreement accepted by the Court for the payment of the arrearage.

9. Credit Reporting

The **Friend of the Court** must report to a credit reporting agency the arrearage amount for each payer with two or more months of support arrearage. Lenders will often obtain a credit report from a consumer reporting agency when deciding whether to extend credit. If the credit report shows a history of untimely support payments or a large arrearage, the report may result in a denial of a loan or other credit.

10. Felony Prosecution

Intentional failure to pay child support is a felony under Michigan criminal law. Cases of willful failure to pay support when there is ability to pay may result in referral for prosecution. Both the Ingham County Prosecuting Attorney and the State Attorney General's Office have active programs of felony child support enforcement. This is an extremely undesirable alternative for a payer, and can be avoided by making and keeping an agreement to make appropriate payments.

11. Performance Bonds

In some cases where there has been a pattern of non-payment and the payer has assets, the Friend of the Court may obtain an order from the court requiring a cash bond be posted for future payments.

12. Fraudulent Conveyances

If a support arrearage has accrued and there is reason to believe that the payer transferred title or ownership of real or personal property without fair consideration, the Friend of the Court may obtain an order requiring payment of the arrearage, or may initiate proceedings to have the transfer set aside and the assets seized.

Statutory Service Fees

Michigan law requires that **Friend of the Court** charge the payer of support a fee on all child support orders to partially off-set administrative costs. The current fee is \$42.00 per year, \$24.00 of which is payable to the **Friend of the Court**, and the balance payable to the State Court Administrative Office and the Office of the Attorney General. The fee is not allocated against the payee, and must be paid separately by the payer.

Surcharge on Over-Due Support

Until July 1, 2005, the State levied an annual surcharge of 8% on all support payments that were past due as of January 1st and July 1st of each year. From July 1, 2005 to December 31, 2009, the surcharge was defined as being the "prime interest rate" plus 1%, as determined by the State Treasurer.

Effective January 1, 2010 surcharges will only be assessed if provided by Court order.

Any amounts due to the State of Michigan for any period of time that the children and custodial parent receive public assistance will also incur a surcharge payable to the State if required by Court Order.

Modifications of a Support Order

The **Friend of the Court** is required by state law (MCL 552.517) to review support orders as follows:

1. Not less than once every three years if the children for whom support is being paid are receiving public assistance.
2. When, on its own finding or initiative, the **Friend of the Court** office determines that the amount of the child support order should be changed.
3. Upon a written request from a party, made not more than once every three years.
4. When a party files a Motion alleging a substantial change in circumstances.

The office must complete its support review within 60 days, when feasible, and make a copy of its recommendations available to the parties or their attorneys.

If the office finds that an increase or decrease is appropriate, the **Friend of the Court** will submit a recommended order modifying support. If either party disagrees with the Friend of the Court recommendation, he/she must file an objection within 21 days from the date on the proof of mailing.

QUESTIONS AND ANSWERS REGARDING SUPPORT

1. How do I get an order for support?

A complaint or motion requesting the court to grant an order for support must be filed with the court.

2. Do I need to have an attorney to get an order for support?

It is not required that you have an attorney to file a motion for support in a divorce action. However, an attorney may be helpful when filing papers and following specific rules. For paternity and family support actions, the Prosecuting Attorney can assist you with the filing of a petition for support.

3. Does the Friend of the Court and the Judge have to use the Child Support Formula or the Friend of the Court recommendations when setting support orders?

The Child Support Formula and the **Friend of the Court** recommendation are used to assist the judge in making a decision concerning support amounts. The **Friend of the Court**, your attorneys, and the judge must use the formula unless they establish a clear reason why the child support formula is unjust or inappropriate, and that a “deviation” therefore best meets the needs of the child.

4. If I have been paying my child support and the custodial parent is not allowing parenting time, do I have to keep paying support?

Yes, parenting time and support are separate orders of the court, with separate enforcement procedures (see parenting time enforcement section.)

5. The non-custodial parent is not paying support. What can I do?

Contact the Friend of the Court, preferably in writing, and request enforcement if the back support equals payments of four weeks or more. You may also contact an attorney to file an enforcement action.

6. *The payer of support is self-employed and not making his or her support payments. What can the Friend of the Court do?*

Income withholding orders are not usually effective when a payer is self-employed. In these cases, the **Friend of the Court** may seek enforcement using one or more of the following options.

- (1) Petitioning the court for a show cause hearing.
- (2) Submitting the payer's name for tax intercept.
- (3) Placing a lien on the payer's property.

Contact your **Friend of the Court** office for further information concerning these options.

7. *My court order states that I am to pay support through the MiSDU. Can I pay the support to the custodial parent directly?*

NO! Support is paid through MiSDU in order for an official record of payments to be maintained. It is done for the protection of both parties and the children. Credit will not be given for child support paid directly, except for the period before the support order is signed by the Judge.

8. *If child support has been ordered by the court and either parent has a major increase or decrease in income, what can be done?*

The Michigan Child Support Guidelines require the **Friend of the Court** to consider both parent's income when making child support recommendations.

If either party has had a large increase or decrease in income, they may wish to contact the Friend of the Court to request a review of the support order (see Support Modification Section). Either party may also file a motion with the Court if there has been a significant change in circumstances.

If the payer and payee can mutually agree to a change in support order, the agreement must be placed on a Uniform Support Order and it must be signed by both parties. If money is owed to the State, the Order must provide for payment of the money owed to the State. That agreement will be entered as an order, if approved by the court.

9. *If I am receiving public assistance, do I still get child support?*

Child support that is charged while a family is receiving public assistance will be paid to the Department of Health and Human Services. Medical support that is charged while a family is receiving Medicaid will also be paid to the Department of Health and Human Services.

10. *Is the Friend of the Court responsible for making sure that child support money is being spent on the child?*

The law does not give the **Friend of the Court** the right to question how child support payments are spent. It is presumed that the custodial parent is making reasonable efforts to meet the child's needs.

11. *If my parental rights are terminated, does my child support stop?*

Child support does not stop automatically when parental rights are terminated. There must be an order stopping child support or an Order for Adoption entered to stop child support.

MEDICAL ENFORCEMENT

Medical Insurance

Each party is required by law to keep the Friend of the Court informed of any health care coverage that is available to them as a benefit of employment or that is maintained by them; the name of the insurance company, health care organization or health maintenance organization; the policy, the certificate, or contract number; and the names and birth dates of the persons for whose benefit they maintain health care coverage under the policy, certificate or contract.

The Friend of the Court does not determine the level or amount of health care coverage or the insurance company. The Friend of the Court only assists in obtaining health insurance on the minor child(ren).

Health insurance may become a problem when the parent carrying the insurance wants to change insurance companies. Many problems can be prevented by the parent notifying the custodial parent of any proposed changes, and the date of the change. Discussions between the parents are encouraged to determine if the change is best for the child(ren), and if the current health care provider(s) will accept the proposed insurance. If the health insurance for the child(ren) is changed, new insurance cards and information must be forwarded immediately to the custodial parent.

Each parent is obligated to comply with the court's order and provide the other parent with:

1. An insurance card.
2. Copies of insurance information and forms necessary to submit claims.
3. Copies of all determinations made as to the claim previously submitted.

If there is a dispute over coverage, either party may request that the **Friend of the Court** conduct a hearing before a referee. Please contact your Friend of the Court Senior Case Examiner if you have any questions in this area.

Uninsured Medical Expenses

The Friend of the Court can help you in collecting uninsured medical expenses if your court order requires one of the parties to reimburse the other party for uninsured medical expenses. Over-the-counter medications are expenses that are not enforced by the Friend of the Court. These costs are included in the weekly child support amount. Other expenses not enforced by the Friend of the Court are those expenses not diagnosed or provided by medical personnel. For example: special reading classes or learning programs that may have been recommended by a medical person, but are administered by educational personnel, are not covered.

Insurance premiums are generally not considered expenses that can be collected through the Friend of the Court unless your court order requires specifically that the other party pays all or part of health insurance premiums.

The following have been determined to be professions whose bills for services can be enforced as medical expenses through the Friend of the Court: chiropractors, dentists, oral surgeons, orthodontists, prosthodontists, periodontists, endodontists, pedodontists, dental hygienists, dental assistants, medical doctors, physician assistants, registered professional nurses, licensed practical nurses, trained attendants, optometrists, osteopaths, pharmacists, physical therapists, physiotherapists, psychological assistants, psychological examiners, clinical social workers and

providers of prosthetic devices.

Many times enforcement is not necessary by the **Friend of the Court** if the custodial parent discusses with the non-custodial parent the need for medical treatment. The sooner the non-custodial parent becomes involved in the decision process, the less enforcement is necessary, and the less cost, in dollars, time, and effort for all parties. The **Friend of the Court** and the **Ingham County Family Division Judges** require parents to communicate with each other about their children's health issues.

The parent who requests payment of uninsured medical costs should present (send copies of the bills) expenses to the other parent within 28 days of the bills being incurred. If there is no response within a reasonable time or if the other party is unwilling to honor the bills, you may file a Complaint and Request for Health Care Expense Payment with the Friend of the Court. The forms are available at the Friend of the Court office or at the website fc.ingham.org.

The **Friend of the Court** will only collect uninsured medical costs that are submitted less than (1) year old from the date the expense was incurred, or within six months from an insurance company's final payment or denial of coverage. Please carefully check the dates that the medical bills were incurred. Don't wait to submit a request.

A **Friend of the Court** Senior Case Examiner will process a Request for Health Care Expense Payment to insure compliance with the court order. This may include contacting each parent to see if an agreement can be reached, contacting insurance providers, contacting medical providers, and scheduling a referee hearing. If a hearing is scheduled, please have copies of your Request for Health Care Expense Payment and accompanying bills with you to explain the reasonableness and the necessity of the medical treatment. Once a determination is made regarding the amount that needs to be paid, a payment plan will be established and enforced.

This is not intended to be all-inclusive of Friend of the Court medical enforcement. It is, however, intended to give you direction with regards to securing health insurance for your children, and obtaining reimbursement for uninsured medical costs. Please contact your Friend of the Court Senior Case Examiner by calling (517) 483-6103 if you have any health-care related questions concerning enforcement of a court order. **Requests for health care expense payment or requests for health care coverage enforcement must be made in writing.**

PARENTING TIME

Supervised Parenting Time

The Ingham County Family Division Judges have approved options for supervised parenting time. Should supervised parenting time be ordered, the guidelines will be clearly outlined in your court order.

Parenting Time Guidelines

- It is presumed in each case that it is in the best interest of the child(ren) to have a strong relationship with both parents.
- Transportation when not addressed in your court order shall be as follows: Each party is responsible for picking up the child(ren) at the start of his/her parenting time. An adult that is familiar to the child(ren) may provide transportation.
- Children are to be packed and ready to go for parenting time at the appropriate time, and they are to be returned on time.

- Failure to pick up the children within one-half hour of the scheduled time can be considered forfeiture of that parenting time, unless prior arrangements have been made for a later or earlier pick-up time. Parenting time lost due to your own neglect can never be regained. When a parenting time complaint is filed because a parent was late picking up the child, a determination of whether parenting time should be forfeited will be made on a case-by-case basis. Don't disappoint your children or leave them waiting for you.
- Parenting time is to be between the parent exercising parenting time and the child(ren). It is the responsibility of the parent exercising parenting time to provide child care, should the parent have to work or have other appointments, etc.
- During a party's parenting time, that parent is responsible for all routine decisions affecting the child(ren).
- Children have the inherent right to know and appreciate what is good in both parents without one parent degrading the other or being placed in a position to manipulate one parent against the other.
- If parenting time is wrongfully denied or abused the Friend of the Court must be notified in writing, by filing a parenting time complaint form, within fifty-six (56) days of the denial or abuse if make-up parenting time is requested.

Parenting Time Enforcement

The **Friend of the Court** normally initiates enforcement proceedings when it receives a completed parenting time complaint form stating specific facts (including dates, times and reasons given) about an alleged denial or abuse of parenting time, and when the **Friend of the Court** determines that there is reason to believe the court's order has been violated. A copy of your complaint will be sent to the other party.

The parent who has been denied parenting time must submit a written parenting time complaint form to the Friend of the Court within 56 days of the date of denial. The Friend of the Court will review the complaint and court order prior to sending it to the alleged offending parent for a response. The other party has 21 days to respond to the allegations regarding denial. Parenting time complaint forms are available at the Friend of the Court office or on the website.

If the **Friend of the Court** has reason to believe that the parenting time order has been violated, and if the parties do not resolve their differences, the **Friend of the Court** may do one or more of the following:

- (A) Hold a parenting time conference with the parties.
- (B) Apply the local make-up parenting time policy (see [Attachment E](#)).
- (C) Begin a civil contempt proceeding by filing a petition for an order to show cause.
- (D) Recommend sanctions against a party for the violation.

QUESTIONS AND ANSWERS REGARDING PARENTING TIME

1. What if my Court order does not address parenting time?

If your court order or judgment does not set forth parenting time provisions, either party may file a motion to establish parenting time, which will be referred to the Ingham County Friend of the Court for a recommendation to the court. Assistance in preparing motions for, or objections to, parenting time may be obtained through private counsel or by attending the monthly FOC General Informational Meeting (see page 31).

2. My parenting time order states I have "reasonable rights of parenting time." What does this mean?

The **Ingham County Family Division Judges** have adopted the Reasonable Rights of Parenting Time policy attached to this Handbook as [Attachment D](#).

3. What does abutting parenting time mean?

Abutting is defined as resuming parenting time in a time frame that is not greater than 24 hours. If a party has holiday parenting time and their regularly scheduled parenting time will resume within a period of time not greater than 24 hours, the parenting time will be continuous. This is the practice of the Friend of the Court, even if it is not specifically stated in your court order.

4. Even if we have a specific schedule outlined in the court order, can we make our own verbal/written agreement to change the parenting time?

Parties are always free to make their own verbal/written agreements but the Friend of the Court can only enforce the language in the court order signed by the Judge.

5. Does the other party still get his or her summer parenting time, even if he/she did not submit their dates by the date stated in the court order?

Yes, unless the court order states differently.

6. I have a specific parenting time schedule that I need to change. What can I do?

If you need a temporary change in your parenting time schedule, first contact the other parent to discuss making other arrangements.

If you need to make a permanent change,

- A) See if you and the other parent can agree to a change (stipulation and order). Remember -- mutual accommodation for the sake of the children should always be the rule!
- B) File a petition with the court clerk for a change in the court order on your own behalf or contact an attorney to help you file the petition.
- C) Attend an informational meeting to learn how to file a petition for modification.

7. ***If the parent exercising parenting time is not making regular child support payments, do I have to allow parenting time?***

YES! Parenting time and support are separate orders of the court, with separate enforcement procedures (see support enforcement section).

8. ***The other party is not following the parenting time order (i.e., the children are not ready for parenting time or the children are picked up and/or returned late.) What can I do?***

Discuss the issue with the other party. If there is no improvement, file a written parenting time complaint form with the **Friend of the Court** office, who will send a copy to the other parent. If the **Friend of the Court** determines that either parent has violated the parenting time order, they have the responsibility to proceed with enforcement (see parenting time enforcement orders).

Most judges would consider anything more than one-half hour (30 minutes) tardiness to be a violation of the court order, unless excused because of special circumstances. Complaints are available in our office or at fc.ingham.org.

9. ***Clothing is not sent for or returned from parenting time. Is there anything the Friend of the Court can do?***

No, the **Friend of the Court** does not enforce this issue. Suggestion: Most judges will indicate that clothing belongs to the children, not the parents. Older children are responsible for their own clothing.

10. ***Do I have to let my children go for parenting time if it appears that the parent exercising parenting time has been drinking or using drugs?***

Any denial of parenting time is a violation of the order. You may be ordered to explain to the judge at a contempt hearing why you disobeyed the court order. Full substantiation of your allegation of substance or other abuse will be essential. If you believe that the health and safety of your children require that parenting time should not be taking place as ordered, then it is your responsibility to petition the court for a change in your order to restrict the parenting time.

11. ***I am concerned about the other parent discussing changes in the court order with the children. What can the Friend of the Court do?***

The **Friend of the Court** has no enforcement power over this issue.

12. ***The Friend of the Court has refused to enforce my parenting time order. What can I do?***

The law requires the **Friend of the Court** to enforce parenting time orders where there is clear evidence of violation. If the Friend of the Court cannot enforce the parenting time provision of an order, you may file a motion with the court.

13. Does the Friend of the Court have a responsibility to investigate alleged abuse and/or neglect of a child?

The Friend of the Court **does not have responsibility to investigate child abuse or neglect**. Allegations of abuse or neglect should be reported to the police, or to the [Child Protective Services](#) unit of DHHS at 855-444-3911 (statewide), or 517-887-9450 (Ingham County only).

14. What if there has been a lapse in parenting time?

If there has been a lapse in parenting time greater than 90 days, the non-custodial parent will need to write a letter to the other party that outlines the intent to resume parenting time with the child(ren). A copy of the letter of intent must also be sent to the Friend of the Court. The letter must state the date and time in which you would like to resume your parenting time. The letter of intent must also clearly set forth contact information of the non-custodial parent. The date/time to resume must comply with the most recent court-ordered parenting time schedule. Allow for a minimum 14 days' notice to the custodial parent. If the custodial parent's address is confidential, you may submit the letter to Friend of the Court with a stamped envelope and the Friend of the Court will forward the letter to the other party.

15. I have a parenting time order, and my child does not want to follow the parenting time order. What can I do?

The parents of the child are bound by the court order. However, you may consider one or more of the following:

- A) You may want to see if you can work out a different parenting time arrangement with the child and the other parent.
- B) You can file a petition with the court clerk requesting a change in your parenting time order, or requesting enforcement of the order.
- C) You can request that the **Friend of the Court** enforce your parenting time order (see parenting time enforcement section.)

16. For birthday parenting time, are all of the children expected to go?

Unless otherwise ordered by the court, yes. The Friend of the Court views this as an opportunity for all of the minor children to participate in the birthday festivities.

ALTERNATIVE DISPUTE RESOLUTION SERVICES

Friend of the Court Conference

Both parties are required to attend a facilitative and information gathering conference to present their positions and information to an FOC investigator. In Ingham County, attorneys are permitted to attend the meeting as observers only. The conference is non-adversarial and intended to allow the parties a chance to agree upon how to resolve custody, parenting time and child support matters. If there is a Personal Protection Order (PPO) in place, the parties may meet with the investigator separately, depending on the wording of the PPO.

Should both parties attend the conference and reach an agreement, the investigator will draft a Stipulation and Order, which the parties would then sign. The Stipulation and Order would then be forwarded to the judge assigned to the case for signature.

If the parties are not able to reach an agreement, the Friend of the Court investigator will still submit a timely recommendation to the court on the issues of custody, support and parenting time.

If there is no prior existing order regarding custody, parenting time, or child support, the investigator's recommendation will be submitted for immediate entry as the order of the court. However, either party may object to that order by filing an objection within 14 days after the order was mailed (the date on the proof of mailing.) Even if an objection is filed, the order of the court will remain in effect until the court modifies the order.

If there is a prior existing order, the investigator's recommendation will not take immediate effect. The recommendation and order will be mailed to the parties (and attorneys if either party is represented.) If neither party properly files an objection to the recommended order within 21 days of the date of mailing (the date on the proof of mailing), the proposed order will be signed by the judge assigned to the case and become the order of the court. If either party properly files an objection within the 21 days, a hearing will be scheduled before either a Friend of the Court referee, or sometimes directly before the judge assigned to the case.

Court Rule Domestic Relations Mediation

The court may refer family matters to mediation under Michigan Court Rule MCR 3.216. This referral may occur when the parties agree to mediation, upon written motion of one of the parties, or upon direction of the court. In Ingham County all domestic relations cases involving property issues are referred to mediation; however, formal mediation is not usually utilized for resolving custody and parenting time issues, unless the parties agree to such a procedure.

Parties attend the mediation sessions, and may be accompanied by their attorneys.

If an agreement is reached during the course of the mediation, that agreement will be reduced to writing and signed by the parties and their attorneys. The parties must then take the necessary steps to have the mediation agreement entered as an order of the court.

AN INDIVIDUAL WHO PERFORMS COURT RULE MEDIATION IS ENTITLED TO REASONABLE FEES, WHICH ARE USUALLY DIVIDED EQUALLY BETWEEN THE PARTIES.

Arbitration/Binding Mediation

The parties may agree to binding mediation, or arbitration, which may be conducted either by an individual or by a panel. The arbitrator(s) will consider the parties' issues and may consider the input of witnesses. If the parties cannot agree on issues, the arbitrator will make a determination based upon the information available. That determination is binding upon the parties, unless the court vacates the arbitrator's decision based upon evidence the arbitrator was biased, exceeded his or her power, refused to hear evidence or was otherwise prejudiced. The arbitrator's decision will be submitted to the court and entered as a final order of the court. If the arbitrator's decision is not vacated it will be enforced by the Court in the same way as any other order of the court.

MISCELLANEOUS

Access to Friend of the Court Records

Pursuant to Michigan Court Rule 3.218, a **Friend of the Court** file is not a matter of public information, and it is not subject to Freedom of Information Act requests. Parties, or their attorneys

will, however, be given needed access to all information in the **Friend of the Court** records that is not confidential. A party's address or other information is not confidential unless the release is prohibited by a court order because there is a history of domestic violence in the case. The Friend of the Court may charge reasonable costs for copying any records. However, you have a right to receive one free payment history per year.

Access to Other Records

Michigan law provides that a parent has the right to access certain records or information about his or her child regardless of the physical custody arrangements. Records or information which may be accessed include medical, dental and school records, day care provider records, and notification of meetings regarding the child's education (MCL 722.30).

The **Friend of the Court** has no authority to enforce this law against schools or health care providers who refuse to provide the records. You may wish to contact an attorney if you are denied access to this information.

Citizens Advisory Committee

Ingham County does not have a Citizens Advisory Committee.

Domestic Violence/Personal Protection Orders

Domestic violence or abuse will not be tolerated in Ingham County. Both statutes and court rules prohibit assault, threats, harassment, intimidation and stalking of domestic partners (or former partners). Ingham County provides a [Personal Protection Office](#), currently located on the 3rd floor (3R) of the Grady Porter Building, 303 W. Kalamazoo Street, Lansing, Michigan, phone number (517) 483-6545 where the victim of domestic violence can receive assistance. In addition, the Domestic Violence Support Unit is located at the Ingham County Sheriff's Office. The telephone number for that office is (517) 676-8285.

Other agencies offering assistance are:

- [Legal Services South Central Michigan](#), 3490 Belle Chase Blvd. #50, Lansing, Michigan 48911, phone number (517) 394-3121 or toll free (888) 783-8190
<http://lsscm.org/>
- [End Violent Encounters](#), phone number (517) 372-5572
<http://www.eveinc.org/>
- [Ingham County Prosecuting Attorney's Office](#), (517) 483-6108
<http://pa.ingham.org/DomesticViolenceUnit.aspx>
- [Your Local Police Department](#)

Child Abuse

Allegations of child abuse -- either physical or sexual -- are very serious allegations under Michigan law, and are not to be made lightly. However, if you believe that you have an appropriate factual basis, then allegations of physical or sexual abuse should be made to: a) your local police department, and b) [Child Protective Services](#), phone number 1-855-444-3911 (statewide) or 517-887-9450 (Ingham County).

QUESTIONS REGARDING MISCELLANEOUS ISSUES

Change of Domicile

My order states that I cannot move my children from the State of Michigan without approval of the Court. How do I get the court's approval?

If the parties mutually agree to a change of domicile, they can request a form called “Order Allowing Change of Domicile” from the **Friend of the Court**. Both parties must sign the form and return it to the **Friend of the Court**. The Friend of the Court will forward it to the court for approval.

If the parties cannot mutually agree on a change of domicile, they have the following options:

- A) Contact the other party to see if he or she will agree to private mediation.
- B) File a motion on your own behalf or contact an attorney to help you file the motion. The matter may then be referred to the **Friend of the Court** for a conference, or referee hearing, prior to a judicial hearing.

Notification to the **Friend of the Court**, or filing a motion, does not allow you to move from the state prior to a court order being entered.

Moving more than 100 miles: Michigan law provides that a party moving more than 100 miles from the child’s legal residence at the time of the commencement of the divorce action, shall only do so with permission of the court, unless the parties otherwise agree (MCL 722.31). Even if one party has sole legal custody of a child, he/she must obtain permission from the court to move more than 100 miles away.

Written Orders Only

Why won't the Friend of the Court enforce what the judge said in court, even if it is not in the written order?

The court speaks only through written orders. The **Friend of the Court** enforces only the written orders. If you feel that the written order is incorrect, you may want to order a transcript of the hearing from which the order was established. If you feel the order does not agree with the transcript, bring your concerns to the attention of the person who prepared the written order and request a change. You can also file a motion with the court asking the court to correct the written order.

Property Settlement

Can the Friend of the Court enforce the property settlement provisions contained in my Judgment of Divorce?

No. The **Friend of the Court** does not have the power to enforce property settlement orders.

Referees

What is a Friend of the Court referee and what can he or she do?

A referee is a person who takes testimony under oath, makes findings and recommendations to the Court. Ingham County Friend of the Court referees are licensed attorneys employed by the Court.

The chief judge of a circuit court may appoint a referee to hear any domestic relations matter (except for a change in spousal support).

The findings of a referee are recommendations to the court, and are not final until signed and approved by a judge. These recommendations may become effective immediately, subject to later judicial determination if a party files an objection. State law requires that any written report and recommended order made by a referee must be sent to the parties and their attorneys.

If a party disagrees with a referee's recommendation, he or she has the right to a hearing before the court. This hearing must be requested in writing within 21 days from the date on the proof of mailing (request for a hearing for an income withholding order must be made within 14 days.)

Parent Locator

What can the Friend of the Court do to find a missing parent?

The state and federal government have set up a parent locating service which can be used to:

- A. Locate a parent to collect child support.
- B. Locate a parent for deciding or enforcing a child custody matter.
- C. Locate a parent in cases of parental kidnapping.

The **Friend of the Court**, Prosecuting Attorney and DHHS support specialist can ask to use this service. The full name, date of birth, social security number, and last known address of the parent to be located are required. The process, however, can take time and does not guarantee a result.

In addition, the **Friend of the Court** subscribes to two sophisticated national databases which compile information from multiple public and private records.

Adoptions

What happens to my child support order and any support that may be owed when children covered by an existing support order are adopted by another person?

Adoptions take place in the Circuit Court Family Division. The **Friend of the Court** must be provided copies of all adoption orders. The child support order stops only when the judge signs the adoption order. The **Friend of the Court** is required to collect all support owed at the time of the adoption. Contact the **Friend of the Court** to make arrangements to pay any sums owed.

COMPLAINTS AND GRIEVANCES ABOUT THE DOMESTIC RELATIONS LEGAL SYSTEM

Friend of the Court - Complaints

If you have questions about the enforcement of support, parenting time or medical payment provisions of your divorce judgment, you may inquire either in writing or orally concerning your questions. A ‘complaint’ concerning lack of enforcement of any of the Court’s orders, is not a formal grievance. However, your written complaints will be answered promptly by the appropriate staff of the **Friend of the Court**. Please give them time to respond.

Grievances

How do I file a grievance against the Friend of the Court?

The law provides a grievance procedure that a party can use when they have a serious concern about **Friend of the Court** operations or employees. A grievance may not be used to disagree with a decision of a judge or referee, or to object to a **Friend of the Court** recommendation.

- A. You can grieve an issue in three ways:
 - (1) by filing a grievance form, which you can get at your **Friend of the Court** office;
 - (2) by stating your concerns in writing to the **Friend of the Court** in which you clearly identify your letter as a grievance.
 - (3) by filing a grievance with the chief judge.
- B. The **Friend of the Court** must investigate and answer your grievance within 30 days.
- C. If you do not agree with the **Friend of the Court’s** answer to your grievance, you can file a further grievance, in writing, with the chief circuit court judge.
- D. The chief circuit court judge must investigate and answer your grievance within a reasonable period of time. The **Friend of the Court** grievance procedure ends with the response of the chief circuit court judge.

Court Orders - Appeals

How do I file a complaint about my court orders?

Court orders are not covered under the **Friend of the Court** grievance procedure. Contact your attorney to discuss your legal options, such as a motion for re-hearing or the filing of an appeal with the Michigan Court of Appeals.

Judges

How do I file a complaint about the conduct of a judge?

The Judicial Tenure Commission was constitutionally created to review grievances about alleged misconduct of a judge. Anyone who has serious concerns about the conduct of a judge can contact:

Judicial Tenure Commission
Cadillac Place Building
3034 W. Grand Blvd, Suite 8-450
Detroit, MI 48202

Telephone: (313) 875-5110

Complaints concerning your court orders should not be sent to the Judicial Tenure Commission. The Judicial Tenure Commission is not an appellate court and cannot change the content of a court order.

Attorneys

How do I file a complaint about my attorney?

The Attorney Grievance Commission was created to investigate alleged misconduct of Michigan attorneys.

Anyone who has serious concerns about the behavior of an attorney can contact:

Attorney Grievance Commission
535 Griswold St., Suite 1700
Detroit, MI 48226
Telephone: (313) 961-6585

SPECIAL SERVICES OFFERED BY THE INGHAM COUNTY FRIEND OF THE COURT

Circuit Court Family Counseling Service/Evaluation

Under certain circumstances the Family Division and the **Friend of the Court** utilize the services of private therapists as impartial examiners to conduct psychological evaluations or family assessments, which may provide the court with information so that a decision can be made as to what type of custody or parenting time arrangement is in the best interest of the child(ren).

Counseling

The court sometimes orders parties to participate in counseling. If a party fails to comply with an order requiring counseling, either party may file a motion to enforce the order or a motion for contempt.

Substance Abuse Assessment

The court sometimes orders one or both parties to undergo substance abuse assessment and/or substance abuse testing. Such orders are mandatory, and the failure to follow the court's order can affect a party's status before the court. If a party fails to comply with an order requiring substance abuse assessment and/or substance abuse testing, either party may file a motion to enforce the order or a motion for contempt.

FOCUS ON THE CHILDREN

The **Friend of the Court** provides a parent education program called **FOCUS ON THE CHILDREN**. This program explores some of the dynamics of divorce, separation, co-parenting, and the challenge of raising children in two households. It is intended to help parents better understand how divorce and/or separation affects both their children and themselves. The program is conducted by Circuit Court Family Division judges, experienced **Friend of the Court** staff, psychologists, and local attorneys in private practice. Attendance is mandatory for all parties, and notification is sent to the judge to whom your case is assigned advising that you have attended the program. Sessions are held on two Wednesdays each month, one at noon and one at 6:00 pm.

GENERAL INFORMATIONAL MEETINGS

Twice a month, the **Friend of the Court** hosts a general informational meeting. These meetings provide forms and instructions to parties seeking to establish or modify court orders on issues of custody, parenting time and child support. Simplified instructions on how to complete and file the forms are provided. The **Friend of the Court** staff will not provide legal advice on specific case situations. A schedule of the meeting dates is available at the Friend of the Court office or on the website fc.ingham.org (go to the [HELP WITH FORMS](#) link.) Those attending the class are requested to bring a copy of their last court order, and paper and pencil.