

**STATE OF MICHIGAN
SIXTH JUDICIAL CIRCUIT
OAKLAND COUNTY**

**ORDER EXEMPTING CASE FROM
FRIEND OF THE COURT SERVICES**

CASE NO.

Plaintiff's name

Defendant's name(s)

v.

Plaintiff's attorney, bar no., address & telephone no.

Defendant's attorney, bar no., address & telephone no.

At a session of said Court, held in Pontiac, Michigan on

DATE: _____

PRESENT: _____

CIRCUIT JUDGE

On the request of both parties, the Friend of the Court referee made the findings and recommendation that follow;

THE COURT FINDS:

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

IT IS ORDERED:

9. Subject to the provisions of item 14 below, this case is not a friend of the court case.
10. This case is not a title IV-D case.
11. The friend of the court shall not be involved in the enforcement, investigation, or accounting functions for custody, parenting time, or support in this case.

12. The parties are responsible for all enforcement and accounting functions for custody, parenting time, or support in this case. If any dispute arises between the parties concerning custody, parenting time or child support that was not paid through the Friend of the Court, the issue will be submitted to mediation, or upon consent of the parties, binding arbitration, and the cost will be equally divided between the parties. The parties must keep accurate records regarding the direct payment of child support that is paid outside of the Friend of the Court or the State Disbursement Unit. The failure of either party to keep accurate records shall constitute a waiver of that party's right to claim any arrearage or credit regarding the child support account.

13. Except as indicated below, there is no income withholding in this case, support will be paid directly by the payer to the payee, and the friend of the court shall terminate any existing income withholding. Should this case become a friend of the court case, the payer must keep the friend of the court advised of the name and address of the payer's source of income and any health care coverage that is available to the payer as a benefit of employment or that the payer maintains including the name of the insurance company, health care organization, or health maintenance organization; the policy, certificate, or contract number; and the names and birth dates of the persons for whose benefit the payer maintains the coverage.

- a. Support shall be paid through the State Disbursement Unit (SDU) on a case previously open with the FOC. Support shall be paid by income withholding to the extent allowed by statutes and court rules, however, the friend of the court is not responsible for the income withholding. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.
- b. Support shall be paid through the SDU on a new case with no prior FOC involvement. If support payments are to be made through the SDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until the SDU notifies the friend of the court that it has been provided with the information necessary to process the child support payments. There will be no accounting for support that is not paid through the SDU.

14. The friend of the court shall open a friend of the court case if a party applies for public assistance relating to a child of the parties or either party submits to the friend of the court a written request to reopen the friend of the court case.

If this case becomes a friend of the court case for any reason, the following provisions apply:

1. The parties must cooperate fully with the friend of the court in establishing the case as a friend of the court case.
2. The parties must provide copies of all orders in their case to the friend of the court.
3. The parties must supply any documents that a party to a friend of the court case is required to supply if they have not already done so.
4. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through the SDU.
5. Support is payable through the friend of the court effective the date the case becomes a friend of the court case.
6. The friend of the court may prepare and submit, ex parte, a support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order.
7. If any dispute arises between the parties concerning custody, parenting time or child support that was not paid through the Friend of the Court, the issue will be submitted to private mediation, or upon consent of the parties, binding arbitration, and the cost will be equally divided between the parties. For those parties opting out of Friend of the Court, mediation and arbitration services through the Friend of the Court are not available to them.

8. The parties must keep accurate records regarding the direct payment of child support that is paid outside of the Friend of the Court or the State Disbursement Unit. The failure of either party to keep accurate records shall constitute a waiver of that party's right to claim any arrearage or credit regarding the child support account.

JUDGE

I hereby consent to the entry of the above Order:

Plaintiff signature

Defendant signature