

Form FOC 110
(DUAL PURPOSE FORM PACKET)

**ORDER REGARDING PAYMENT
PLAN/DISCHARGE OF ARREARS**

Use this form packet if:

- You had a hearing on your Motion Regarding Payment Plan/Discharge of Arrears (Form FOC 109), and both you and the other party or third party agree to sign the order without another hearing; or
- You had a hearing on your Motion Regarding Payment Plan/Discharge of Arrears (Form FOC 109), and the other party or third party will not sign the order; or,
- You and the other party or third party have agreed about a payment plan and/or a discharge of arrears and wanted the Court to sign your proposed order without having to file a motion and attend a hearing on the motion.

**ORDER REGARDING PAYMENT PLAN DISCHARGE OF ARREARS
CHECKLIST
[For Oakland County Cases Only]**

Use the following checklist to make sure you have met all the required steps.

DID YOU . . .

1. Fill out all requested information on the form? YES
2. Make all the necessary copies? YES
3. File a Praecipe with the Case Management Office to schedule a hearing if one is necessary. (Note: See page 3 for details) YES
4. Get the judge's signature? (Note: See pages 3-5 for details) YES
5. Return to the Clerk's Office with all copies of the signed order? YES
6. Make sure the clerk stamps all copies of the signed order? YES
7. Keep one (1) copy of the signed order for yourself? YES
8. Serve (mail) a copy of the order on the other party and on any other custodian(s)/guardian(s) after it was stamped by the clerk? YES
9. Give two (2) copies of the completed form to the Clerk of the Court for filing and retain a stamped copy? YES

If you cannot answer "yes" to all of the above questions, you do not have a valid order.

By using this form packet, you are representing yourself in a court action regarding a payment plan/discharge of support arrears. In order to receive the result you want, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the Court may not give you the relief you are seeking.

If you have any questions about the steps in the process, refer to pages 3 – 5 of this form packet for detailed information.

INSTRUCTIONS FOR USING FORM FOC 110 ORDER FOR A PAYMENT PLAN/DISCHARGE OF ARREARS

Note: The instructions for a “stipulated order” are different from the instructions for an “order after hearing.”

INSTRUCTIONS FOR SIGNING AND FILING AN ORDER AFTER HEARING (not a stipulated order)

1. Complete the Order Form.

Fill out the order form (FOC 110) according to the instructions on page 5 and please take care not to make any mistakes.

2. Make Copies of the Order Form.

Make at least five (5) copies of the form (FOC 110) and see the relevant instruction booklet for Forms FOC 53 (Notice of Hearing to Enter Order) or FOC 54 (Notice to enter Order Without Hearing) depending on your situation.

3. Order After Hearing by Hearing or Under the Seven (7) Day Rule.

If both the other party and you signed the order to show your approval (stipulation), then go to page 4 of this form packet for further instructions on getting the order signed by the judge.

[You cannot stipulate to waiving any monies owed to the State of Michigan or another governmental agency.]

In the absence of the parties stipulating to an order, you must do either of the following:

- a. Schedule and attend a hearing to get the order signed by using the packet for Form FOC 53 (Notice of Hearing to Enter Order).
 - i. Additionally, you must get a Praecipe Form and at least seven (7) case labels from the Clerk’s Office with your judge’s name and your case number, so a label may be affixed to the original Order Form, each copy, the Notice of Hearing, and the Praecipe.
 - ii. Complete the Praecipe to schedule your hearing, place a case label on it, make a copy, go to the Case Management Office on the Second floor of the Courthouse to get the original and copy “time-stamped,” and deposit the Praecipe in the “Praecipe Box.”
 - iii. Place a case label in box “A” of each of the other forms;

or,

- b. Notify the other party and/or custodian(s)/guardian(s) in writing within seven (7) days of the judge verbally granting the order that the written proposed order will be given to the judge to sign and that he or she has seven (7) days to file any written objections. If no objections are filed by the other party, or custodian(s)/guardian(s), the proposed order may be signed by using the packet for Form FOC 54 (Notice to Enter Order Without Hearing). *Please note: Oakland County’s procedure varies in that you must turn in the original proposed order to the judge’s clerk with a copy of the proof of service, and then file the original proof of service with the court clerk.*

INSTRUCTIONS FOR A STIPULATED ORDER

[You cannot stipulate (mutually agree) to any arrears owed to the State of Michigan or another governmental agency.]

1. Fill out the Order Form (FOC 110) as directed by the instructions on page 5, and please take care not to make any mistakes and ensure the form has each party's signature.
2. Make at least five (5) copies of the form (FOC 110) upon completion with each party's signature.
3. Take the order and four (4) copies signed by each party to the judge's clerk, and ask if the judge will sign your order and what you need to do to get the original and copies of the signed order. You may be able to pick up the order and copies. In the alternative, if you provide a stamped, self-addressed envelope, the judge's staff may mail the original order and four (4) copies to you.
4. Take your fully completed and signed original order form (FOC 110) and copies to the Clerk's Office. The clerk will stamp the order, keep the original, and return the four copies to you.

SERVING THE STIPULATED ORDER ON THE OTHER PARTY AND/OR PARTIES

1. Serve (mail) a copy of the order signed by the judge, the other party/custodian(s)/guardian(s), and you on the other party/custodian/guardian to provide proper notice of the order.

Note: Serve the order by mailing a copy to the other party and/or custodian/guardian by first class-mail.

2. On the date you serve the other party and any custodian/guardian by mail, complete the Certificate of Mailing section at the bottom of the remaining copies.
3. Return to the County Clerk's Office with two (2) copies of the order (Form FOC 110) with a completed Certificate of Mailing section. The clerk will stamp the copies, retain one (1) copy for the court's record, and return one (1) copy for your records.

ORDER REGARDING PAYMENT PLAN/DISCHARGE OF ARREARS INSTRUCTIONS

Please print neatly. After filling in the form, you will need to make at least five copies.

Items A – H must be completed before your order can be given to the judge for signature. Please read the instructions for each item. Then fill in the correct information for that item on the form.

- (A.) Before you fill in the Case No., get your copy of the Motion Regarding Payment Plan/Discharge of Arrears (Form FOC 109) and copy the Case No. from that paper onto this form. (Labels with your case number, the parties' names, and judge's name may be obtained from the Clerk's Office.)
- (B.) Use the motion form to fill in the "Plaintiff" and "Defendant" boxes, and if applicable, the "Third Party" box. Copy the names from the motion form onto this form. For example, if your name is in the box that says "Plaintiff," then you should write your name in the "Plaintiff" box on the response form.
- (C.) Fill in this information only if there was a hearing on a Motion Regarding Payment Plan/Discharge of Arrears.
- (D.) If you filed a Motion Regarding Payment Plan/Discharge of Arrears (Form FOC 109) and the other party will not sign the order, a hearing to enter the order is required. Check the box "after hearing."

If you filed a motion Regarding Payment Plan/Discharge of Arrears (form FOC 109) and the other party will sign the order without a hearing to enter the order, check the box "on the consent of the parties."

If the other party and you are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box "on stipulation of the parties." Even if you have checked this box, the court may still require a hearing. If a hearing is required, complete a Praeceptum (see page 4 of this booklet) and follow the directions on scheduling a hearing in the booklet for Form FOC 53 (Notice of Hearing to Enter Order).

- (E.) For items 4 through 9, check only those boxes that say what the judge found at the hearing on the motion. Use the notes you took at the hearing when filling out this part of the order form.
- (F.) For items 10 through 13, check only those boxes that say what the judge ordered at the hearing on the motion, and write in the blank spaces provided what the judge ordered at the hearing. This information must state as closely as possible the exact words of the judge. Use the notes you took at the hearing when filling out this part of the order form.
- (G.) If you filed a motion (Form FOC 109) and the other party has agreed to sign the order without a hearing to enter the order, both the other party and you must sign here. If the other party will not sign the order without a hearing to enter the order, submit a Praeceptum (see page 4 of this booklet) and follow the directions on scheduling a hearing in the booklet for Form FOC 53 (Notice of Hearing to Enter Order). In the alternative, you may be able to follow the directions in the booklet for Form FOC 54 (Notice to Enter Order Without Hearing). If you and other party are stipulating to the order you both must sign here.

To find out how to get the order signed, see page 3 or 4 of this form packet for details.
- (H.) On the date you serve a copy on the other party, write in the date and sign your name on the remaining copies. Return to Oakland County Clerk with the copies.

You must read this entire Dual Purpose Form Packet for directions on the legal process.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER REGARDING PAYMENT PLAN/ DISCHARGE OF ARREARS	(A) CASE NO.
--	---	---------------------

Court address _____ Court telephone no. _____

(B) Plaintiff's name, address, and telephone no.

v

Third party's name, address, and telephone no.

Defendant's name, address, and telephone no.

(C) Date: _____
 Judge: _____
 Bar no. _____

NOTE: This order will not stop enforcement of child-support obligations when enforcement is required by law.

(D) 1. This order is entered after hearing. on consent of the parties. on stipulation of the parties.

(E) THE COURT FINDS:

- 2. A motion requesting payment plan/discharge of arrears was filed.
- 3. A response to a motion requesting payment plan/discharge of arrears was filed.
- 4. Written comments were submitted by the Office of Child Support and considered by the court.
- 5. The payer did did not appear.
- 6. The payee did did not appear.
- 7. The payer owes past-due support of \$ _____ .
- 8. Based on specific findings of fact on the record pursuant to MCL 552.605e(1), it is is not appropriate to establish a payment plan.
- 9. The parties have agreed to the discharge of arrears owed to the payee.

IT IS ORDERED:

- (F)** 10. The motion for payment plan/discharge of arrears is dismissed. denied.
- 11. _____ shall pay \$ _____ per month for _____ months starting _____ . At the conclusion of the payment plan, the payer shall contact the court to schedule a hearing on the request to discharge any remaining arrears.
- 12. Based upon the agreement of the parties, support arrears in the amount of \$ _____ are discharged.
- 13. Other:

(G) _____
 Plaintiff's signature (consent/stipulation) Defendant's signature (consent/stipulation)

 Third party's signature (consent/stipulation)

 Date _____
 Judge

CERTIFICATE OF MAILING

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

(H) _____
 Date _____
 Signature