

46th JUDICIAL CIRCUIT
OTSEGO COUNTY

JUDGMENT OF DIVORCE INSTRUCTIONS

You must utilize the attached form Judgment of Divorce and Uniform Child Support Order (along with the Deviation Addendum if applicable) when presenting the Judgment for approval by the Friend of the Court (FOC) and for signature by the Court. Other In Pro Per form Judgments will not be approved as they often do not contain all of the required statutory language.

Included in this packet are general instructions on how to submit the proposed Judgment for approval and the necessary forms.

Once the Judgment and attached Uniform Support Order(s) have been **completely and properly** filled in, they will need to be approved by the FOC before your final divorce hearing date. It may be mailed or brought to the FOC office to be reviewed. This needs to occur no less than **30 days** prior to your hearing date.

If the Judgment cannot be approved due to the Judgment and/or attachment(s) not being properly filled out, you will be notified to make the necessary changes. The Judgment will again need to be submitted to the FOC for approval.

The Judge will not sign the Judgment and Uniform Support Order(s) until it has been approved by the friend of the court and you have filed a Proof of Service with the County Clerk indicating that you have served a copy of the Judgment Information Form on the FOC.

Your responsibility is to schedule your final hearing through the Assignment Clerk of the county where your case is filed. In Otsego County contact:

Jennifer O'Rourke (cases assigned to Judge George Mertz) at (989)731-0224
Christina Ventline (cases assigned to Judge Colin Hunter) at (989) 344-3271

Before the hearing, you will need to file the approved Friend of the Court Judgment with the County Clerk. The clerk will not accept the Judgment and Uniform Support Order for filing unless you provide a copy to them marked "Friend of the Court copy".

Your divorce is **not** complete unless you file the Judgment and Uniform Support Order(s) with the County Clerk and the Judge signs the approved judgment at the final hearing.

You are responsible for supplying the Defendant with a copy of the Judgment and Uniform Support Order. A Proof of Service form is included with this packet. You will need to complete and file the Proof of Service with the County Clerk along with a copy marked "Friend of the Court copy".

Note: Friend of the Court cannot give you legal advice. You may wish to consult with an attorney. You can also access MichiganLegalHelp.org for legal assistance.

COMPLETING THE REQUIRED JUDGMENT INFORMATION FORM

The Domestic Relations Judgment Information Form (included in this packet) must be completed, signed, and served on the FOC, any attorneys of record and the other party(ies) at the time your proposed Judgment of Divorce is submitted to the friend of the court for approval.

You must file the Proof of Service (included in this packet) with the County Clerk certifying that you have served this document to all required individuals noted above before your final divorce hearing. Do not file the Domestic Relations Judgment Form with the County Clerk.

Michigan Court Rule 3.211 (F)(2)(a) requires that the Domestic Relations Judgment Information Form be served on all other parties unless otherwise ordered by the Court.

If the Judge modifies the proposed Judgment before signing it you must, within seven (7) days, submit a new Domestic Relations Judgment Information Form to FOC and all other parties if any of the information previously submitted changes as a result of the modification.

INSTRUCTIONS FOR COMPLETING IN PRO PER JUDGMENT OF DIVORCE

Where stated in directions "FOC Rec." refers to friend of the court recommendation. Where stated "PL" refers to Plaintiff and "DF" refers to Defendant. Areas in the Judgment of Divorce that are not numbered for you to complete are to be completed by the Court.

- (1) Fill in the County in which your case is filed (Otsego).
- (2) Provide the complete name of the party who filed the Complaint for Divorce (Plaintiff) and the complete name of the other party (Defendant).
- (3) Provide the file number of your case. (Obtain via court forms or orders you received)
- (4) Provide the name of the Judge presiding over your case. (See Complaint for Divorce)
- (5) Check Consent or Default: Consent means the content of the Judgment of Divorce is based upon the agreement of the parties. The Defendant must sign the Judgment. Default means the Defendant did not file an Answer to the Complaint for Divorce.
- (6) Custody: Complete the child(ren)'s name and assignment of legal and physical custody. Custody is pursuant to mutual agreement, default, and or previous order of the court. (See abbreviations under custody)
- (7) Parenting time: Fill in the party who will be entitled to parenting time (Plaintiff or Defendant).
- (8) If there is an established parenting time order copy that information on the lines after "08". If the parties have an agreement, fill in the details on the lines after "08". Parties may write "as parties agree" if they do not have a set schedule. If parenting time is pursuant to the 46th circuit standard, or long distance guideline please attach the appropriate guideline

(08A) Overnights:

- Count the annual number of overnights the children will spend with Plaintiff and Defendant in a calendar year. Equal parenting time is 182.5 overnights for each parent.
- If no parenting time is proposed, you must use “0”. Note that the Plaintiff and Defendant’s overnights with each child must total 365.

(9) Support and health care for the minor child(ren):

- Check the appropriate box. If you checked box #1 you must complete the attached Uniform Child Support Order (see instructions below).
- Check the deviation box "a." if you have deviated from the Michigan Child Support Formula. You must complete the attached Uniform Support Order Deviation Addendum.
- Check box #3 if you have agreed upon a parenting time schedule that changes the annual number of overnights and both parties would like the Friend of the Court to conduct an updated child support calculation.

(10) Opting out of the Friend of the Court:

- Complete this section if you have filed a motion to opt out of FOC services. See information below regarding opt out procedure.

(11) Legal residence of the child(ren):

- Insert residential address of PL and DF from the Verified Statement.

(12) Spousal support:

- Check the appropriate box.
- If box #2 is checked you must complete and attach the Uniform Spousal Support Order (FOC10b). The form can be obtained from the FOC.

(13) Complete maiden name (If applicable)

(14) Statutory Insurance Provision (attachments if applicable)

(15) Property Settlement (attachments if applicable)

(16) Approved as to Form and Content:

(17) Plaintiff signature and date

(18) Defendant signature and date

OPT OUT PROCEDURE

Pursuant to Michigan law, support must be paid through the state disbursement unit in Lansing. If parents wish to pay support directly without going through the state disbursement unit or you both wish to exempt your case from friend of the court services, you must file a motion to be heard by the Court. An opt out packet of forms and instructions is available upon request from the FOC office.

INSTRUCTIONS FOR COMPLETING THE UNIFORM CHILD SUPPORT ORDER

- **If there is an existing support order for your case and you are not deviating from it, you may copy that information onto the Uniform Support Order included.**
 - **If you are deviating, fill in the amount the parties would like ordered onto the Uniform Support Order included.**
 - **Copy the information from the existing support recommendation, or order exactly onto the deviation addendum included.**
1. Fill in the Case No. in the upper right hand corner of the form.
 2. Fill in the complete name of the party who filed the Complaint for Divorce (Plaintiff) and the complete name of the other party (Defendant), including addresses and telephone numbers.
 3. Fill in the name, address bar #, and telephone number of the Plaintiff and Defendant's attorneys, if applicable.
 4. Fill in the Plaintiff's source of income (employer) including the address and telephone number. Do the same for the Defendant.
 5. **Under "1." enter the following information:**
 - a. Indicate the name of the payer and payee (party who receives the payments). List the child(ren)'s name(s) and the number of parenting time overnights with the payer of support for each child.
 - Depending upon the parenting time that will be ordered, the number of overnights may vary for each child. If you are adopting the standard parenting time schedule, the number of overnights is 101 (for the payer of support). If a party has no overnights, use "0".
 - b. Enter the effective date of the support order.
 - c. In the box under "1. Item 1":
 - List the amount of base support, any health care premium adjustment, ordinary medical, child care, other support or social security benefit credit (if applicable). Refer to the FOC recommendation.
 - If you are deviating from the FOC recommendation, list the amounts of base support, child care, ordinary medical and other support for each child that you have agreed upon.
 6. Check the box under the support grid if a previous court order for support was entered and this order is based upon reduced income of the payer.
 7. Fill in the case number at the top of the page
 8. **Uninsured Health-Care Expenses :**
 - Fill in the uninsured health care expense percentages from the FOC recommendation.
 - If you are deviating from the child support formula, fill in the percentages that you have agreed upon. The annual ordinary medical amount is \$403 per child as indicated in the FOC recommendation.

9. Obligation Ends:

- Child support will end for each child on the last day of the month the child turns 18.
- Post-majority Support - If it is anticipated that one or more children will continue to attend high school beyond age 18 and you wish to have support continue while the child is attending school on a full time basis (up to age 19 ½ as long as the child is in school full time and living with the recipient of support), you can check the box.
- Indicate the child's name, and the date the obligation will end (month, the last date of that month and year of the child's graduation).

10. Under item #2 Health-care coverage:

- Unless you agree otherwise, this court requires FOC to recommend which parent should maintain health insurance, not to exceed 6% of gross income.
- Either record your agreement or use the FOC recommendation that reflects which parent is determined to carry the dependent insurance.

11. Under item #11 Michigan Child Support Formula Deviation:

- Check the box if you are deviating from the FOC recommendation, or order, which is based upon the Michigan Child Support Formula.
- If this box is checked you must complete the Uniform Support Order Deviation Addendum (Form FOC 10d included in this packet) and attach it to the Uniform Support Order (See instructions below).
- You cannot deviate to zero if you are receiving public assistance (FIP or Medicaid).

12. Under item #12 Other:

- Include any other agreements related to child support, including health care.

NOTE:

This Uniform Support Order will supersede all prior child support orders. All continuing provisions must be stated in this order or they will no longer exist. Prior Uniform Support Orders cannot be incorporated by reference in your Judgment of Divorce.

INSTRUCTIONS FOR COMPLETING THE UNIFORM CHILD SUPPORT ORDER DEVIATION ADDENDUM (FOC 10d)

1. Fill in the complete name of the Plaintiff and Defendant.
2. **Under item #1**
Indicate the number(s) of the paragraph(s) in which you have deviated from the Michigan Child Support Formula.
3. **Under item #2a:**
Fill in the support, health care and insurance information included in the FOC recommendation (what you may be deviating from).
 - Copy this information from the FOC recommendation, or order that you are deviating from.
4. **Under item #2b:**
Indicate the specific reasons you are requesting the court to allow a deviation from the Michigan Child Support Formula.
5. **Under item #2c:**
Specify which of the provisions of the child support formula create an unjust or inappropriate result and explain how this deviates from the provisions.
6. **Under item #2d:**
Indicate the value of property or other support award instead of payment of child support. If this is not applicable, write "none."

**46th CIRCUIT COURT
FRIEND OF THE COURT
PARENTING TIME GUIDELINES**

Michigan law states that it is presumed to be in the best interests of a child to have a strong relationship with both parents, and the Court is required to order parenting time in a way that is reasonably calculated to promote this strong relationship. If the parents can agree on the terms of parenting time, the Court will in most cases approve the agreed upon schedule.

The Court has suggested parenting time schedules as a guideline or model that parents may wish to consider when formulating a parenting time plan. The Court may apply a parenting time schedule in appropriate cases including those where the parents fail to agree upon a schedule. A parenting time guideline can only be enforced when it is referenced and made part of a Court order.

If your Court order contains the statement “reasonable parenting time” that means any parenting time upon which the parents can agree. If you have a dispute regarding parenting time, and your order has “reasonable parenting time” language in it, the Friend of the Court will not be able to enforce parenting time because the order does not contain a specific schedule. **If either parent wishes to have a specific schedule, the parties can enter into a written agreement and have that agreement reviewed and entered as a Court order or he/she can petition the Court.**

STANDARD PARENTING TIME GUIDELINE

The Standard Parenting Time Guideline is for parents who live within two (2) hours driving time from each other. The parenting schedule is as follows:

Weekend Parenting Time

The non-custodial parent will be entitled to parenting time on alternating weekends from 6:00 p.m. Friday to 6:00 p.m. Sunday.

Mid-week Parenting Time

The non-custodial parent will be entitled to parenting time the Wednesday evening preceding the custodial parent’s weekend from 6:00 p.m. to 8:00 p.m.

Holiday Parenting Time

The father will have parenting time in years ending in an odd number and the mother will have parenting time in years ending in even numbers on the following holidays:

New Year’s: From 6:00 p.m. on December 31st to 8:00 p.m. on January 1st

Christmas Eve: From noon on December 24th to noon on December 25th

Labor Day: From 6:00 p.m. the evening before until 8:00 p.m. on Labor Day

Memorial Day: From 6:00 p.m. the day before until 8:00 p.m. on Memorial Day

The father will have parenting time in years ending in even numbers and the mother will have parenting time in years ending in odd numbers for the following holidays:

Christmas Day: From noon on December 25th until 8:00 p.m. on December 26th

Thanksgiving: From 6:00 p.m. on Wednesday until 8:00 p.m. on Friday

4th of July: From 6:00 p.m. on July 3rd until 8:00 p.m. on July 4th

Easter: From 6:00 p.m. on Good Friday until 8:00 p.m. on Easter Sunday

With the exception of Christmas Eve and Christmas Day, when a holiday falls on the Monday following the parenting time weekend, parenting time will be from Friday at 6:00 p.m. and end at 8:00 p.m. on Monday. Should the holiday fall on Friday of the parenting time weekend, parenting time will be from Thursday at 6:00 p.m. and end at 8:00 p.m. on Sunday.

Minor children age seven (7) or younger should be returned to the custodial parent by 7:00 p.m. If there is more than one child, the age of the youngest child should determine the time of return.

Father's Day will be spent with the father each year beginning at 9:00 a.m. and ending at 6:00 p.m.

Mother's Day will be spent with the mother each year beginning at 9:00 a.m. and ending at 6:00 p.m.

All holiday parenting time including Father's Day and Mother's Day will take precedence over regular weekday/weekend parenting time.

Spring, Summer and Winter (Christmas Break) Parenting Time

Spring Break

The father will have parenting time in the years ending in an even number and the mother will have parenting time in years ending in an odd number. Spring break will occur during the spring break of the school district in which the child(ren) resides from 6:00 p.m. the day school is scheduled to recess until 6:00 p.m. the day before school is scheduled to resume.

Winter (Christmas) Break

In years ending in an odd number, the father will have parenting time from 6:00 p.m. on the date that school in the district in which the child(ren) resides recesses for the winter break until noon on December 25th and the mother will have parenting time from noon on December 25th until 6:00 p.m. on December 31st. Thereafter, the normal parenting time schedule will resume.

In years ending in an even number, the mother will have parenting time from 6:00 p.m. on the date the school district in which the child(ren) resides recesses for winter break until noon on December 25th and the father will have parenting time from noon on December 25th until 6:00 p.m. on December 31st.

Summer Break

Prior to the child's sixth birthday, summer parenting time for the non-custodial parent will consist of four, non-consecutive one-week blocks. The one-week block will begin at 6:00 p.m. Friday on the non-custodial parent's weekend and will end at 6:00 p.m. the following Friday when the custodial parent's weekend begins. The blocks for summer parenting time will be determined by the school schedule for the school district in which the child resides, even if the child is not of school age.

After the child's sixth birthday, the non-custodial parent will be entitled to six weeks of parenting time to be exercised during the time the school district in which the child(ren) resides recesses for summer break. If parenting time is exercised in three or more week blocks of time, the custodial parent will be entitled to exercise alternating weekend parenting time beginning the second Friday at 6:00 p.m. and ending on Sunday at 6:00 p.m.

Transportation

Transportation will be shared equally for all parenting time established by this policy. The non-custodial parent will pick up the child(ren) at the beginning of the parenting time period and the custodial parent will pick up the child(ren) at the end of the parent time period.

Telephone/Internet Contact

The non-custodial parent will have the right to reasonable contact with the child(ren) by telephone or electronic mail. While the child(ren) are with the non-custodial parent for extended periods of time, the custodial parent will have the right to similar reasonable contact.

Standard Parenting Time Guideline Offset

Children Six Years of Age and Older:	Non-Custodial Parent	101 Overnights
	Custodial Parent	264 Overnights
Children Younger than Six Years of Age:	Non-Custodial Parent	87 Overnights
	Custodial Parent	278 Overnights

**46TH CIRCUIT COURT
FRIEND OF THE COURT
PARENTING TIME GUIDELINES**

Michigan law states that it is presumed to be in the best interests of a child to have a strong relationship with both parents, and the Court is required to order parenting time in a way that is reasonably calculated to promote this strong relationship. If the parents can agree on the terms of parenting time, the Court will in most cases approve the agreed-upon schedule.

The Court has suggested parenting time schedules as a guideline or model that parents may wish to consider when formulating a parenting time plan. The Court may apply a parenting time schedule in appropriate cases including those where the parents fail to agree upon a schedule. A parenting time guideline can only be enforced when it is referenced and made part of a Court order.

If your Court order contains the statement “reasonable parenting time” that means any parenting time upon which the parents can agree. The Friend of the Court will not be able to enforce parenting time because the order does not contain a specific schedule. **If either parent wishes to have a specific schedule, the parties can enter into a written agreement and have that agreement reviewed and entered as a Court order or he/she can petition the Court.**

LONG-DISTANCE PARENTING TIME GUIDELINE

This Court strongly supports and encourages parents to work together to arrive at a parenting time schedule when there is a geographic distance between the parties of more than two (2) but less than five (5) hours of driving time, one way. Where the driving time is more than five (5) hours, a parenting time plan will need to be established on an individual basis.

Weekend Parenting Time

It is intended that the non-custodial parent will have one to three overnight weekends per month during the school year. In the months with extended parenting time such as the spring and Christmas school breaks and Thanksgiving, the extended parenting time for that month will constitute the three overnight weekends. The three overnight weekends, whenever possible, should be exercised when the child(ren) have a Friday or Monday off from school for either a school holiday, in-service training day, or other scheduled Monday or Friday off from school as dictated by the school calendar. If in a given month there is no Monday or Friday scheduled off from school, the non-custodial parent will still be entitled to one three overnight weekends. However, the non-custodial parent should ensure that the child’s educational pursuits are not jeopardized by running afoul of the school district’s attendance policy if any. The non-custodial parent will be responsible to obtain the school calendar from the school district in which the child(ren) attends so that arrangements for weekend parenting time can be made at least 30 days in advance.

Spring, Summer, Thanksgiving, and Winter (Christmas) Break

Spring Break

The non-custodial parent will have spring break each year beginning the day school adjourns at 6:00 p.m. and ending at 6:00 p.m. the day before school resumes. A general itinerary will be provided to the other parent if the child(ren) are on a trip lasting more than three days away from either parent's home.

Summer Break

The non-custodial parent will have a total of eight weeks of summer parenting time to be exercised in two three-week and one two-week blocks of time commencing at 6:00 p.m. the day school adjourns for the summer. Summer parenting time is to end one full week before school resumes in the fall. Summer school necessary for the child(ren) to pass to the next grade must be attended. A general itinerary will be provided to the other parent if the child(ren) are on a trip lasting more than three days away from either parent's home.

Thanksgiving Break

The non-custodial parent will have the child(ren) each Thanksgiving break from Wednesday at 6:00 p.m. to Sunday at 6:00 p.m.

Winter (Christmas) Break

The parties will share Christmas school break with the custodial parent having the first part of the break in years ending in even numbers, for seven overnights or one-half of the total overnights of the break, whichever is greater, and the non-custodial parent having the second half ending the day before school reconvenes at 6:00 p.m. In the years ending in odd numbers, the non-custodial parent will have the first part of the break commencing at 6:00 p.m. on the day school adjourns for seven overnights or one-half of the total overnights of the break, whichever is greater.

Additional Parenting Time

The non-custodial parent is entitled to additional parenting time upon two days' notice whenever that parent is in the geographic area of the child(ren).

When the child(ren) are within 25 miles of the non-custodial parent's residence the custodial parent must notify the other parent and offer parenting time.

Pre-School Age Children

If no child in the family is of school age, the non-custodial parent will be entitled to seven overnights per month beginning on the first Friday of the month at 6:00 p.m. and ending at 6:00 p.m. on the following Friday. This provision takes precedence over weekends, school breaks, summer, and additional parenting time as outlined above. If there are both non-school age and school-age children in the family, then the parenting time outlined above will apply.

Additional Parenting Time

Should special circumstances arise, either parent can petition the Court to request additional parenting time with the child(ren).

Transportation

Transportation will be shared equally for all parenting time established by this policy. The non-custodial parent will pick up the child(ren) at the beginning of the parenting time period and the custodial parent will pick up the child(ren) at the end of the parent time period.

Telephone/Internet Contact

The non-custodial parent will have the right to reasonable contact with the child(ren) by telephone or electronic mail. While the children are with the non-custodial parent for extended periods of time, the custodial parent will have the right to similar reasonable contact.

Long-Distance Parenting Time Offset

School-Age Children:	Non-Custodial Parent	91 Overnights
	Custodial Parent	274 Overnights
Pre-School Age Children:	Non-Custodial Parent	84 Overnights
	Custodial Parent	281 Overnights

**STATE OF MICHIGAN
IN THE 46TH CIRCUIT COURT - FAMILY DIVISION
FOR THE COUNTY OF OTSEGO (01)**

(02) _____
Plaintiff,

vs.

(03) File No. _____

(02) _____

(04) Honorable _____

Defendant,

JUDGMENT OF DIVORCE

(05) **CONSENT** **DEFAULT**

Date of Hearing _____

It appears to this Court that the material facts alleged in the Complaint are true, and that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage relationship can be preserved,

IT IS ORDERED that the marriage between the Plaintiff and Defendant is dissolved and a divorce is granted.

CUSTODY

IT IS FURTHER ORDERED that the custody of the minor child(ren) will be as follows:

Custody: PL=Plaintiff DF=Defendant JT=Joint 3rd=Third party/Guardian

(06) Child's name legal custody physical custody

until each child is age eighteen or until further order of the court.

If the parties are awarded joint legal custody they shall share the decision-making authority as to important decisions affecting the welfare of the child(ren).

PARENTING TIME

IT IS FURTHER ORDERED that (07)_____ shall have the right to reasonable parenting time with the minor child(ren)of the parties pursuant to the attached standard parenting time schedule, unless otherwise hereinafter provided.

(08)_____

(08A) The above parenting time arrangements result in a number of overnights in a calendar year for each child as follows:

<u>Child's name</u>	<u># Plaintiff overnights</u>	<u># Defendant overnights</u>

HAGUE CONVENTION/INTERNATIONAL CHILD ABDUCTION

Pursuant to MCL 722.27a (9) parenting time is prohibited from being exercised in a foreign country/nation that is not a party to the Hague convention on the civil aspects of international child abduction unless both parents provide the court with written consent to allow parenting time to take place in a foreign country/nation that is not a party to this convention.

INHERENT RIGHTS OF THE CHILD(REN)

The parents shall cooperate with respect to a child so as, in a maximum degree, to advance a child's health, emotional, and physical well-being and to give and afford a child the affection of both parents and a sense of security. Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide a child so as to promote the affectionate relationship between a child and the mother and a child and the father. The parties will cooperate with each other in carrying out the provisions of this order for a child's best interests. Whenever it seems necessary to adjust, vary or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of the child. Neither party shall do anything which may estrange the other from the child, injure the child's opinion of the other party, or which will hamper the free and natural development of the child from the other party.

SUPPORT AND HEALTH CARE OF THE MINOR CHILD(REN)

IT IS FURTHER ORDERED: (09)

- 1. Support and health care expenses shall be paid as outlined in the attached Uniform Child Support Order (FOC10).
 - a. Support deviates from the Michigan Child Support Formula as outlined in the attached Uniform Support Order Deviation Addendum (FOC 10d)
- 2. No Uniform Child Support Order is required because support is reserved.
- 3. Child support is referred to the friend of the court to recommend an appropriate amount of support based upon the parenting time schedule included in this order.

A Notice for an Order of Dependent Health Care Coverage takes effect immediately and will be sent to the parent's current and subsequent employers and insurers if appropriate. The notice shall inform the parent that he or she may contest the action by requesting a review or hearing concerning the availability of health care coverage at a reasonable cost.

CHILD CARE EXPENSES

IT IS FURTHER ORDERED that child care expenses shall be paid as outlined in the attached Uniform Child Support Order and shall continue through August 31st following the child's 12th birthday. The parties must notify each other of changes in child care expenses and must additionally notify the friend of the court if the change ends those expenses. A failure to report will be reviewed as an affirmative assertion there has been no change.

PRESERVATION OF ARREARAGE

Any arrearage due the State of Michigan, whether accrued under a temporary child support order or Judgment pursuant to MCL 552.451 and/or due the support recipient are preserved, unless this Judgment provides otherwise.

OPTING OUT OF FRIEND OF THE COURT SERVICE

In cases where the parties agree to opt out of the services of the friend of the court, the Court finds this case has met the requirements for authorization under MCL 552.505a for the parties to opt out of friend of the court services. The attached motion was filed by the (10)_____ on _____ to be heard on _____ in conjunction with the Judgment of Divorce. The Plaintiff and Defendant have read and signed the attached Advice of Rights Regarding Friend of the Court Services.

IT IS FURTHER ORDERED the attached signed Order Exempting Case from Friend of the Court Services shall enter as a part of this judgment, effective upon entry of this Judgment of Divorce.

IT IS FURTHER ORDERED:

- 1. Support and health care expenses shall be paid as outlined in the attached Uniform Child Support Order (FOC 10a/ no FOC services).
 - a. Support deviates from the Michigan Child Support Formula as outlined in the attached Uniform Support Order Deviation Addendum (FOC 10d).
- 2. No Uniform Child Support Order is required because support is reserved.

CREDITS AND ADJUSTMENTS

For the purposes of calculating credits and adjustments in multi-children families the total amount of support ordered shall be apportioned equally among the un-emancipated children.

DOMICILE OF CHILDREN

IT IS FURTHER ORDERED that the legal custodial of the minor child(ren)is hereby ordered to notify the friend of the court of any change of address of said minor child(ren) immediately, and that the domicile or residence of said minor child(ren) shall not be removed from the State of Michigan without prior approval of this Court.

LEGAL RESIDENCE OF THE CHILDREN

A child whose parental custody is governed by the Judgment of Divorce has a legal residence with each parent unless this judgment grants sole legal custody to one of the child's parents. A parent of a child whose custody is governed by this Judgment of Divorce shall not change a legal residence of the child to a location that is more than 100 miles from the child's legal residence with the other party at the time of the commencement of the action unless that change is permitted by this Court or unless allowable under Michigan Compiled Law 722.31.

The legal residence of the child(ren) with the Plaintiff as it appears on the verified statement(11):

The legal residence of the child(ren) with the Defendant as it appears on the verified statement (11):

DUTIES OF THE PARTIES

IT IS FURTHER ORDERED the Plaintiff and Defendant shall notify the friend of the court, in writing, of any changes of residential and/or mailing address and telephone numbers while the order of support is operative, within 21 days of such a change of address. Each party shall keep the friend of the court informed of the following:

(A) The name and address and telephone number of the payer's and payee's current sources of income. "Source of Income" means an employer or successor employer or any other individual or entity that owes or will owe income to the payer.

(B) Any health care that is available to either party as a benefit of employment or that is maintained by him or her, the name of the insurance company, nonprofit health care corporation or health maintenance organization; the policy, certificate or contract number; and the names and birth dates of the persons for whose benefit he or she maintains health care coverage under the policy, certificate or contract.

(C) Each party shall notify the friend of the court of any changes in his or her current source of income or health care benefits as specified by sub-paragraphs A and B.

(D) Each party shall notify the friend of the court if they hold occupational licenses, driver's license and social security number. Each party shall supply a copy of said licenses they hold or obtain while the order of support is operative and provide their social security number to the friend of the court. The requirement to provide a social security number is subject to exceptions outlined in MCL 552.603 Sec. 3(7)(d).

SPOUSAL SUPPORT

IT IS FURTHER ORDERED: (12)

- 1. Neither Plaintiff nor Defendant is entitled to spousal support and no spousal support is awarded and shall be forever bared, with no requirement of a Uniform Spousal Support Order.
- 2. Spousal support is ordered as outlined in the attached Uniform Spousal Support Order Order (FOC10b/With Friend of the Court Services or FOC 10c/ No Friend of the Court Services.

RESTORATION OF MAIDEN NAME

IT IS FURTHER ORDERED that (13)_____ shall have restored her maiden name or the name she legally bore prior to her marriage and that she shall henceforth be known by the name of (13)_____.

STATUTORY INSURANCE PROVISION

IT IS FURTHER ORDERED that any right of either party in any policy or contract of life, endowment or annuity insurance of the other, as a beneficiary are extinguished unless specifically preserved by this judgment. (14) Attachment, if applicable.

PROPERTY SETTLEMENT

IT IS FURTHER ORDERED that the Plaintiff and Defendant are each awarded those items of personal property now in his/her possession free and clear of any claim by the other and subject to any indebtedness thereon, if any. Each party shall hold the opposite party harmless from such indebtedness. (15) Specific property settlement attached, if applicable.

DOWER RELEASE

IT IS FURTHER ORDERED that the provisions made for the wife and husband in the property settlement are in lieu of any dower in the land of the other and each shall hereafter hold their remaining land free, clear and discharged from any such dower right of claim of the other.

This provision shall also be in full satisfaction of all claims that either may have in any property owned or hereafter owned, or in which either has, or hereafter may have, any interest.

STATE OF MICHIGAN 46TH JUDICIAL CIRCUIT OTSEGO COUNTY	UNIFORM CHILD SUPPORT ORDER <input type="checkbox"/> EX PARTE <input type="checkbox"/> TEMPORARY <input type="checkbox"/> MODIFICATION <input type="checkbox"/> FINAL	CASE NO. and JUDGE
--	--	---------------------------

Court address 800 Livingston Blvd. Ste 1A Gaylord, MI 49735 **Court telephone no.** 989-731-7450

Plaintiff's name, address, and telephone no.	v	Defendant's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.		Defendant's attorney, bar no., address, and telephone no.
Plaintiff's source of income name, address, and telephone no.		Defendant's source of income name, address, and telephone no.

- This order is entered after hearing. after statutory review. on stipulation/consent of the parties.
- The friend of the court recommends child support be ordered as follows.
- If you disagree with this recommendation, you must file a written objection with _____ on or before **21 days** from the date this order is mailed. If you do not object, this proposed order will be presented to the court for entry.
- Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, unless otherwise ordered in item 11 or 12:
 Standard provisions have been modified (see item 11 or 12).

1. The children who are supported under this order and the payer and payee are:

Payer:	Payee:
Children's names and annual overnights with payer:	
Children's names	Overnights

Effective _____, the payer shall pay a monthly child support obligation for the children named above.

Form Instructions

1. **Item 1** (continued).

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust:	\$	\$	\$	\$	\$
Subtotal:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Benefit credit:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$

Support was reduced because payer's income was reduced.

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____% by the plaintiff and _____% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____.

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18.

Post-majority Support: The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age:
(Specify name of child and date obligation ends.)

Child Care. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses. The child-care obligation for each child ends on August 31 following the child's 12th birthday, at which time the total child care obligation reduces by that child's pro rata share unless specified differently in this order.

2. **Health-Care Coverage.** For the benefit of the children, the plaintiff defendant shall maintain health-care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is accessible to the child and available at a reasonable cost. The reasonable cost is the parent's net cost of adding the children to the parent's coverage
 up to a maximum of \$_____ for plaintiff. up to a maximum of \$_____ for defendant.
 not to exceed 6% of the plaintiff's/defendant's gross income.

3. **Income Withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 12.

4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.

5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.

6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or driver's licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.

7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Michigan Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.

8. **Redirection and Abatement.** As provided by MCL 552.605d and subject to statutory procedures, the friend of the court may redirect support paid for a child to the person who is providing the actual care, support, and maintenance of that child, and shall abate support charges to zero for a child who resides on a full-time basis with the payer of support or if the payer of support will be incarcerated for 180 consecutive days or more without the ability to pay.

When friend of the court becomes aware that the payer's condition meets the definition of incapacitation as defined in the current or subsequent Michigan Child Support Formula, monthly support charges shall abate and be temporarily reduced to zero effective the date that the friend of the court office provides notice of the abatement to the parties and to the court. Support charges shall be reinstated effective 60 days after the incapacitation ends. The office shall provide notice of reinstatement to the parties and to the court that specifies the date charges will be effective.

Either party may object to the abatement or reinstatement by filing a written objection with the court within 21 days following when the notice was filed, or by filing a motion. If a timely objection is received, the friend of the court shall either set the objection for hearing or complete a support review with an effective date no earlier than the date of filing of that notice.

Based on a motion by either party or a recommendation following a review by the friend of the court, the amount abated may be later corrected based on the parties' incomes or ability to pay during the abatement period.

9. **Fees.** The payer of support shall pay statutory and service fees as required by law.

10. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.

11. **Michigan Child Support Formula Deviation.** The support provisions ordered do not follow the Michigan Child Support Formula. The attached deviation addendum (FOC 10d) provides the basis for deviation and the required findings by the court.

12. **Other:** (Attach separate sheets as needed.)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY 46TH	UNIFORM CHILD SUPPORT ORDER DEVIATION ADDENDUM	CASE NO. and JUDGE
--	---	---------------------------

Court address 800 Livingston Blvd. Ste 1A Gaylord, MI 49735	Court telephone no. 989-731-7450
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Plaintiff's name	v	Defendant's name
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THE COURT FINDS:

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

Payer:	Payee:
Children's names and annual overnights with payer:	
Children's names	Overnights

Children supported	1 child	2 children	3 children	4 children	5 or more children
Base Support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$	\$	\$	\$	\$
Premium adjust.	\$	\$	\$	\$	\$
Subtotal:	\$	\$	\$	\$	\$
Ordinary medical:	\$	\$	\$	\$	\$
Child care:	\$	\$	\$	\$	\$
Other:	\$	\$	\$	\$	\$
Benefit credit:	\$	\$	\$	\$	\$
Total:	\$	\$	\$	\$	\$

Support was reduced because payer's income was reduced.

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid _____% by the plaintiff and _____% by the defendant. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court. The annual ordinary medical amount is _____.

(Item 2 continued.)

Health-Care Coverage. For the benefit of the children, the plaintiff defendant shall maintain health-care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is accessible to the child and available at a reasonable cost. The reasonable cost is the parent's net cost of adding the children to the parent's coverage

- up to a maximum of \$_____ for plaintiff. up to a maximum of \$_____ for defendant.
- not to exceed 6% of the plaintiff's/defendant's gross income.

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

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

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

Plaintiff (if consent/stipulation) _____ Date Defendant (if consent/stipulation) _____ Date

Plaintiff's attorney _____ Date Defendant's attorney _____ Date

Prepared by: _____
Name (type or print)

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

46th Circuit Court
ADDENDUM TO UNIFORM CHILD SUPPORT ORDER

ARREARAGES

Unless specifically ordered by the court, the arrearage guideline included in the 2017 Michigan Child Support Formula shall be applied by the friend of the court to past due support.

If arrearages exist, the payer of support shall pay 2% of the total support arrearage, but not less than \$50, nor more than half the current support amount. If no current support charge exists, the monthly repayment amount shall be the last ordered charge amount.

When a current support obligation terminates or is reduced for reasons other than a reduction in the payer's income and arrearages exist, there shall be no automatic reduction in the total-payment-amount unless specifically ordered by the court.

TERMINATION OF CHILD CARE

Child care for a child continues through August 31st following that child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the change ends those expenses. A failure to report will be viewed as an affirmative assertion there has been no change.

RECEIPT OF PUBLIC ASSISTANCE

Absent a claim of good cause for non-cooperation being granted or pending as determined by the Department of Human Services, if a recipient of support receives FIP (cash grant), Medicaid, food stamps or child day care benefits on behalf of a child or a child is placed in foster care, current support shall not be terminated unless specifically ordered by the Court.

ABATEMENT OF SUPPORT DUE TO INCAPACITATION

If the friend of the court becomes aware of a payer's condition that meets the incapacitating events in SCAO's 2019 Memorandum on Adjusting Current Support Due to Incapacitation, or as stated in a subsequent memo, or the child support formula, support shall be temporarily reduced to zero effective as of the date the friend of the court provides notice of the abatement to the parties and to the court. Either party may object by filing a written objection with the court within 30 days of the notice date. If a timely objection is received, the friend of the court shall either set the objection for hearing or conduct a support review with an effective date no earlier than the date of notice.

46th Circuit Court
CHILDREN'S HEALTH CARE EXPENSES

Beginning October 1, 2004, each support order entered was required to include an additional amount for ordinary health care expenses. The base Child Support obligation covers remedial care items, such as band aids and non-prescription medications, so those types of expenses are not included in this category. A person who pays support will pay an additional amount each month to cover their portion of the children's ordinary health care expenses, which is the Medical Support obligation. This process will help custodial parents pay out-of-pocket health care expenses as they incur them. It will also eliminate the need to seek separate reimbursement for every routine health care bill.

ORDINARY HEALTH CARE EXPENSES

Ordinary health care expenses include insurance co-payments, deductibles, and other uninsured health care costs. For support orders entered after January 1, 2017, the 2017 Michigan Child Support Formula considers an average of \$403 per child to be spent on ordinary health care costs per year.

For support orders entered between January 1, 2013 and December 31, 2016, the Formula considers \$357 to be spent annually per child on ordinary health care costs.

For support orders entered between October 1, 2008 and December 31, 2012, the Formula considers \$345 to be spent annually per child on ordinary health care costs.

For support orders entered between October 1, 2004 and October 1, 2008, the Formula considers \$289 to be spent annually per child on ordinary health care costs.

The court may order a higher amount for known or anticipated higher expenses (such as if a child will need braces).

ADDITIONAL ORDINARY (EXTRA ORDINARY) HEALTH CARE EXPENSES

Additional ordinary are expenses that exceed the ordinary health care expenses and should be apportioned between the parents according to the medical expense percentages established in the support order. The percentage reimbursement may be handled between the parents or by following this Court's Health Care Reimbursement Policy.

To seek reimbursement for additional ordinary health care expenses, the parent who receives support must show that the ordered total annual ordinary medical threshold expense amount for ALL children has been exceeded within the calendar year. The parent should keep a record of qualifying ordinary health care expenses on the attached tally sheet, so in the event the expenses exceed the threshold amount before year's end, reimbursement of the other parent's percentage may be requested.

The Policy, tally sheet, Reimbursement Request form, and Complaint form are available at the friend of the court office. Note; there is a 28-day timeline requirement for sending the Request to the other parent. If the payer of support incurs an extra ordinary health care expense, percentage reimbursement may also be sought using the same Policy process.

Documentation (copies of insurance Explanation of Benefits, doctor statements, prescription receipts, etc. showing non-insured qualified medical expenses) must accompany the tally sheet when enforcement of the unpaid Request for Health Care Expense Payment is submitted to Friend of the Court as a Complaint by the parent.

It is presumed that the amount in the order for ordinary health care expenses will be spent on uninsured health care expenses. The custodial parent does not have to prove that the health care expenses exceeded that amount unless that parent requests enforcement for additional ordinary health care expenses.

Beginning January 1, 2017, the court may permit handling all medical expenses as additional medical expenses. Complaints for enforcement of any unreimbursed additional medical expenses must meet the minimum threshold before friend of the court is required to act on the Complaint. The minimum “enforcement” amount for additional medical expenses is \$100.00 per child per calendar year, or a lower amount as set by the court. If unreimbursed additional expenses do not exceed the “enforcement” threshold by year’s end, they may be submitted to the friend of the court for enforcement before the deadline.

Please contact the friend of the court for a copy of the 46th Circuit Court Health Care Reimbursement Policy or if you have any questions.

**STATE OF MICHIGAN
IN THE 46TH CIRCUIT COURT – FAMILY DIVISION
FOR THE COUNTY OF OTSEGO**

_____,
Plaintiff

vs.

File No. _____

_____,
Defendant

**PROOF OF SERVICE
JUDGMENT OF DIVORCE**

I, _____, certify that on the date below I served a copy of the Judgment of Divorce on all parties and any attorneys of record by:

- Ordinary first class mail at _____
- Personal service _____

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

Date: _____

Plaintiff

STATE OF MICHIGAN 46th JUDICIAL CIRCUIT Otsego COUNTY	DOMESTIC RELATIONS JUDGMENT INFORMATION, PAGE 1 <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FINAL	CASE NO.
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USE NOTE: Complete this form and file it with the friend of the court (**do not file this form with the office of the clerk of the court**) when the first temporary custody, parenting-time, or support order is entered and when submitting any final proposed judgment awarding custody, parenting time, or support. Mail a copy to each party and file proof of mailing with the court (may use form MC 302, Proof of Mailing).

The information previously provided is changed is unchanged. (Complete only the fields that have changed.)

Date

Signature

Plaintiff Information

Defendant Information

Name		Name	
Address		Address	
Social security number	Telephone number	Social security number	Telephone number
E-mail address		E-mail address	
Employer name, address, telephone number, and FEIN (if known)		Employer name, address, telephone number, and FEIN (if known)	
Driver's license number and state		Driver's license number and state	
Occupational license number(s), type(s), issuing state(s), and date(s)		Occupational license number(s), type(s), issuing state(s), and date(s)	

CUSTODY PROVISIONS sole, plaintiff = P sole, defendant = D joint = J other = O _____
(must identify)

Child's name	Social security number	Date of birth	Physical custody P, D, J, O	Child's primary residence address	Legal custody P, D, J, O

SUPPORT PROVISIONS

Support provisions are stated in the Uniform Support Order.
Medical Support provisions are stated on page 2 of this form.

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY 46th Otsego	DOMESTIC RELATIONS JUDGMENT INFORMATION, PAGE 2 <input type="checkbox"/> TEMPORARY <input type="checkbox"/> FINAL	CASE NO.
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MEDICAL SUPPORT PROVISIONS: List the name of each insurance provider for the plaintiff and the defendant. Then enter the name of each child in this case who is covered by that provider and the type of coverage provided.

Plaintiff's Insurance Coverage

Provider name and address	Policy/Group no.	Cert. no.	Child(ren)'s name(s)	Medical	Dental	Optical	Other

Defendant's Insurance Coverage

Provider name and address	Policy/Group no.	Cert. no.	Child(ren)'s name(s)	Medical	Dental	Optical	Other

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE 46th	PROOF OF MAILING	CASE NO.
--	-------------------------	-----------------

Court address 800 Livingston Blvd. Ste 1A Gaylord, MI 49735	Court telephone no. (989)731-7450
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Plaintiff(s)	v	Defendant(s)
<input type="checkbox"/> Juvenile In the matter of _____ <input type="checkbox"/> Probate In the matter of _____		

On the date below I sent by first-class mail a copy of Domestic Relations Judgment Information Form

to: List names and addresses.

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

Date	Signature
	Name (type or print)

