Custody, Parenting Time, and Support Stipulation Packet

A stipulation packet is used when an agreement has been reached concerning the issues of custody, parenting time, and or child support. Please note if the child(ren) are on any type of public assistance; cash, food stamps, Medicaid, or child daycare, the issue of child support be based upon the Michigan Child Support Formula unless the Court determines that it is appropriate to deviate from the Formula.

If your agreement establishes or modifies custody; a best interest hearing <u>must</u> be scheduled before the court. See the attached child custody best interest document for more information.

The following is a list of the documents included in this Stipulation Packet:

*Instructions:

- -Child support, medical support, and/or dependent health care insurance
- -Parenting time only
- -Custody, parenting time, and support
- * General instructions for completing the proposed order forms

*FOC89 (2/20) Order Regarding Custody and Parenting Time

*FOC 10 (12/18) Uniform Child Support Order

*FOC 10d (11/16) Uniform Child Support Order Deviation Addendum

If your agreement includes opting out of the Friend of the Court Services, please contact the Friend of the Court office for further direction. There are specific forms to address opting out of the Friend of the Court Services.

Friend of the Court <u>cannot</u> advise or direct you legally; therefore, staff cannot assist you in the completion of the forms beyond general information. FOC staff can provide you with explanation of the areas on the forms that may be confusing, and or provide reading and/or writing assistance if you experience literary difficulties.

INSTRUCTIONS CHILD SUPPORT, MEDICAL SUPPORT, AND/OR DEPENDENT HEALTH CARE INSURANCE

If your agreement only pertains to child support, medical support, and or dependent health care insurance, you will only need to use the FOC 10 Uniform Child Support Order.

If your agreement pertains to different amounts than what has been determined by the Michigan Child Support Formula, you must also complete the FOC 10d Uniform Child Support Order Deviation Addendum. If the reasons for deviation as presented in the FOC10d are not specific enough or do not appear to meet the deviation requirements; the Judge will either deny signing the proposed order or may require a hearing be scheduled. You will be contacted and advised accordingly. Friend of the Court will complete and mail the Notice of Hearing to the Plaintiff and Defendant wish to move forward with their proposed Stipulated Order.

Once the appropriate forms are completed and both the Plaintiff and Defendant have signed and dated the forms, they may be submitted to the Friend of the Court. The proposed order will be reviewed and forwarded to the Judge. If a hearing is not required and the proposed order is signed by the Judge; you will be contacted by phone to pick up your order for proper Service of copies to all interested parties and filing of the original with the County Clerk's office. Include a self-addressed stamped envelope if you wish the return of the documents to be completed by mail.

There is no filing fee required to file a Stipulated Order. You are required to complete the Certificate of Mailing on the bottom of all the documents certifying the date you are providing a copy to the other party, attorneys, and the Friend of the Court. The Original of the each document <u>and</u> the FOC copies are to be filed with the Court at the County Clerk's office. The proposed Stipulated Order is not in effect and enforceable until it has been filed with the County Clerk's office.

Make three (3) copies of each completed document Mark one copy of each document, "FOC" and file with the original at the county Clerk's office. Mark one copy of each document, "Defendant" and serve upon the Defendant pursuant to Michigan Court Rule 2.105

Mark one copy, "Plaintiff" (optional, as it is for you to keep). Additional copies are to be made and served if attorneys are involved.

General instruction for completing the FOC 10 form

NOTE: This Uniform Support Order will replace all prior support and health care orders. If you are making changes to only certain portions of your support order while keeping other areas in place; make sure you rewrite all of the older provisions you wish to keep in place. This will allow for one order to reflect everything you wish to be in the current order.

Place an X in the appropriate box at the middle top of the form identifying the type of order you are wishing to enter. Some information has been pre-populated in advance.

Fill in case number, Plaintiff and Defendant name, address, and phone number information. The Plaintiff will always be the person who filed the initial case when it first opened. If there are attorneys involved in the case, complete the name, address, phone number, and bar number. Fill in the employment information for the Plaintiff and Defendant. You will need to fill in some repetitive information at the top of each page as well.

<u>Item #1</u>

Write the PAYER of support's name, PAYEE of support's name, and list the children's names, birthdates, and importantly, based upon the ordered parenting time schedule or the actual parenting time arrangement, enter the number of overnights each child has with the PAYER of support.

Enter the effective date of this support order.

List the amount of child support, health care premium adjustment, ordinary medical support, child care, other (such as medical reimbursement for extraordinary expenses such as orthodontic, etc.), and the amount of any SSD benefit credit for the children addressed in this order.

The Friend of the Court Recommendation would reflect these numbers. These amounts may also be found in your current Uniform Support Order.

If you are deviating from the Michigan Child Support Formula as to support and or insurance provisions; you will enter your deviated amounts in the FOC 10 instead of the FOC recommended amounts or the current order amount.

The FOC Recommended amounts or current Order amounts would be entered into the FOC10d form. The FOC Recommendation or current Order will also provide the uninsured health care expense percentages for both the Plaintiff and the Defendant for the FOC10d

Carefully read the 'Obligation Ends' and 'Post-majority Support' provisions. Mark accordingly.

<u>Item #2</u>

This court requires friend of the court to recommend the option 'not to exceed 6% of the parent's gross income' for dependent health care insurance. You will need to identify which parent will be responsible for the children's health care insurance by marking Plaintiff or Defendant.

Items #3 - #11

These items reflect statutory language which must be in all support orders.

Item #12

This box would only be marked if your agreement does not follow the Michigan Child support Formula. You would be required to complete the FOC 10d to accompany the FOC 10 form.

Item #13

This box would be checked if additional space is needed to present your agreement.

Plaintiff and Defendant to sign and date form with the preparer of form listed by name.

Resource:

The MiChildSupport Calculator is available to the public on the MiChildSupport portal. https://micase.state.mi.us/calculatorapp/public/welcome/load.html or https://micase.state.mi.us

Reminder:

You cannot deviate from the Michigan Child Support Formula if you are receiving public assistance of any type for the child(ren) unless the court grants a request to deviate from the Michigan Child Support Formula.

General instruction for completing the FOC 10d form

Fill in the Plaintiff and Defendant name.

<u>Item #1</u>

Identify the paragraph item number(s) from the FOC10 in which you are deviating. Example: support amounts = paragraph item #1.

Item #2(a)

Fill in the requested information based upon the Friend of the Court Recommendation or current order of the court.

Item #2(b)(c)(d)

Write your response to these deviation questions.

Plaintiff and Defendant to sign and date form with the preparer of form listed by name.

This form <u>must</u> be attached to the FOC10.

INSTRUCTIONS PARENTING TIME ONLY

If your agreement pertains to parenting time only, complete only the parenting time sections of the FOC89 Order Regarding Custody and Parenting Time reflective of your agreement.

Once the document is completed and both the Plaintiff and Defendant have signed and dated the form, it may be submitted to the Friend of the Court office. The proposed order will be reviewed and forwarded to the Judge. If the proposed order is signed by the Judge, you will be contacted by phone to pick up your order for proper Service of copies to all interested parties and filing of the original with the County Clerk's office. You may include a self-addressed stamped envelope if you wish the return of the documents to be completed by mail. The Judge may deny signing the proposed order and require a hearing to be scheduled. You will be contacted and advised accordingly. The Friend of the Court will complete and mail the Notice of Hearing if the Plaintiff and Defendant wish to move forward with their proposed Stipulated Order.

There is no filing fee required to file a Stipulated Order. You are required to complete the <u>Certificate of Mailing</u> on the bottom of all the documents certifying the date you are providing a copy to the other party, attorneys, and the Friend of the Court. The original of the each document <u>and</u> the FOC copies are to be filed with the Court at the County Clerk's office. The Clerk's office will forward the FOC copies. The proposed Stipulated Order is not in effect and enforceable until it has been filed with the County Clerk's office.

Make three (3) copies of each completed document
Mark one copy of each document, "FOC" and file with the original at the county Clerk's office.
Mark one copy of each document, "Defendant" and serve upon the Defendant pursuant to
Michigan Court Rule 2.105
Mark one copy, "Plaintiff" (optional, as it is for you to keep).
Additional copies are to be made and served if attorneys are involved.

<u>INSTRUCTIONS</u> CUSTODY, PARENTING TIME, AND SUPPORT

If your agreement pertains to custody then the area of parenting time and support would need to be addressed as well. This may also include dependent insurance. Therefore, both the FOC89 Order Regarding Custody and Parenting Time <u>and</u> the FOC 10 will need to be completed. Complete each of the forms reflective of your agreement. Be sure to complete the FOC10d form if the agreement regarding support is a deviation from the Michigan Child Support Formula.

Once the documents are completed and both the Plaintiff and Defendant have signed and dated the forms, they will need to be submitted to the Friend of the Court office. A 'Best Interest' hearing must be held before the Referee or Judge. The Friend of the Court will schedule and issue the Notice of Hearing. Either the Plaintiff or the Defendant must attend the hearing. Both are provided with the Notice of hearing and both may attend.

Following the hearing, if the proposed orders are granted as presented, they will be signed by the Referee and/or Judge. If modifications are made to the proposed order are necessary based upon the outcome of the hearing, the Referee or Judge will determine if the Friend of the Court, Court, or Plaintiff/Defendant will be making the corrections or drafting a new order. Further, it will be determined if FOC, the Court, or Plaintiff/Defendant will be filing the order with the County Clerk.

If the court determines that you will be responsible for filing the order and serving it upon all interested parties; there is no filing fee required to file a Stipulated Order. You are required to complete the <u>Certificate of Mailing</u> on the bottom of all the documents certifying the date you are providing a copy to the other party, attorneys, and the Friend of the Court. The original of the each document <u>and</u> the FOC copies are to be filed with the Court at the County Clerk's office. The Clerk's office will forward the FOC copies. The proposed Stipulated Order is not in effect and enforceable until it has been filed with the County Clerk's office.

Make three (3) copies of each completed document

Mark one copy of each document, "FOC" and file with the original at the county Clerk's office. Mark one copy of each document, "Defendant" and serve upon the Defendant pursuant to Michigan Court Rule 2.105

Mark one copy, "Plaintiff" (optional, as it is for you to keep).

Additional copies are to be made and served if attorneys are involved.

General instruction for completing the FOC 89 form

A. and B.

Fill in case number, Plaintiff and Defendant name, address, and phone number information. The Plaintiff will always be the person who filed the initial case when it first opened. If there are attorneys involved in the case, complete the name, address, phone number, and bar number. Fill in the employment information for the Plaintiff and Defendant. You will need to fill in some repetitive information at the top of each page as well.

C.

Leave the date and Judge blank spaces initially. If a hearing is to be scheduled; these areas can be completed.

D.

Check the box "on stipulation of the parties" even if a hearing is necessary. 'After hearing' can also be checked if appropriate.

E. 2-9 is for the court to complete after hearing.

E. 10

If you and the other party have agreed upon custody, check the box; fill in the names of the children and the check the appropriate boxes related to legal <u>and</u> physical custody.

If there is no change to current custody order, leave this section blank.

E. 11

Check the appropriate box and explain the specific parenting time agreement.

E. 12 & 13 reflects statutory language.

E. 14.

When the agreement regarding custody and or parenting time changes the number of overnights the children are with each parent, support may need to be addressed. Therefore, an FOC 10 is to be incorporated into this order and #14 box checked.

E. 15 & 16.

Carefully read these provisions and complete #16 accordingly if applicable.

Plaintiff and Defendant to sign and date form with the preparer of form listed by name.

REMINDER

These are proposed orders and are not valid unless signed by a Judge and filed with the Court.

Original - Court 1st copy - Other party 2nd copy - Moving party 3rd copy - Friend of the court 4th copy - Proof of service 5th copy - Proof of service

STATE OF MICHIGAN 46th JUDICIAL CIRCUIT Otsego COUNTY

ORDER REGARDING CUSTODY AND PARENTING TIME

<u>A</u>)	CASE NO.	
	5th copy - Proof of service	

Otsego COUNTY	FAILINI	III IIII	
Court address			Court telephone no.
800 Livingston Boulevard Ste. 1A Ga	ylord, MI 49735		(989)731-7450
Plaintiff's name, address, and telephon	e no.	Defendant's name, addre	ess, and telephone no.
Third party's name, address, and telept	none no.	Date:	
	fter hearing. n consent/stipulation of the fter friend of the court alterr		Bar no.
E THE COURT FINDS: 2. A motion requesting custod	ly, parenting time, and supp	ort or a change to custody	, parenting time, and support was filed.
\square 3. A response to the motion v	vas filed.		
☐ 4. A change of circumstances	does does not	exist that warrants a cu	stody order or a change in custody.
☐ 5. Proper cause ☐ does ☐	does not	exist that warrants a cu	stody order or a change in custody.
☐ 6. It ☐ is ☐ is not in the	best interests of the child(re	en) to \square establish \square o	hange parenting time.
\square 7. A material change of circul	mstances exists that warrar	its a change in the suppo	rt order.
	friend of the court alternative the parties reached the ago		ss. During the course of the alternative der.
\square 9. It is in the best interests of	the child(ren) to dismiss the	e motion.	
IT IS ORDERED: ☐ 10. The motion regarding cus	stody, parenting time, and s	upport is dismissed. The	orior order remains in effect.
☐ 11. Custody is granted as fo Name(s) of child(ren):	lows:		
☐ Joint legal to ☐ Unless otherwise agre	plaintiff. defendar ed, a parent whose custody ence of the child except in c plaintiff. defendar plaintiff. defendar plaintiff. defendar	or parenting time of a checompliance with MCL 722 ort. the third party. third party.	ild is governed by this order shall not 31.
12. Parenting time is establic Explain in detail what the court has on	•	s follows:	

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

and physical well-being and to give and afford will, directly or indirectly, influence a child so as to guide a child so as to promote the affections cooperate with each other in carrying out the p necessary to adjust, vary, or increase the time the parties shall act in the best interests of the	a child the a to prejudic ate relations provisions o allotted to child. Neith	in a maximum degree, to advance a child's health, emotional affection of both parents and a sense of security. Neither pare e a child against the other parent. Each parent will endeavor thip between a child and the other parent. The parties will fe this order for a child's best interests. Whenever it seems either party, or otherwise take action regarding a child, each the party shall do anything which may estrange the other from hich will hamper the free and natural development of the child	of n
14. The parent with primary physical custody shall	•	riend of the court in writing whenever the address of a minor moved from the State of Michigan without prior approval of	
☐ 15. The Uniform Child Support Order is incorpor	rated by ref	erence (form FOC 10/52).	
16. Except as provided in item 17, neither parent s to the Hague Convention on the Civil Aspects		e parenting time in a foreign country/nation that is not a party	у
☐ 17. Based on written agreement of the parties,_	Name	may exercise	
Civil Aspects of International Child Abductio OTHER:	n.		- Port
Plaintiff (if consent/stipulation)	Date	Defendant (if consent/stipulation)	Date
Plaintiff's attorney	Date	Defendant's attorney	Date
Date		Judge	
I served a copy of this order on the parties or the	ir attorneys enalties of	by first-class mail addressed to their last-known addresses perjury that this certificate of mailing has been examined by owledge, and belief. Signature	

Case No. _____

Order Re: Custody and Parenting Time (2/20) Page_____of ____

COURT USE ONLY

Approved, SCAO Original - Court 2nd copy - Defendant 3rd copy - Friend of the court

Plaintiff's attorney name, bar no., address, and telephone no. Plaintiff's attorney name, bar no., address, and telephone no. Defendant's attorney name, bar no., address, and telephone no. Defendant's source of income name, address, and telephone no. Defendant'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 recommendation, you must file a written objection with on or before 21 days from the date this order is malled. If you do not object, this proposed order will be presented to the court for entry 21 days from the date this order is malled. If you do not object, this proposed order will be presented to the court for entry 21 days from the date this order is malled. If you do not object, this proposed order will be presented to the court for entry 21 days from the date this order is malled. If you do not object, this proposed order will be presented to the court for entry 21 days from the date this order and the payer and payee are: Payer: Children's names, birthdates, and annual overnights with payer: Children's names birthdates, and annual overnights with payer: Children's names, birthdates, and annual	STATE OF N	/IICHIGAN	UNIFORM C	HILD SUP	PORT ORDER	CASE	NO.
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(Continued on page 2.)

Support was reduced because payer's income was reduced.

Uniform	n Child Support Order (12/18) Page of	Case No.	
1. Ite i	m 1 (continued).		
be me	paid% by the plaintiff and edical amount for the year they are incurred that are	ealth-care expenses exceeding the annual ordinary _% by the defendant. Uninsured expenses exceeding e not paid within 28 days of a written payment reque cal amount is	g the annual ordinary est may be enforced
	oligation Ends. Except for child care, or as otherwinth the child turns age 18.	rise ordered, support obligations for each child end	on the last day of the
[n will be attending high school on a full-time basis a ch specific child ends on the last day of the month d reaches 19 years and 6 months of age:	
the 12t	e court if the changes end those expenses. The chi th birthday, at which time the total child care obliga	ranges in child-care expenses and must additionall ild-care obligation for each child ends on August 31 ation reduces by that child's pro rata share unless s	following the child's
2. Ins ins tha	urer (as defined in MCL 552.602) that includes paymen	plaintiff defendant shall maintain health-care of the for hospital, dental, optical, and other health-care unding coverage available as a benefit of employment up to a maximum of \$s income.	expenses when nt or under an
	come Withholding. Income withholding takes imnebursement Unit unless otherwise ordered in item	nediate effect. Payments shall be made through th	e Michigan State
US	C 1169. To qualify this order, the friend of the cour	ualified medical support order with immediate effect rt shall issue a notice to enroll pursuant to MCL 552 concerning availability of health care at a reasonal	2.626b. A parent may

- 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 drivers' 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 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.** Subject to statutory procedures, the friend of the court: 1) may redirect support paid for a child to the person who is providing the actual care, support, and maintenance of that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
- 9. Fees. The payer of support shall pay statutory and service fees as required by law.

Prepared by: Name (type or print) Date	der on the p		
Name (type or print) Date I certify that on this date I served a copy of this or	CERTIFICAT	Judge TE OF MAILING arties or their attorneys by first-class mail a	Bar no. addressed to their last-
Prepared by: Name (type or print) Date		Judge	
Prepared by: Name (type or print)	Date		
Prepared by:	Date	Defendant's attorney	Date
Plaintiff's attorney	Date	Defendant's attorney	Date
Plaintiff (if consent/stipulation)	Date	Defendant (if consent/stipulation)	Date
Plaintiff (if consent/stipulation)	Date	Defendant (if consent/stipulation)	Date
\square 13. Other: (Attach separate sheets as needed	.)		
12. Michigan Child Support Formula Deviat Formula. The attached deviation addendur court.			
		order in this case are preserved and paid a	
11. Prior Orders. This order supersedes all pri order. Past-due amounts owed under any pri using the arrearage guideline in the Michigan	or child sup		
order. Past-due amounts owed under any pri using the arrearage guideline in the Michigan	ore than one		

Case No.

Uniform Child Support Order (12/18) Page _____ of ____

\$ \$ \$ \$ Subtotal: \$ \$ \$ \$ Ordinary medical: \$ \$ \$ Child care: \$ \$ \$ \$ \$ \$ Other: \$ Benefit credit: \$ \$ \$ \$ Total: Support was reduced because payer's income was reduced.

(SEE SECOND PAGE)

up to a maximum of \$ _____ for defendant.

not to exceed 6% of the plaintiff's/defendant's gross income.

for plaintiff.

up to a maximum of \$

Approved C	2040		Original -	– Court – Plaintiff	2nd copy – Defendant	
16th HINKAN (ADIAH)			CHILD S	SUPPORT ORDER DUM (PAGE)	3rd copy – Friend of the court CASE NO.	
Court addre	ess ton Blvd Ste 1A Gaylord, MI 497	35			Court telephone no 989-731-745	
Plaintiff's na	-		v	Defendant's name		
(Item 2 cont	tinued.) lying the Michigan Child Support F	Formula is unjust or in	nappropria	ate because: (Specify the de	eviation factors relied on.)	
	child support order deviates from which provisions of the child support for	=			order deviates from the provisions.)	

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.