

Detroit Bar Association Lunch & Learn Volunteer Series: *How to Navigate the Wayne County Friend of the Court*

Tuesday, May 18, 2021
12:30 – 1:30 p.m.

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What is the Friend of the Court?

- The Friend of the Court is a Title IV-D agency created by the Social Security Act
- Wayne County is a combined Prosecuting Attorney and Friend of the Court Office
 - Prosecuting Attorney – establishing paternity and support
 - Friend of the Court – enforcement and modification of support, custody, and parenting time

How to start a case

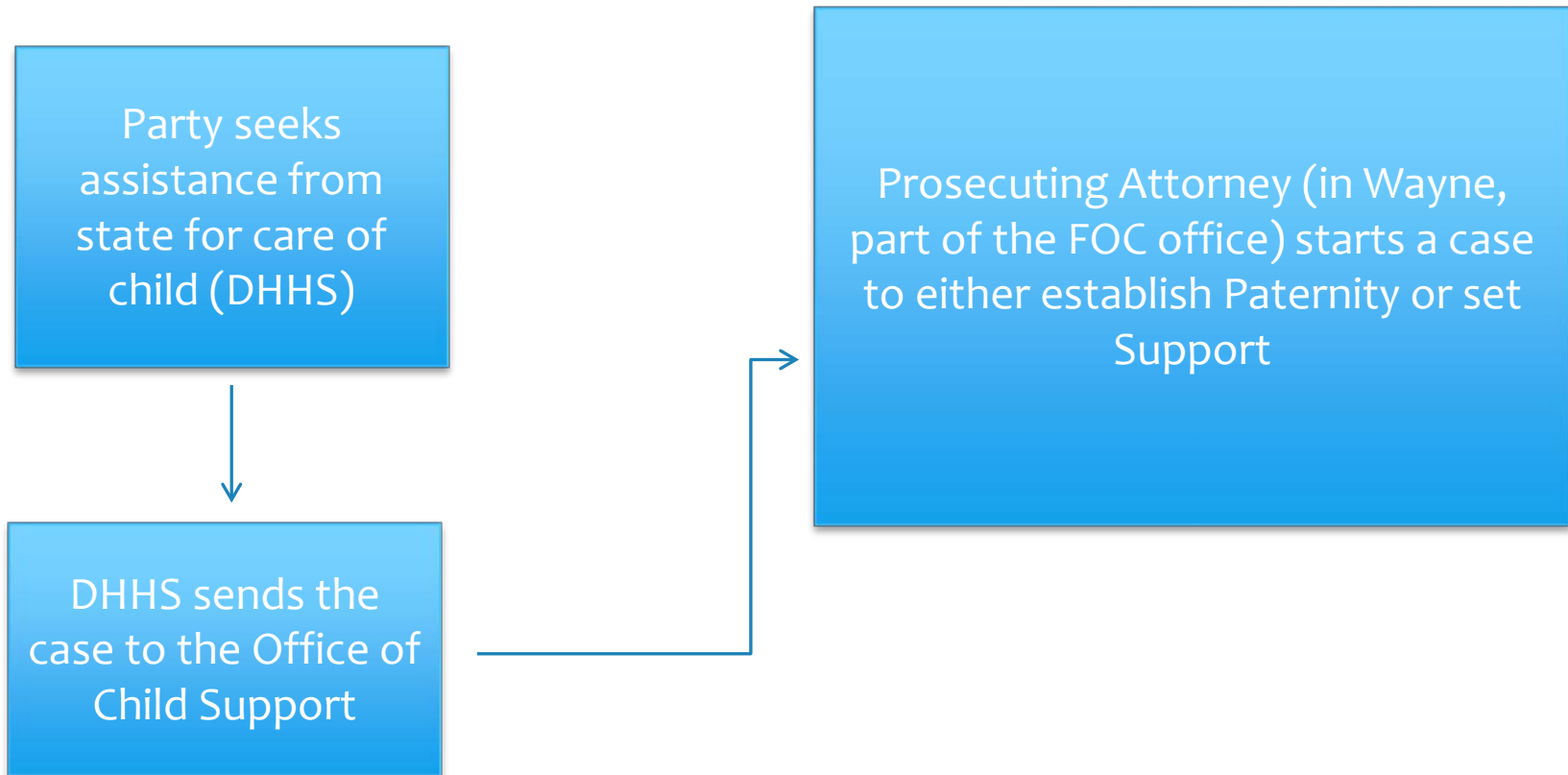
- A custodial party may seek assistance from the Department of Health and Human Services (DHHS) for children living in their household
- When a custodial party fills out the application to receive assistance from DHHS/State of Michigan, they also are authorizing the State of Michigan to seek reimbursement for that assistance from a noncustodial parent
- DHHS submits a referral to the Office of Child Support. The Office of Child Support's support specialists interview the custodial party and make a determination of what type of case it is and the county it should be referred to.
- The Office of Child Support will then send a CAR (court action referral) to the appropriate county's prosecutor's office. Here, in Wayne County, we would receive the referral within Wayne County Friend of the Court's Case Establishment Department.

How to start a case continued ...

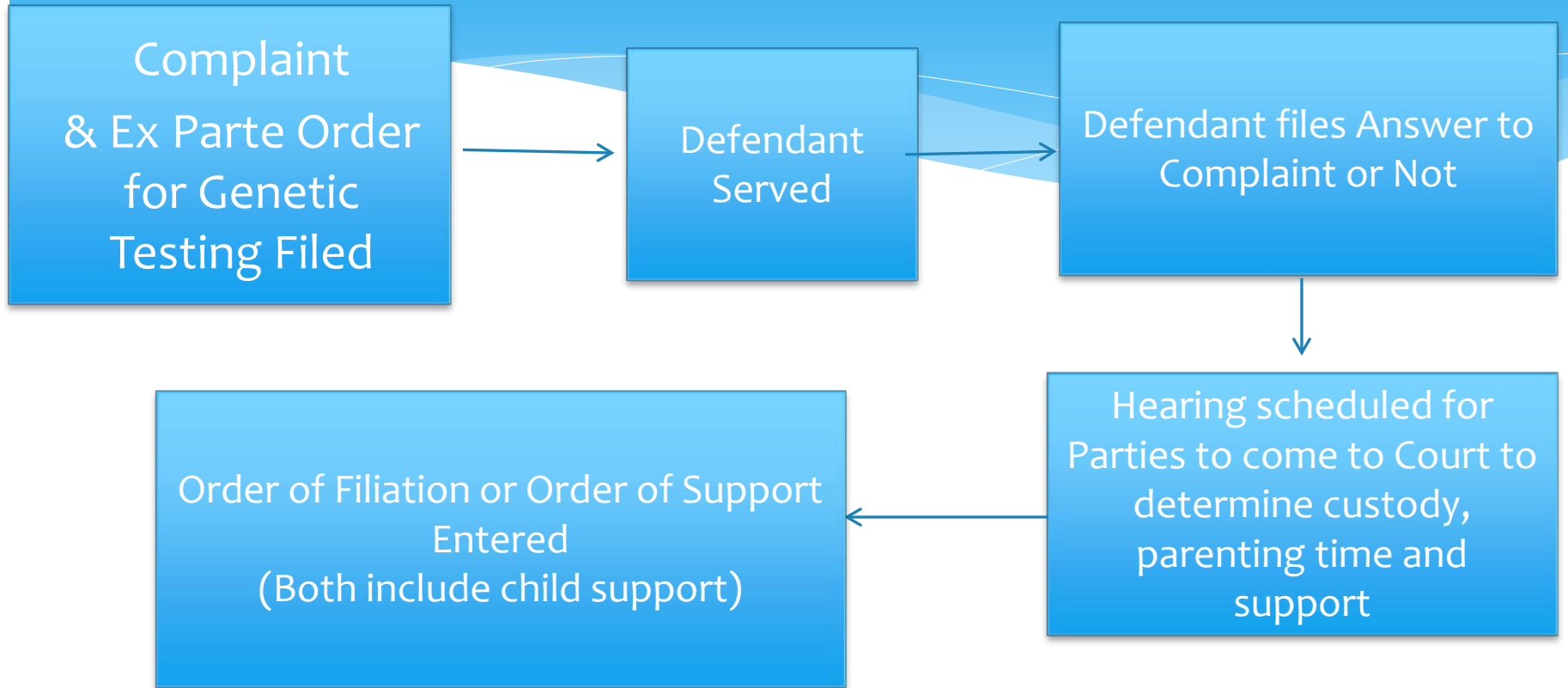
- A case can be started by either parent/guardian to establish paternity, child support, custody, and/or parenting time
- The parent or child do not have to receive public assistance to apply for services
- You may apply online with MiChildSupport, complete and mail a IV-D Child Support Services Application/Referral – DHS 1201 form, or call (866) 540-0008

The Life Cycle of a Case

- * About 80% of the cases in Wayne County are Paternity (DP) or Family Support (DS) cases started by DHHS.



The Life Cycle of a Case



How to establish paternity

There are four ways to establish paternity:

- The mother and alleged father voluntarily sign an Affidavit of Parentage and file it with the State of Michigan's Vital Records Department.
- A paternity case (DP) is filed, and an Order of Filiation is entered with the Court. The order could be entered after genetic testing, default, or consent. The case shall be filed in the county where the mother and child resides.
- Marriage – child is conceived or born during a marriage (regardless if husband is the biological father, husband is the legal father).
- Adoption – Court grants an Order of Adoption

How to modify custody, parenting time, and/or support

- Custody – file motion form 4018
- Parenting Time – file motion form 4031
- Child Support
 - File motion form 4035
 - Request a 3 year support review – email ModRev@3rdcc.org or mail to 645 Griswold St., Detroit, MI 48226
 - Request an emergency review if COVID related - send an email to EmergencyRevMod@3rdcc.org

How to calculate child support

[2021 Michigan Child Support Formula Manual](#)

[2021 Michigan Child Support Formula – Supplement](#)

[MiChildSupport Calculator - Welcome Page \(state.mi.us\)](#)

How to enforce child support

- In person FOC show cause hearings temporarily suspended due to COVID-19
- Request for show cause will be reviewed for potential employment and income withholding, and remain on list for show cause
- Other enforcement remedies in full effect
 - Automatic enforcement: credit reporting, tax intercepts, passport restriction
 - Income withholding and license suspension may be requested by contacting FOC in writing, calling the Call Center, or scheduling a virtual customer service appointment

How to enforce parenting time

Specific Parenting Time Order

- * If you have a specific order for parenting time and the other party is refusing to comply, the Friend of the Court will enforce the parenting time Order.
- * Request for Parenting Time or Custody Enforcement (form 4052) www.3rdcc.org *No fee

No Specific Parenting Time Order

- * If you do not have a specific parenting time order, you will need to get a specific order before the Friend of the Court can enforce parenting time.
- * Motion to Change Parenting Time (form 4031) www.3rdcc.org

How to manage arrears and/or payments

- Payers may apply for discharge of state-owed arrears. Arrears Forgiveness Program Application available at www.3rdcc.org.
- Payers who are working and only owe money to the state may file a Motion for Payment Plan – Form 4100. Once payer complies with payment plan, balance of state-owed arrears is discharged.
- Payee may consent to waive arrears owed to him/her by stipulated order or by motion – Form 4124.
- If income withholding is too high, payer may file a motion to lower payments – Form 4124.
- If parties marry after case is finalized, they may submit a Stipulation to Abate Support Based Upon Marriage – Form 4572.

How to file a new case, motion or objection

- Mail to: Wayne County Clerk, Room 201, Coleman A. Young Municipal Center, Two Woodward Avenue, 48226
- Fax to: (313) 964-7341
- Email new case filings to: newcase@3rdcc.org
- Email motions to: filings@3rdcc.org
- Email objections to:
 - Objection to Referee Recommendation: Assigned Judge's courtroom email box (see Family Division Domestic Zoom page for list)
 - Objection to Case Establishment Referee Recommended Judgment: PendingEstablishment@3rdcc.org
 - Objection to FOC Child Support Recommendation: filings@3rdcc.org

*** Email is preferred ***

How to file a new case, motion or objection continued ...

- Filing fee must be paid or waived BEFORE filing a new case or motion if filing by fax or email. There is no filing fee for objections.
- All emailed pleadings filed **MUST** be in PDF format.
- When filing a Motion, the Motion, Brief, Notice of Hearing and Proof of Service can be filed as one single document. All other documents **MUST** be filed as separate PDFs.
- If you are faxing in your pleadings, do **NOT** attach a cover sheet or letter.
- If your filings are rejected, you **MUST** resubmit **ALL** filings, not just the rejected portion.

How to file a new case, motion or objection continued ...

- If you file a motion by fax or email you will need to monitor the case on <https://www.3rdcc.org/odyssey-public-access-opa> to determine when the motion has been filed with the Clerk's Office.
- Once the motion has been entered on Odyssey, you must fill out either a [Family Domestic Praecipe](#) (used when motion will be heard by the Judge) or [Friend of the Court Praecipe](#) (used when motion will be heard by the Referee) to ensure your motion is scheduled.

<https://www.3rdcc.org/efiling/epraecipe>

How to file a new case, motion or objection continued ...

- * FOC Scheduling Office will send notice of hearing for *pro se* referee motions only.
- * See <http://www.3rdcc.org/divisions/family-domestic/emergency-and-non-emergency-filings> for additional details
- * Hearing will be held over Zoom

Third Judicial Circuit Docket Directive 2013-26 Domestic Relations Actions

- Must have requested Title IV-D services and have an open FOC case to have a hearing before referee. If opted out of FOC services, must reopen FOC case.
- If more than one motion is filed in the same case at the same time, only one motion fee will be charged.
- Motions regarding parenting time, child custody, or child support issues must attach a copy of the most recent order regarding the issue raised in the motion
- All motions to set aside paternity and prejudgment motions on state-initiated cases go before Presiding Judge

Motions and Other Proceedings to be scheduled before a Friend of the Court Referee unless otherwise directed; ALL OTHERS MUST BE SCHEDULED BEFORE THE JUDGE

	Pre-judgment Motions	Post-judgment Motions
Child Custody	Objections to Ex Parte Custody Orders	Initial Proper Cause or Change in Circumstances Determination for Change of Custody (including evidentiary hearings for uncontested child custody motions)
	Motions regarding Temporary Physical/Legal Custody	
	Motions regarding Issuance of Passports for Minor Children	Motions regarding Issuance of Passports for Minor Children
Child Support	Objections to Ex Parte Support Orders	Medical Support Enforcement
	Motions for Temporary or Interim Child Support	Motions for Post-Judgment Modifications of Support Orders
	Motions by In Pro Per Litigants for Child Support	In Pro Per Consent Requests for Change of Child Support (cannot be handled on Consent Docket)
	Enforcement of Child Support Orders (other than motions to show cause)	Enforcement of Child Support Orders (other than motions to show cause, writs of execution/orders to seize property, challenges to the issuance, or execution of writs of execution/orders to seize property, which are heard by the presiding judge, see § (C)(2)(c), supra)

Motions and Other Proceedings to be scheduled before a Friend of the Court Referee unless otherwise directed; ALL OTHERS MUST BE SCHEDULED BEFORE THE JUDGE

	Pre-judgment Motions	Post-judgment Motions
Spousal Support	Motions for Temporary Spousal Support on DM or DZ cases when there are minor children	
Parenting Time	Motions for Modification of Parenting Time Order	Motions for Modification of Parenting Time Order
	Request for Parenting Time Enforcement (must use Third Circuit Court Form FD/FOC4052; no motion fee required)	Request for Parenting Time Enforcement (must use Third Circuit Court Form FD/FOC 4052; no motion fee required)
	Motions to Enforce Parenting Time	Motions to Enforce Parenting Time
	Initial Parenting Time Enforcement Determination on Motions for Order to Show Cause Regarding Parenting Time	Initial Parenting Time Enforcement Determination on Motions for Order to Show Cause Regarding Parenting Time
	Objections to Ex Parte Orders	
	Motions for Temporary Parenting Time Orders	

Motions and Other Proceedings to be scheduled before a Friend of the Court Referee unless otherwise directed; ALL OTHERS MUST BE SCHEDULED BEFORE THE JUDGE

	Pre-judgment Motions	Post-judgment Motions
All Other Matters	Motions to Modify Income Withholding Orders	Motions to Modify Income Withholding Orders
	Motions regarding Other Financial Aspects of Support in cases with minor children (including passport revocation issues, medical coverage and expenses, license suspension and reinstatement, release of liens on bank accounts, account financial reviews, arrearages, and direct credit issues)	Motions regarding Other Financial Aspects of Support in cases with minor children (including passport revocation issues, medical coverage and expenses, license suspension and reinstatement, release of liens on bank accounts, account financial reviews, arrearages, and direct credit issues)
	Motions to Opt out of Friend of the Court system	Motions to Opt Out of Friend of the Court System
	Motions to Maintain Financial Status Quo in cases with minor children	

Ways to contact the FOC

Customers

- Virtual Customer Service – schedule at www.3rdcc.org
- Call Center – (844) 785-7593
 - * Courtesy call back option
- MiChildSupport online at www.michigan.gov/michildsupport
- MiSDU – (877) 543-2660 (payment info only)

Attorneys

- FOC Attorney Line
 - (313) 224-5295
 - FOCAttorneyLine@3rdcc.org
 - * Must have appearance on file or submit attorney access form.
 - * Include fax number to receive documents.

Other resources

- FOC Walk-In Outreach at UAW (1st Friday) and Team Wellness Center (4th Thursday) 9:00 a.m. – 3:00 p.m.
 - * UAW, 15140 Livernois, Detroit, 48238, (313) 864-7878
 - * TWC, 6309 Mack Ave., Detroit, 48207, (313) 331-3435
- Other Partners:
 - * Arab Community Center for Economic & Social Services (ACCESS) – (313) 216-2200
 - * Latin Americans for Social & Economic Development (LaSED) – (313) 962-4888
- Michigan Legal Help
michiganlegalhelp.org

Tour of Website – www.3rdcc.org

- * Case Search
- * Court Reminder Service
- * Forms/State Discharge
- * Payments
- * Child Support Calculator
- * Zoom Courtrooms
- * Virtual Customer Service
- * Ways to Contact FOC
- * FOC FAQ
- * Filing Instructions
- * ePraecipe
- * 2013-26 Docket Directive

Questions?



FOC Contact for DBA Clinic Volunteer Attorneys:
Alyce Haas • (313) 224-7608 • alyce.haas@3rdcc.org
*Email preferred