

# FRIEND OF THE COURT

## FREQUENTLY ASKED QUESTIONS

### **WHY DO I HAVE A DOCKET NUMBER AND IV-D NUMBER?**

Every civil case is assigned a docket number by the Circuit Court Clerk's office. Under every case/docket number the State of Michigan Office of Child Support Enforcement assigns a IV-D number that is associated with the Department of Health and Human Services (DHHS). IV-D numbers are assigned based on the non-custodial parent and the custodial party. Each case can have multiple IV-D numbers depending on changes of non-custodial parent and custodial party. When communicating with Friend of the Court staff you will often be asked for your docket number or IV-D number. A form (DHHS 1201) is required to be signed by parties of a Friend of the Court case to request IV-D services.

### **HOW DO I CHANGE MY ADDRESS?**

An address change needs to be submitted with your signature and date. You may come to the Friend of the Court office in person, mail, fax or email your address change. The communication you choose must include your full name, your docket or IV-D case number, the last 4 digits of your social security number the new address and your signature.

Fax : 231-689-7015

Mail: PO Box 885, White Cloud, MI 49349

In Person: Courthouse, White Cloud

E-mail: [newaygofoc@co.newaygo.mi.us](mailto:newaygofoc@co.newaygo.mi.us)

### **WHAT ARE THE FRIEND OF THE COURT DUTIES?**

The function of the Friend of the Court office is to enforce the court orders entered in your case related to child support, parenting time and custody.

### **HOW DOES THE FRIEND OF THE COURT WORK?**

The Friend of the Court works with cases based on orders of the court along with Office of Child Support policies and procedures. Court orders typically occur after hearings. Hearings can be in-person or held remotely via Zoom. Please always consult your notice for clarification on whether you need to appear in-person or remotely.

### **HOW DOES CHILD SUPPORT CHANGE?**

Child support is established based on the Michigan Child Support formula. The basics of this formula are wages, custody, and overnight visits. Support obligations are set at a monthly amount. Support may be changed by (1) filing a motion regarding support, (2) requesting a review or (3) by agreement between the parties.

### (1) Motion Regarding Support

The child support Motion packet which includes FOC 50 (Motion Regarding Support) and FOC 51 (Response to Motion Regarding Support) can be obtained at the Friend of the Court office for \$2.00, on the County of Newaygo website free to print, or by searching the internet for form FOC 50 and FOC 51. The cost to file the motion is \$60.00. The Friend of the Court office can assist you with the steps but not the information you present.

### (2) Review of Support

A review of child support maybe requested in writing by either party in a Friend of the Court case every three years at no cost from the last child support order and/or review of support. There are also forms available to request a review should a significant change in circumstances in earnings or the ability to work occur. A review of child support through the Friend of the Court office takes approximately 3-4 months because of time requirements in the statutory notices.

### (3) Agreement to Change Support

Parties in a case may agree to change a support amount if there is no public assistance being received. If public assistance is being received the support must be calculated and set pursuant to the Michigan Child Support formula. Any change requires the parties to make an appointment with the Friend of the Court office to sign a new child support order.

## **WHAT IS PUBLIC ASSISTANCE?**

Public assistance includes Medicaid, Cash assistance, Food assistance, and/or Child Day Care assistance through the Department of Health and Human Services (DHHS). If you are the custodial party receiving public assistance for your child(ren), some or all of your child support may be sent, or assigned, to the state to pay back some of the money the state provides to you.

## **OPT OUT, WHAT IS IT AND HOW DOES IT WORK?**

Opting out is not using Friend of the Court services for custody, parenting time and support. There must be no public assistance, a motion must be filed with a signed Advice of Rights and a new court order prepared. If parties have opted out they will no longer contact the Friend of the Court office for assistance and will handle all issues themselves. It is possible to Opt In by contacting the Friend of the Court office to begin the process.

## **WHAT CAN I DO ABOUT?**

### (1) Not receiving child support:

If you have not received a payment in a calendar month you can contact the Friend of the Court office to request enforcement by sending in a letter or calling your Enforcement Officer. Be sure your address is up to date.

(2) Not paying child support:

If you are behind in paying child support or have arrearages, enforcement will include a notice regarding no payments and a scheduled Show Cause hearing. Show cause hearings are primarily conducted remotely via Zoom before the judge or court referee to discuss the issue of court ordered child support.

(3) Not being allowed parenting time:

If there is an order for parenting time that reads "per agreement of the parties" then the parties must file a Motion Regarding Parenting Time (Form FOC 65 & 66) with the Court to request a specific parenting time schedule be put into place. If the order states specific parenting time and that parenting time is being denied, the party being denied the parenting time may fill out a Parenting time Complaint form within 56 days of the violation and submit it to the Newaygo Count Friend of the Court. The matter will be handled by the Dispute Resolution Specialist, and you will normally be notified of the result of your complaint within 14 days.

(4) Not having support for medical bills:

Court orders should provide information regarding the party who is responsible to maintain health-care coverage. If the cost of coverage exceeds 6% of your gross income then the Friend of the Court cannot enforce coverage. Most orders also stipulate the percentage that each party is responsible for after insurance. Medical bills must first be submitted to the non-custodial party, allowing 28 days to respond and reach a payment agreement. If no agreement is reached then Friend of the Court office form Request for Enforcement of Medical Expense may be obtained and completed for help.

## **WHAT IS AN INCOME WITHHOLDING?**

Income withholdings are a court or administratively ordered deduction from a parent's income for payment of child support. Income withholding notices (IWNs) are sent out to employers to withholding a specific amount once a verified source of income is received. Employers are required to cooperate and forward payments to the Michigan State Disbursement Unit (MiSDU) in Lansing Michigan. All parties must report and update their employment in writing to the Friend of the Court office. See the ways to communicate this information in the FAQ regarding address changes.

## **HOW DOES CUSTODY CHANGE?**

If the parties agree about a change in custody and there is no other agency opposing the change (for example DHHS), they make an appointment to see the Dispute

Resolution Specialist and a change of custody may be done in the office. Both parties must agree and be present for this appointment to take place. If the parties are not in agreement, one of the parties may file a Motion Regarding Custody (Form FOC 87 & 88) to request the current custody arrangement be changed.