

NEWAYGO COUNTY FRIEND OF THE COURT ORIENTATION INFORMATION

Newaygo County Friend of the Court, PO BOX 885, White Cloud, MI 49349

Orientation Highlights:

- Duties of Friend of the Court
 - Child Support, Custody, & Parenting Time
- General Information & Definitions
 - Record Access, What FOC Cannot Do, and Party & Children's Rights

FRIEND OF THE COURT STAFF

The Newaygo County Friend of the Court has a team of staff members that are here to assist you.

The Dispute Resolution Specialist works on both custody and parenting time motions. This person also provides Mediation and Facilitative and Information Gathering (FIG) services for parties, and conducts child interviews and investigations as ordered by the court. Our Dispute Resolution Specialist is **Rachel Heman**.

The Friend of the Court also has Enforcement Officers who are responsible for setting show causes for nonpayment of child support, issuing bench warrants, support motions, entering and

processing child support orders, reviews, and modifications of orders on the Friend of the Court system.

There are three Enforcement Officers whose cases are divided by the payers last name. **Danielle Hummel** handles cases with payers last names A-F, **Tricia Heaven** handles cases with payers last names G-O, and **Tammy Schaendorf** handles cases with payers last names beginning with P-Z.

The Friend of the Court has a Program Accounts Clerk, **Heather Jordan** who provides specific information regarding medical insurance, demand for medical processes, income withholdings, arrears management and credit bureau reporting.

The Friend of the Court has two Client Services Assistants, **Jody Streichhirsch** and **Amanda Knol**, who will be your primary points of contact on the phones or at the window.

Jody and Amanda are responsible for; updating case information, scheduling hearings, and distributing mailings of orders and other documents.

Staff Contact Information

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ORDERS, STIPULATIONS, & MOTIONS

The Friend of the Court generates orders that a Judge signs. After the Judge signs an order, we have to enforce the order. Orders may come about after a hearing before the Chief Circuit Court Referee or the Judge.

Orders are also created after two parties make an agreement, or a stipulation. You may meet with Friend of the Court staff to come up with a stipulated order which will be submitted for judicial

signature. There are certain rules that prevent us from approving every agreement. For this reason, you should consult with staff prior to making an appointment to make sure that what you are attempting to stipulate to is possible.

A party can also file a motion for custody, parenting time, and/or support if no agreement between the parties can be reached. Please discuss various motion fees

with our Client Services Assistants. These motions are presented before the Chief Circuit Court Referee or the Judge and an order is made. A **Referee's Recommended Order** may be objected to for good cause within 21 days of the date the order was mailed to the parties. Objections are free and are scheduled with a Judge. A transcript of the Referee's hearing being objected to must be included with the objection. There is a cost for transcripts.

CHILD SUPPORT BASICS

There are several different types of support that can be ordered:

- Child Support
- Spousal Support
- Ordinary Medical
- Birthing Expenses
- Child Care Expenses
- Extraordinary Medical Expenses

Children usually receive child support until 18 years of age. A whole month of support is billed for the month in which the child turns 18. If support is extended it is called **Post-Majority Support**, which can

go until the child is 19 1/2 years old.

Child support is calculated using the **Michigan Child Support Formula Manual**. Support numbers are based on your monthly income. Living expenses cannot be used in determining support. Your total child support across all cases should not exceed more than 50% of your income.

Income withholding orders are mandatory and come directly from a payer's income. Payments are made to the **Michigan State Disbursement Unit (MiSDU)**. If you have

questions regarding payment options or other MiSDU general questions you can visit www.misdu.com for more information.

The Friend of the Court does not dictate how much money goes onto each case if you have multiple cases. Federal law determines how payments are divided and dispersed.

If a payer makes a direct payment to the other party a **Direct Payment Dismissal** form can be completed. You may also be permitted to make a payment at the Friend of the Court window if ordered by the court.

Payments occur at the window on show cause days, when bonding for bench warrants, or if you are court ordered to pay at the window.

Statutory fees are \$60.00 per year charged on the first day of the months of January and July.



ORDINARY MEDICAL, EXTRAORDINARY MEDICAL & REVIEWS

The non-custodial parent pays **Ordinary Medical**.

Extraordinary Medical expenses are anything above ordinary medical expenses. Each party will have to pay a certain percentage of extraordinary medical expenses. The custodial parent is responsible for paying the costs for the expense up front, and the non-custodial parent shall reimburse the custodial parent. If this does not happen, the

custodial parent may contact our office for assistance in filing **Demand for Medical** paperwork to have those costs added onto the system as child support arrears.

Child support reviews are done every three years with a request from either party. If either party is on assistance, then a mandatory review is generated by our system every three years. If you receive a notice regarding a review, then complete the

paperwork and return so it can be used in making an accurate calculation.

Substantial Change in Circumstances Review forms can be requested to possibly have your support reviewed if your case meets the criteria. Reviews can also be completed if a party is incarcerated or incapacitated for a period of 180 days.

SHOW CAUSES & BENCH WARRANTS

Show causes are set when a payer is a minimum of one month behind in support payments. When non-payment of support occurs forms will be sent to both parties to gather information on a payer's ability to pay as ordered. A determination is then made if a show cause should be set. Show Causes are sent via first class mail to your last known address provided to our office.

When a Show Cause is set, you will go before the Chief Circuit Court Referee. The Referee may dismiss the

Show Cause, hold the payer in contempt (good for one year), or generate an order. Show Causes are typically handled remotely via Zoom.

A payer appearing for a show cause can be held in contempt and have a jail sentence imposed immediately. A jail sentence can also be held in abeyance to be imposed at a later date if the payer fails to comply with the terms of the order. A first offense for contempt is typically 45 days in jail. A second, or subsequent offense, is usually 90 days. **Any proposed order**

generated by the referee can be objected to within 21 days. An objection of the Referee's decision can only be done for good cause.

If a payer fails to comply with the terms of the order with payments then a **bench warrant** may be issued. This is sent to your last known address. You must appear in person on a bench warrant for it to be discharged. **Note:** Even if you resume monthly payments, your bench warrant is not automatically removed from the system.

If a payer fails to appear for a Show Cause hearing an order is often produced giving the payer an amount of time to pay a certain amount of money. If the payer fails to make the ordered payment, he or she may then have a bench warrant issued for his or her arrest.

FRIEND OF THE COURT SANCTIONS, SERVICES, & RECORD ACCESS

If show causes do not work to promote timely child support payments there are other **sanctions** that can be ordered on cases to try to increase payments:

- Property or Account Liens
- Seizing Bank Accounts
- Passport Suspension/Denial
- Income Tax Interception
- Credit Bureau Reporting
- License Suspension
- Felony Warrants

We also provide **Facilitative Information Gatherings (FIG)** services for new divorce cases which aim to create a temporary order that will be effective pending a divorce becoming final. A FIG may result in a stipulated agreement, a recommended order to the Judge, or in an investigation. Please contact the Dispute Resolution Specialist for questions regarding the FIG process as certain criteria need to be met to proceed with the FIG process.

The State of Michigan also has an online system for

clients to check on payments, bench warrants, and scheduled events. **MiCASE** requires that you apply for a password and login. Staff cannot view information on **MiCASE**, and the financial information can be somewhat different than our system. For more information, please visit:

www.michigan.gov/micase.

Friend of the Court files are confidential and cannot be viewed by the public. You may request to view your file by completing a **Request To Friend of the Court Records**. This will then be reviewed.

Access FOC Records and Decisions. All of the confidential information will be removed prior to it being viewed by a party. If you have questions about what you may be able to view in your Friend of the Court file, please contact Steve Baar at (231) 689-7263.

If you are interested in the orders in your public file, you may contact the Newaygo County Circuit Court Clerk's Office to view or make copies of the orders for \$1.00 per page. The Clerk's Office may be contacted at (231) 689 -7269.

CUSTODY INFORMATION & DEFINITIONS

Custody is determined by considering which parent may have an **established custodial environment** and **what is in the best interests of the child**. The **Michigan Child Custody Act** states that our office must consider:

- Love, affection, and emotional ties between parent and child.
- The capacity of the parent to give a child love, affection, and guidance.
- The capacity of a parent to provide material needs.
- The length of time the child has resided in a stable environment.
- The permanence of the existing and proposed homes.
- The moral fitness, mental, and physical health of all parties.
- The home, school, and community record of the child.
- The child's preference, if of sufficient age to express (no magic age).
- The parties willingness to adhere to inherent rights and visitation.

- Domestic Violence history.
- Other relevant factor/s.

Joint legal custody is when both parents have input into major decisions regarding the child. **Sole legal custody** is when only one parent makes decisions for the child without the input of the other parent. This type of custody could be because one parent is absent or incarcerated.

Joint physical custody is when the child resides with both parties. The time does not have to be equal. **Primary physical custody** is when the child or children primarily reside with one parent and the other parent exercises parenting time.

Custody changes occur by order of the Court **ONLY!** If you and the other party make an agreement outside of the Court Order it may be unenforceable for Friend of the Court staff. Changes in custody can occur with a signed stipulated order or from motioning the Court.

PARENTING TIME INFORMATION & DEFINITIONS

Parenting time is the time the non-custodial parent spends with his or her children. This time is granted to promote strong relationships between the parents and children. Parenting time may include weekends, or portions of the week, division of the holidays, and school breaks.

Supervised Parenting Time may be ordered by the Court

when a parent needs assistance due to an issue which impacts his or her ability to parent.

When a determination needs to be made there are certain factors that are considered:

- Special circumstances or needs of the child.
- Possible abuse and/or neglect during parenting time.
- Possible parental abuse during parenting time.
- Distance between the parents.
- Whether a parent is expected to exercise, or has failed to exercise, parenting time.
- Threatened or actual violation of a Court order.

If parties do not agree on a parenting time schedule, they may be ordered to follow the **Reasonable Parenting Time Policy**. Parties should always follow the language in their Court order regarding parenting time. Failure to follow the Court order could result in the lack of ability to enforce the Court order. Changes in parenting time can occur with a signed stipulated order or from motioning the Court.

PARENTING TIME ENFORCEMENT

If a parent does not follow their ordered parenting time, the other parent may submit a written complaint on an FOC approved form within 56 days of the parenting time violation.

The Dispute Resolution Specialist then reviews each complaint and if the issue may be mediated.

A Show Cause may be scheduled, or a complaint may be denied if there was no actual violation or if there was not enough information to properly assess if a violation took place.

If a parent is found in **contempt** for a parenting time violation then there are the following options;

- Make-up parenting time.
- Extended parenting time.
- Bad Faith Sanctions/Fines.
- Incarceration.
- License Suspension.
- Bench warrant issued.



OPTING OUT & THE ROLE OF OTHER AGENCIES

Sometimes it is possible to opt out of Friend of the Court services. You may opt out of services if:

- Both parties agree.
- There is no public assistance.
- There is no domestic violence.
- It is not against the best interests of the children.
- There is no money owed to the State.
- There are no arrearages.
- There are no parenting time and/or custody violations within the previous 12 months.

- Neither party has reopened a case in the last 12 months.

The Friend of the Court interacts with different types of agencies when dealing with matters before the Court. It is these agencies' responsibility to respond to various issues that are sometimes related to Friend of the Court cases.

- Law Enforcement acts upon stalking/harassment complaints.
- The Department of Health and Human Services, or DHHS, responds to complaints of abuse and/or neglect of children.
- The Family Court may terminate a person's

parental rights under certain circumstances.

There are also some things that the Friend of the Court office is prevented from doing. For example:

- Friend of the Court cannot provide financial information over the phone as we are not able to verify that you are actually who we are speaking to.
- Friend of the Court cannot provide or discuss Federal Tax Information (FTI).
- Friend of the Court cannot give legal advice or represent either party.

- Friend of the Court cannot speak to third parties regarding your case (spouses, parents, significant others, etc.)

- Friend of the Court cannot have children in their offices unless the children have been asked or ordered to appear for a child interview or some other purpose. This is also for safety reasons.

HELPFUL LINKS

www.courts.michigan.gov

Michigan's One Court of Justice for information and forms
<http://www.newaygocountymi.gov/friend-of-the-court/friend-of-the-court/>

Contains various Friend of the Court forms and information

www.legislature.mi.gov

Michigan statutes and laws

www.irs.gov

Internal Revenue Service

www.adbmich.org

Attorney Grievance Commission

www.ssa.gov

Michigan State Bar Association

www.michigan.gov/sos

Secretary of State

www.consumer.gov

Consumer fraud, identity theft, product safety, etc.

www.michigan.gov/mpsc

Michigan Public Service Commission

www.michigan.gov/mdhhs

Michigan Department of Community Mental Health

www.michigan.gov/lara

Michigan Corporation Division

www.michigan.gov/ag

Michigan Attorney General

www.michiganprosecutor.org

Responsibilities of prosecuting attorney, crime victim's rights and resources, criminal case steps, etc.

www.legalassistancecenter.org

Information on housing, domestic issues, pro se litigation, etc.