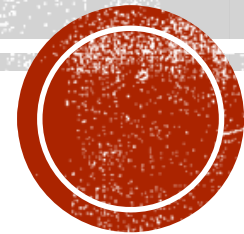


WHAT IS THE FRIEND OF THE COURT?

- Part of the 16th Circuit Court's Family Court
- Investigative → Motions, hearings, investigations
- Enforcement → Enforcing Orders on child support, parenting time, custody, medical insurance/uninsured health care expenses, and spousal support



ABOUT FOC

Friend of the Court

- Thomas F. Blohm

Management

- Brian O. Nicholas – Chief Referee
- Laura W. Keeth – Enforcement Division Director
- Valentina Berishaj – Clerical Services Director

Family Court Judges

- Matthew S. Switalski – Presiding Judge- Family Court
- Tracey A. Yokich – Family Court
- Mark S. Switalski – Family Court
- Rachel Rancilio – Family Court

Floors 1 – 7 of
the Old
County
Building

- 10 N. Main St. Mt. Clemens, MI

8 Referees

11 Judicial Service Officers

5 Custody/5 Child Support Investigators

2 Medical Support Specialist

Over 60 support staff



DIVORCE PROCESS BASICS

- **Filing of Complaint for Divorce** – A Complaint for Divorce is filed with the Circuit Court by one of the two people who are married – the person who files the Complaint is the Plaintiff – the other person is the Defendant (note the Plaintiff and Defendant are each a party to the divorce case). The Plaintiff may hire an attorney or file without an attorney. If you do not have an attorney you are **In Pro Per** which just means you are representing yourself.
- **Service of Complaint** - Complaint for Divorce is served on the Defendant by the Plaintiff – the Defendant will then either file an answer or counter-complaint on their own or with the help of an attorney, or in some cases not file a response. If no response is filed by the Defendant a Default Judgment of Divorce could be entered.
- **Temporary Orders** – there may be temporary orders entered while the divorce is in process about payment of bills, custody, parenting time, and child support.
- **Negotiate A Settlement** – the Plaintiff and Defendant (the parties on the case) then need to work out : custody and parenting time, child support, and division of marital property and marital financial obligations (payment of debts) this agreement will then be written up in an order called a Judgment of Divorce.
- **Divorce Trial, Mediation, or Arbitration** – if the parties can not work out an agreement their case could be referred for Mediation or Arbitration or could have a Divorce Trial before the Judge to determine issues parties disagree about.
- **Entry of Judgment of Divorce and Uniform Child Support Order** – once all the issues have been worked out a court order called a Judgment of Divorce will be entered and if there is child support, medical support, or health care coverage ordered a Uniform Child Support Order will also be entered.
- **Pre-Judgment and Post-Judgment** - Friend of the Court does some things to help the Court before the Judgment of Divorce is entered – this time period is called pre-judgment and some things after the Judgment of Divorce is entered – this time period is called post-judgment. Support and Custody Investigations, Motions, Enforcement, and Information.



CHILD SUPPORT 101

- Your first contact with FOC will likely be with a Support Investigator
- You **MUST** attend this appointment, even if you plan to opt out of FOC services
 - During COVID 19 → Appointment is being conducted via phone/zoom
- Remember → You are only eligible to opt out if there is **NO** public assistance for any parties
- Information will be gathered to issue a Final Support Recommendation on child support.
- Child support is calculated using the Michigan Child Support Formula
 - Looks at both parties' incomes, average number of overnights per parent, health insurance premiums, day care expenses, and other factors that may affect support
- The investigator may issue two recommendations if custody/parenting time is in dispute



POST JUDGMENT MODIFICATION OF SUPPORT

- You are entitled to a support every 3 years via a written request to the FOC
- You may file a motion to modify support at any time if there is a change in circumstances
- The FOC may petition the Court for a review of support in any of the following circumstances:
 - You become the recipient of SSD or SSI benefits
 - You become the recipient of VA benefits
 - You are unemployed and collecting unemployment benefits
 - You have a workers compensation claim or are receiving PIP benefits
 - One of the parties is incarcerated for an extended period of time



CUSTODY INVESTIGATIONS

- FOC currently has 5 custody investigators
- If custody is disputed, your case may be referred to the Custody Dep. of FOC
- There is a \$500 fee for this that may be charged fully, partially, or waived.
- The investigator will interview the parties involved and any witnesses
 - Children over the age of 4 MAY be interviewed
 - Home inspections MAY be conducted
- A report and recommendation is issued following the Michigan Child Custody Act



ENFORCEMENT OF COURT ORDER

- Post Judgment, the FOC will enforce the child support, spousal support, medical, custody, and parenting time provisions of the Order.
- FOC can ONLY enforce the Order signed by the Judge, no outside agreements or deviations that are not in the Order
- A Judicial Service Officer (JSO) is assigned to each case. Each Judge has 2 JSO's for support, 1 JSO for parenting time, 1 Medical Support Specialist
- You must keep FOC updated on any changes in address or employment/unemployment



CHILD SUPPORT COLLECTION

- Most common method of collecting support → Income Withholding Order to Employer
 - This garnishes child support via payroll and is sent to the MISDU for payment processing
- If you are self employed you must pay on your own.

Payment type	Payment Method	Accepted	Limit	Fee Details	Notes
Credit/Debit Card without Pin		Online at: www.misdu.com Telephone IVR: 877-543-2660	Based on your card	2.35%* of total payment	Allow 3-5 business days for processing.
Cash Payment			\$1,000 daily limit per Order ID/Docket	\$1.99* per transaction	Allow 3-5 business days for processing.
Cash Payment			\$10,000 limit per payment \$2,000 limit per payment	\$3.99* per transaction	Allow 3-5 business days for processing.
Debit Card with PIN			\$10,000 limit per payment	\$3.99* per transaction	Allow 3-5 business days for processing.
US Mail	Check, Money Order	Yes	Mail to PO Box 30351 Lansing, MI 48909-7851	None	USPS regular mail only. MiSDU does not accept overnight payments via USPS, UPS, FedEx, DHL, etc.



CHILD SUPPORT ENFORCEMENT

- Show Cause Hearing
 - Conducted by the JSO for non payment of support. Gives the payer an opportunity to explain their circumstances for non payment to the JSO
 - If no resolution is reached → hearing may advance with the Judge where you may be found in contempt
 - Failure to appear at these hearings may result in a bench warrant for the non payer's arrest.
- Passport holds for any arrearage over \$2,500.00
- Bank Levy: Bank account may be frozen and intercepted for nonpayment of support
- Interception of tax refunds
- Credit reporting: If non payer is at least 2 months in arrears
- License restrictions
- Should the payer of support move to another state, FOC may be able to initiate enforcement of our court order by the other state.



ENFORCEMENT TEAMS

	Child Support JSO	Parenting Time JSO	Medical Support Specialist
Judge Matthew S. Switalski	Dena Lorenz (A-K) Peter Miles (L-Z)	Laura Lambert	Kathy Hessler
Judge Tracey A. Yokich	Maryanne Spryzsak-Hannah (A-K) Catherine Cole (L-Z)	Laura Lambert	Kathy Hessler
Judge Mark S. Switalski	Lynn Pfeiffer (A-K) Jeff Weberman (L-Z)	Alecia Golm	Constance Dooley-Salmon
Judge Rachel Rancilio	Peter Moody (A-K) Carolyn McInnis (L-Z)	Alecia Golm	Constance Dooley-Salmon
All Judges	Lina Germain		



MEDICAL ENFORCEMENT

- Each Uniform Child Support Order has provisions that order one or both parties to maintain insurance for the benefit of the child
- Requires the non custodial parent to pay each month towards the ordinary medical amount to help cover health care expenses incurred on behalf of the child(ren).
 - Once the custodial parent has incurred all the costs of the annual ordinary medical amount, the Order will indicate a percentage split that each party is responsible for.
- Uninsured health care expenses include:
 - Insurance co-pays, deductibles, orthodontic treatment, and other uninsured health care costs
- A parent may submit a request to FOC for proportionate reimbursement for the amount the other parent has not paid.



PARENTING TIME ENFORCEMENT

- Denials of parenting time
 - FOC cannot force a parent to exercise his or her parenting time; however, a parent may NOT deny parenting time to the parent trying to exercise per their court order
 - Denials of parenting time require the parent to actually attempt to pick up the child(ren)
- Failure to return the child(ren) to the custodial parent
- Change of domicile violation (example: moving out of state)
- Excessive tardiness for parenting time exchanges
- Joint legal custody violations
 - Change in child's school district, doctor/medical/professional appointments/consultations without the other parent's knowledge or consent



PARENTING TIME REMEDIES

- Most common → 21 Day Letters from the JSO
 - Letter advising parent A that parent B was denied parenting time. The letter also advises parent A to offer make up parenting time to the parent who was denied his or her parenting time
- Joint meetings
 - A meeting scheduled by FOC in an attempt to reach an agreement on a parenting time issue or a resolution on an ongoing parenting time issue.
 - At the conclusion of this meeting, a consent order may be entered.
- Show Cause Hearing
 - A contempt hearing held by the JSO which may or may not be heard in front of the Judge
 - Contempt sanctions include make up parenting time, a change in the order, and/or incarceration



NON ENFORCEABLE PARENTING TIME ISSUES

- Extracurricular activities or sporting activities
- Communication issues
 - Includes phone calls, texts, facetime, Our Family Wizard app, etc
- Parental Cooperation Orders
- Child(ren)'s belongings
 - Clothing, electronics, toys, etc
 - It is expected that both parents have essential items on them for the duration of the child(ren)'s stay with that parent.
 - Clothing, baby formula, diapers, etc
- Remember→ Just because FOC may not enforce something in your order, does not mean it is a lost cause, you may file motion with the Court



FRIEND OF THE COURT REFEREES

Judge	Referee
Judge Mark S. Switalski	Chief Referee Brian O. Nicholas
Judge Tracey A. Yokich	Amanda Kole David Falk
Judge Matthew S. Switalski	Gregory Toler Rebekah Sellers
Judge Rachel Rancilio	Dayna Cristofori Lisa Goldstein
All Judges	Family Court Counsel/Referee David Elias

A referee is a quasi-judicial court officer who is assigned to a Judge and hears motions and conducts evidentiary hearings for that Judge.

- After a hearing, the Referee will make a written recommendation that typically becomes an order unless an objection is filed. Objections are heard by the Judge.



TIPS WHEN CONTACTING FOC

- When you call FOC, you will speak to one of our many excellent support staff.
 - You will be treated with respect by our staff and assisted in any way they can
- When you call/write/email FOC, please have your case number available.
 - Response time may be longer than usual during this pandemic, please be patient.
- Always update FOC within 21 days of any changes.
- Be kind – remember, you are speaking to Court staff and any contact with FOC is noted on file and may be reviewed by any other FOC staff or Judge
- There are no walk in appointments at this time; however, we may be having virtual appointments in the near future.
- Please remember COVID 19 is a fluid situation and things may change often and quickly. Check our website for updates.



ONLINE RESOURCES

- Macomb FOC Website
 - <https://foc.macombgov.org/FOC-Home>
- 16th Circuit Court Case Lookup Information (Courtview)
 - <http://courtpa.macombgov.org>
- Michigan Legal Help Online
 - <https://michiganlegalhelp.org/self-help-tools/family>
- MiChildSupport Case Information
 - <https://Michigan.gov/micase>
- Michigan State Disbursement Unit (MISDU)
 - <https://www.misdu.com>
- Michigan Court Forms
 - <https://courts.michigan.gov/administration/scao/forms>

