



MEET YOUR FRIEND OF THE COURT

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The Friend of the Court is an agency designed to assist the court in domestic relations cases, such as divorce, paternity, custody and support actions. The Friend of the Court is involved in the vast majority of domestic relations cases with minor children and most of the cases requiring the payment of spousal support. The office has three main functions in domestic relations cases; recommendations to the court on pending issues, enforcement of parenting time orders and processing and collection of support payments.

The Friend of the Court is a county based agency, but it is integrated into the statewide child support system. Although there are state-wide requirements and mandated services, the actual process for providing these services may be different in each county. This article will talk in general about the services provided, but you should discuss with your lawyer the procedures in your county or check with the Friend of the Court office where your case is filed.

The Friend of the Court case is typically opened after the first order for support is entered or when a recommendation is requested, not necessarily when the complaint is filed. When your case is first opened you will be asked to provide information about yourself and your family to the Friend of the Court. Names, birth dates, social security numbers, employers and other information is required, particularly for support collection. This information is given to the Friend of the Court on the Verified Statement and the Judgment Information Form. Both of these documents are kept in the Friend of the Court file only and are not available to anyone other than Friend of the Court staff: the judge, the parties and their attorneys. If there are changes, particularly to addresses or employment, please update the information with your Friend of the Court office.

If you are interviewed by the Friend of the Court for a recommendation on parenting time, custody or support you will be asked to submit other information relevant to those issues. Many Friend of the Court offices have forms requesting information that they will send you in advance of the interview. Again, information in a Friend of the Court file is confidential and will not be given to the public. It is available to both parties and their attorneys.

Prior to the entry of a final order the Friend of the Court is most likely to be involved in a resolution of child custody, parenting time and child or spousal support issues. Most Friend of the Court offices provide mediation services to

help the parties reach a mutually acceptable solution on custody and parenting time disputes. If a case is not settled by the parties the Friend of the Court may be asked to issue a recommendation to the court on disputed issues. The office will obtain input from both parties through personal interviews and, if appropriate, interview the children involved. All interviews with children are confidential. A written recommendation will be given to the court and both parties. Keep in mind the Friend of the Court recommendation is not a court order and is not, in general, enforceable on its own. Your lawyer will tell you what is needed to have an order entered on the particular issues addressed in the recommendation.

Preparing a recommendation on contested issues is an area where each county's procedures could be very different and it is important to check and find out exactly what is expected of you. Some counties will simply set an appointment for the parties to begin the review while other counties require the parties to call the office and request an appointment. Your lawyer will have information about your specific county and will also be able to advise you about the investigative process that will be used. Your lawyer may or may not accompany you to interviews at the Friend of the Court; you should seek his or her advice on whether this is necessary.

Once a custody and parenting time order is entered in your case the Friend of the Court will enforce the order. You will likely be asked to file a written request for enforcement and explain the violation. Once again, this is a process that can vary from County to County and you should check with your lawyer or the Friend of the Court in your county for the proper procedures.

The Friend of the Court will also collect and enforce child and spousal support once an order is entered. All Friend of the Court offices use the Michigan Child Support Enforcement System, commonly referred to as MiCSES (the acronym is pronounced "my-sis"). The system provides both accounting and enforcement processes for support cases. Support is charged on a monthly basis and payments are recorded on MiCSES. In addition, on January 1 and July 1 of each year statutory fees (currently \$42 a year) are automatically charged to the account along with a "surcharge" on overdue support.

Although MiCSES provides the account information, the



support itself is processed by a different State agency, the Michigan Support Disbursement Unit or MiSDU (pronounced "miz-do"). This agency is in Lansing and processes support payments in excess of 1.3 billion dollars a year. Beginning in 2006 all support will be disbursed by electronic funds transfer directly to the recipients bank account or through a State debit card issued to the recipient of support. Payments are disbursed by MiSDU as they are received and are not "held" for monthly payment.

If you have a question about the accounting in your case call the Friend of the Court. The office can generally explain the account to you and correct problems if there are any.

The Friend of the Court also enforces court orders for support through the MiCSES system. Much of the enforcement is done automatically by the computer program. Once a party is ordered to pay support the name of their employer is put in the system. The computer then generates an Income Withholding Order which is sent to the employer along with a notice of the requirement to withhold support. The employer is required by law to begin withholding support from the employee's paycheck and forward it to MiSDU for payment on the support account. Approximately 70% of the support paid in Michigan is paid through income withholding. Whenever a notice is sent to an employer copies are sent to both parties.

If support is not paid by income withholding or directly to MiSDU by the party ordered to pay support, the Friend of the Court has various other enforcement remedies available. Certain enforcement is started automatically through the MiCSES computer program; for example income tax

intercept or credit bureau reporting. Certain enforcement remedies require initiation by the Friend of the Court office, for example an Order to Show Cause hearing or license suspension. For all of these actions notice will be sent to both parties. If you disagree with the proposed action, call the Friend of the Court to ask what your options are and discuss the matter with your attorney.

If you have questions about a process at the Friend of the Court call and ask. There is a lot going on in most domestic relations cases, particularly at the beginning of the case. Sometimes multiple notices can be sent on a case in the same week or even the same day! This can be very confusing and you should certainly call and ask if you do not understand what a notice means.

Most Friend of the Court offices have a webpage with general information and contact numbers on it. You should look at the appropriate office's website for more information about how the office handling your case operates. In general there are three things the Friend of the Court would like you to keep in mind to help your case run smoothly

- Keep the Friend of the Court informed of your current address at all times and send changes in writing with your signature on it to the Friend of the Court office.
- Never ignore a notice you receive from the Friend of the Court. If you question the notice call the Friend of the Court office to ask for an explanation.
- The Friend of the Court cannot change a court order, only the judge can do that.

