

STATE OF MICHIGAN 16TH JUDICIAL CIRCUIT MACOMB COUNTY	MOTION TO EXEMPT (OPT OUT OF) FRIEND OF THE COURT SERVICES	FILE NO. *
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40 N. Main Street, Mt. Clemens, Michigan 48043

(586) 469-5160

Plaintiff's name, address and phone *	VS	Defendant's name, address and phone *
Plaintiff's attorney bar no., address and telephone no.		Defendant's attorney bar no., address and telephone no.

The parties file this Motion to Exempt (Opt Out) of Friend of the Court Services pursuant to MCL 552.505a, and

1. The parties state the following:

- a. Neither party objects to the entry of the requested order.
- b. Neither party receives public assistance for themselves or a child in the case.
- c. No money is due to the state because of past public assistance for a child in the case.
- d. no child support arrearage has occurred in the last 12 months; or a child support arrearage has existed in the last 12 months, however, the payee has or wants to voluntarily waive(d) same or it has been paid in full.
- e. No custody or parenting time violation has occurred in the last 12 months.
- f. Neither party to this case has reopened a Friend of the Court case in the last 12 months.
- g. There is no history of domestic violence nor is there an unequal bargaining position between the parties involved in this case.
- h. We have executed FOC 101 Advice of Rights Regarding Use of Friend of the Court Services advising us of the services we will not receive if this motion is granted.

2. We understand the following:

- a. That the closure of the Friend of the Court case does not release either party from the party's obligations imposed in the underlying domestic relations matter. The parties to a closed Friend of the Court case assume full responsibility for administration and enforcement of obligations imposed in the underlying domestic relations matter. The failure of either party to keep accurate records may constitute a waiver of the party's right to claim any arrearage or credit regarding the child support account.
- b. If we want to ensure that child support payments made after a Friend of the Court case is closed will be taken into account in any possible future Friend of the Court enforcement action, the child support payments must be made through the State Disbursement Unit

(SDU). If we choose to continue to have child support payments made through the SDU, the office of the Friend of the Court shall not close its Friend of the Court case until each party provides the SDU with the information necessary to process the child support payments required in the underlying domestic relations matter.

- c. If, after this case is exempted from Friend of the Court services, we request to re-open our case or apply for public assistance, the office of the Friend of the Court shall open or reopen a Friend of the Court case. If the Friend of the Court opens or reopens a case for any reason, the following requirements will apply:
1. We must cooperate fully with the Friend of the Court in establishing the case as a Friend of the Court case;
 2. We must provide copies of all orders in the case to the Friend of the Court;
 3. The Friend of the Court is not responsible for determining any support arrearage that is not indicated by payment made through the SDU;
 4. Support is payable through the Friend of the Court effective the date the Request to Reopen Friend of the Court case is received by the Friend of the Court.
 5. The Friend of the Court may prepare and submit, ex parte, a support order that contains all the statutory requirements of a Michigan support order as long as the order does not contradict the existing support order.

THEREFORE, we request that the Court allow us to opt out of Friend of the Court services and enter an order as follows:

1. Exempting this case from Friend of the Court enforcement, investigation, or accounting functions for custody, parenting time, or support.
2. Except where indicated below, we request no income withholding shall issue in this case and that support be paid directly by the payer to the payee, and request that the Friend of the Court terminate any existing income withholding.

We request support be paid through the State Disbursement Unit (SDU) on a case previously open with the FOC and to be paid by income withholding to the extent allowed by statutes and court rules, however, the Friend of the Court is not responsible for the income withholding.

We declare that the above statements are true to the best of our information, knowledge, and belief.

Date: _____

Plaintiff Signature

Date: _____

Defendant Signature