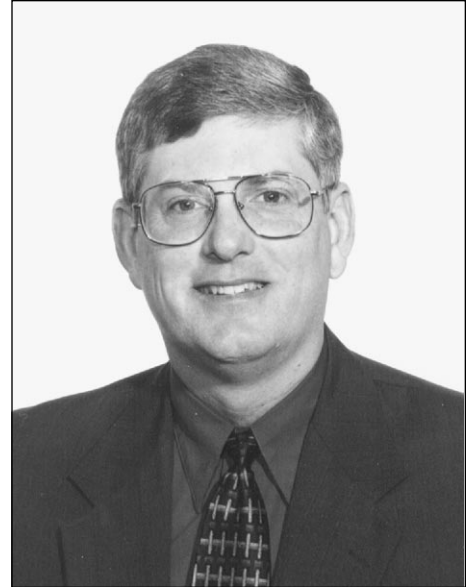


Procedural Changes in the Filing of Judgments or Orders in Domestic Relations Cases

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The Supreme Court recently enacted procedural changes that affect the filing of judgments and orders in domestic relations cases awarding or modifying spousal or child support. The amendments, incorporated in Michigan Court Rule 3.211, took effect on January 1, 2006.

Attorneys who enter original orders on domestic relations cases must also enter a uniform support order. The order or judgment must incorporate the uniform support order by reference. The uniform support order must be the latest version as drafted by the State Court Administrative Office and approved by the Supreme Court, which is available on the Michigan Supreme Court Web site at <http://courts.michigan.gov/scao/courtforms/>.

The uniform support order must accompany any judgment or order affecting child or spousal support, and both must be signed by the judge. If only child or spousal support is ordered or modified, then only the uniform support order must be submitted for entry. A judgment or order may be entered without an accompanying uniform support order if the judgment or order states that no uniform support order is required because support is reserved or spousal support is not ordered.

In instances where the judgment or order contains terms that conflict with those found in the uniform support order, the uniform support order shall govern. A single judgment entry fee will be charged when a uniform support order is submitted for entry along with a judgment or order that incorporates it by reference.

The purpose of the uniform support order is to provide a standardized form wherein often complicated terms and conditions may be easily identified and entered into the statewide child support enforcement computer system. Data entry clerks in Friend of the Court offices statewide must currently review lengthy divorce judgments to find child support, medical and other relevant information before entering the information into the child support enforcement system. It is expected that a standard support order will make locating these provisions quicker and easier.

The aforementioned court rule also requires that personal information concerning a party be provided to the Friend of the Court in a judgment information form separate from the court order. The judgment information form must be the

latest version as drafted by the State Court Administrative Office. At the time this article

was written the judgment information form was not available on the Supreme Court's Web site, but it is expected to be available before this article is published. The form should be available at the Internet address shown above.

The party responsible for preparing the judgment or order must serve the judgment information form on the Friend of the Court and all other parties in the matter, unless the court orders otherwise, and also must file a proof of service certifying that proper service was made. The court will not sign a judgment or order awarding child or spousal support unless it has determined that the judgment information form was submitted to the Friend of the Court.

The judgment information form will be kept in the Friend of the Court file, which is confidential and available for review only by the parties to the case and certain others as governed by Michigan Court Rule 3.218.

The party submitting the judgment or order must submit a new judgment information form within seven days if the court modifies the proposed judgment or order before signing it and if the modification changes any of the information in the judgment information form previously submitted. The judgment information form must be filed in addition to the verified statement, even though much of the information contained in both documents is similar and confidential.

The purpose of the judgment information form is that it establishes a vehicle for submission of confidential information, including Social Security numbers and health insurance numbers, in a document separate from the court order. The court order remains a public document.

We in the circuit court know that these changes will pose challenges to domestic relations law practitioners. The purpose of this article is to acquaint you with the changes to Michigan Court Rule 3.211 so that you are duly informed when the amendments go into effect on January 1.

Until next month...

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