

**STATE OF MICHIGAN  
SIXTH JUDICIAL CIRCUIT  
OAKLAND COUNTY**

**MOTION TO OPT OUT OF  
FRIEND OF THE COURT  
SERVICES**

**FILE NO.**  
\* \*  
--

Sixth Circuit Court, Family Division, 1200 Telegraph, Pontiac, MI 48343

PLAINTIFF'S NAME AND ADDRESS

Plaintiff's attorney, bar no., address & telephone no.

DEFENDANT'S NAME AND ADDRESS

Defendant's attorney, bar no., address & telephone no.

**WE STATE:**

1. There is not domestic violence or unequal bargaining position between the parties involved in this case.
2. Granting the relief we request would be in the best interests of any child in the case.
3. We have filed executed copies of a form advising us of the services we will not receive if this motion is granted.
4. Neither party receives public assistance for a child in the case.
5. No money is due the state because of past public assistance for a child in the case.
6. No arrearage or custody or parenting time order violation has occurred in the last 12 months in this case.
7. Neither party to this case has reopened a friend of the court case in the last 12 months.
8. We do not want IV-D services and have requested that any existing IV-D case be closed.
9. We agree that the friend of the court shall open a friend of the court case if a party applies for public assistance relating to a child of the parties or either party submits to the friend of the court a written request to reopen the friend of the court case.

We agree, if this case becomes a friend of the court 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. We must supply any documents that a party to a friend of the court case is required to supply if we have not already done so.
4. The friend of the court is not responsible for determining any support arrearage that is not indicated by payment made through the SDU.
5. Support is payable through the friend of the court effective the date the case becomes a friend of the court case.
6. 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.

7. If any dispute arises between us concerning child support, custody, parenting time or change of domicile that was not paid through the Friend of the Court, the issue will be submitted to private mediation, or upon our consent, binding arbitration, and the cost will be equally divided us. For those parties opting out of Friend of the Court, mediation and arbitration services through the Friend of the Court will not be available to them.

8. We must keep accurate records regarding the direct payment of child support that is paid outside of the Friend of the Court or the State Disbursement Unit. The failure of either party to keep accurate records shall constitute a waiver of that party's right to claim any arrearage or credit regarding the child support account.

THEREFORE, we request the court enter an order as follows:

1. Allowing us to opt out of Friend of the Court services.
2. Exempting this case from friend of the court enforcement, investigation, or accounting functions for custody, parenting time, or support.
3. Except where indicated below, no income withholding shall issue in this case. Support will be paid directly by the payer to the payee, and the friend of the court shall terminate any existing income withholding.
  - a. Support shall be paid through the State Disbursement Unit (SDU) on a case previously open with the FOC. Support shall 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. The friend of the court shall notify the employer that it is no longer involved in the case and that any further information concerning income withholding will be provided by the parties.
  - b. Support shall be paid through the SDU on a new case with no prior FOC involvement. If support payments are to be made through the SDU by income withholding or otherwise, the friend of the court shall not close the friend of the court case until the SDU notifies the friend of the court that it has been provided with the information necessary to process the child support payments. There will be no accounting for support that is not paid through the SDU.

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

### NOTICE OF HEARING

A hearing will be held on the above petition on \_\_\_\_\_ at \_\_\_\_\_ at the above court address.

### CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this petition and order to the parties by ordinary mail addressed to their last known address at least nine (9) days prior to the date of the hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature