

Cass County Friend of the Court

Law & Courts Building, 60296 M62 Suite 3
Cassopolis, Michigan 49031
Phone: (269) 445-4436
Fax: (269) 445-4435

INSTRUCTIONS FOR STIPULATION AND ORDER MODIFYING CUSTODY, PARENTING TIME AND SUPPORT

These forms are to be used to ask the Circuit Court to establish or change custody and parenting time orders. Carefully read all instructions before starting to fill out the forms. Complete the Stipulation form by following the instructions in the order they are listed. Please type or print clearly on all forms.

Using the other court papers from your case with the other parent:

(A) Locate the Case Number (sometimes called File # or Docket #) and put it in the Stipulation and Order forms in area (A).

(B) Look to see who is the Plaintiff and who is the Defendant. Copy the names where the forms are labeled (B). **Below the names, insert the current address for each person below his or her name. Also insert the phone numbers for the Plaintiff and the Defendant after each address. THIS INFORMATION MUST BE PROVIDED SO THAT NOTICE CAN BE PROPERLY MAILED OUT FOR THE HEARING TO CONSIDER APPROVING THIS STIPULATION.**

(C) Carefully read your judgment or order to find out if there is an order regarding custody or parenting time. If no order has been entered about these things, then check the first box at (C). If there is a custody and/or parenting time order, then check the second box at (C), and fill in the date of the **most recent** order regarding custody or parenting time.

(D) Check the appropriate box showing who has physical custody of the children under the most recent order.

(E) Check the appropriate box showing who is required to pay child support for the children under the most recent order.

(F) Insert the names and dates of birth of the children as indicated.

(G) Check the box that best describes the LEGAL custody agreement you both have reached

(H) Check the box that best describes the PHYSICAL custody agreement you both have reached. *(If you have chosen Joint Physical Custody then you **MUST** complete attachment 1 or your Stipulation will not be approved).*

(I) Check the box that best describes the parenting time (visitation) agreement you both have reached. If you have agreed to specific times during which parenting time will occur, attach a separate sheet of paper to the Stipulation stating exactly what you have agreed.

(J) Fill in the blank indicating the state in which the children will live.

(K) Check the box indicating which parent has the right to claim the children for tax purposes. If neither box is checked, the usual IRS rules will apply.

(L) The application of the Michigan Child Support Formula to set the child amount is mandatory, except in very limited circumstances. Upon entry of the order based upon this stipulated agreement, the Friend of the Court shall commence a child support review and issue a recommendation as to the amount of child support. Unless a party objects to the recommendation and requests a hearing, the recommendation shall become the order of the court, effective the date the order approving this stipulated agreement was entered.

(M) Fill in the medical insurance information for both parents. If there is no coverage, put none in the appropriate spaces.

(N) & (O) You must now appear in the presence of a Notary Public and date to sign the Stipulation. DO NOT sign this Stipulation BEFORE or UNTIL you are in the presence of a Notary. Your bank or insurance agent will usually have a Notary Public willing to assist you. The other parent must also appear in the presence of a Notary Public and date and sign the Stipulation. The other parent must NOT sign the Stipulation BEFORE or UNTIL they are in the presence of a Notary.

Take or mail the original Stipulation and Order to the Cass County Friend of the Court office at the Law & Courts Building, 60296 M-62 Suite 3, Cassopolis, Michigan, 49031, and ask for your Stipulation to be “approved and entered”.

The Friend of the Court will review your Stipulation for completeness and further prepare your Stipulation and Order for consideration by the Judge. A hearing will need to be scheduled at which time both parties will need to appear and testimony will need to be taken by the Court so that the Court can make a finding that your Stipulation is in the “best interests” of your child(ren).

NOTE: IF YOU ARE CHANGING CUSTODY, BOTH PARTIES MUST TURN IN RECENT PAYSTUBS, PROOF OF BENEFITS, AND OTHER VERIFICATION OF ALL OF YOUR CURRENT INCOME.

Although you will not be charged for the stipulation, if you have outstanding fees and/or costs you will be required to pay those fees or costs before the stipulation will be entered.

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CASS
FAMILY DIVISION**

(A) _____,
Plaintiff,

(B) _____

Plaintiff's current address:

File No.

Plaintiff's current phone number:

vs.

**Hon. SUSAN L. DOBRICH (P32783)
Family Court Judge**

_____,
Defendant

Defendant's current address:

Defendant's current phone number:

**STIPULATION TO MODIFY CUSTODY, PARENTING TIME
AND CHILD SUPPORT**

(C) There is currently no order regarding custody.

On _____, a judgment or order was entered regarding custody:

(D) Mother Father Both parties A third party currently has physical custody of the minor children.

(E) Mother Father Both parties are currently paying support for the children.

(F) **NAMES AND DATES OF BIRTH OF MINOR CHILDREN**

(add additional sheet if necessary)

The minor child or children of the parties to this action, and the date(s) of birth are as follows:

_____, DOB _____
_____, DOB _____
_____, DOB _____
_____, DOB _____

The other parent and I have agreed that custody, parenting time, child support, and domicile shall be changed as follows:

(G) **LEGAL CUSTODY OF MINOR CHILD(REN)**

(If you check more than 1 box in the Legal Custody section, your order will not be approved by the Court)

Legal custody of the minor child(ren) born of this marriage is awarded:

- Jointly to both parties.
- Only to Plaintiff.
- Only to Defendant.

until the child(ren) is/are 18 years old, or until further order of the Court.

If joint legal custody is awarded it means:

a. Both parents will enjoy equal and shared authority with the other parent with respect to “major decisions” affecting a child, including, but not limited to: education, religion, enrichment activities, or health/medical needs.

b. Everyday routine decisions shall be made by the parent with whom a child is with at that time.

c. Each parent will consult with the other parent, and make a good faith effort to reach an agreement before making “major decisions” such as those in paragraph “a” affecting a child.

d. If a dispute develops concerning the co-parenting of the child(ren), and the parents cannot reach a mutual agreement, or if one parent believes the other is not following this joint custody order, they will jointly seek the advice of a mutually agreed upon third party to mediate the dispute. They will not resort to a court petition without first taking this step. [To avoid future problems, the parents may list at least one person, counselor, or agency that they find acceptable to mediate any disputes that might arise.

THE COURT RESERVES THE RIGHT TO TAX COSTS AND ATTORNEY FEES AGAINST A PARENT WHO FRUSTRATES THESE PROVISIONS, THEREBY NECESSITATING A COURT MOTION HEARING.

e. Each parent will timely keep the other parent advised of any and all illness, emergencies, or other significant occurrences that develop while a child/the children is/are with them.

f. Each parent will timely inform the other parent of all routine medical, dental, optical and psychological treatments for a child/the children, and give opportunity to be present.

g. Each parent will timely inform each other parent of school, music, sports, fine arts, or other enrichment activities of a child/the children, so as to allow an opportunity for attendance and involvement.

h. As required by law, both parents will facilitate complete and unobstructed access to all records pertaining to the development of a child/the children, including medical and school records.

(H) **PHYSICAL CUSTODY OF MINOR CHILD(REN)**

(If you check more than 1 box in the Physical Custody section, or have failed to complete the checked section completely, your order will not be approved by the Court)

Sole Physical Custody.

The Plaintiff Defendant shall have physical custody of the minor child(ren) until the child(ren) is/are 18 years old, or until further Order of the Court subject to the other party's parenting time schedule set forth below.

Joint Physical Custody.

The Plaintiff and Defendant shall have joint physical custody of the minor child(ren) until the child(ren) is/are 18 years old, or until further Order of the Court according to the parenting time schedule set forth below.

Split Physical Custody.

The Plaintiff shall have physical custody of the following minor child(ren):

_____, DOB _____

_____, DOB _____

and Defendant shall have physical custody of the following minor child(ren):

_____, DOB _____

_____, DOB _____

(1)

PARENTING TIME (aka Visitation)

(If you check more than 1 box in the Parenting Time section, or have failed to complete the checked section completely, your order will not be approved by the Court)

The Plaintiff Defendant shall have reasonable rights of parenting time with the minor child(ren) of the parties. Should the parties become unable to agree upon terms of reasonable parenting time which are not otherwise Court-ordered, then the Cass County Friend of the Court's written reasonable parenting time policy currently in effect when the need for clarification or conflict resolution arises shall be applied, until further Order of this Court.

The parents shall share parenting time equally on a week on, week off basis, with the exchange of the child(ren) occurring on the following day of every week, _____, at _____ a.m./p.m.

The parents sharing parenting time according to the following schedule:

The Plaintiff Defendant shall have parenting time as follows:

The Plaintiff Defendant shall have supervised parenting time with the minor child(ren) as follows:

a) The name of the person who will supervise the parenting time:

b) The relationship of that person to the children: _____

c) Where the parenting time will occur: _____

d) The days and times the parenting time will occur:

The parenting time Plaintiff Defendant shall be reserved at this time for the following reasons:

INTERNATIONAL PARENTING TIME

Neither parent shall exercise parenting time in a foreign country/nation that is not a party to the Hague convention on the Civil Aspects of International Child Abduction; however, this prohibition does not apply with both parents' written consent.

IMPACT OF POSSIBLE PERSONAL PROTECTION ORDER

In the event a Personal Protection Order (PPO) exists between these parties, those specific provisions which limit or prohibit contact between these parties shall control the conduct of the parties during custody/parenting times set forth in this Order.

However, this Order has priority over any PPO in the granting of custody/parenting time, and the parties shall make alternative arrangements necessary to carry out all Court-ordered custody/parenting time, so as not to violate any PPO, while still ensuring that all Court-ordered custody/parenting time occurs as ordered herein.

(J) **RESIDENCE OF MINOR CHILD(REN)**

A parent whose custody or parenting time of a child is governed by this Order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act, MCL 722.31.

The parties agree the residence of the minor child(ren) shall be as follows: Attach on a separate sheet (must be included if this option is selected).

DOMICILE OF MINOR CHILD(REN)

The domicile or residence of the minor child(ren) may not be moved outside the state of

Michigan without the prior approval of this Court by way of a Court Order allowing such a move.

NOTICE OF ADDRESS CHANGE OF CHILD(REN)

The person(s) awarded custody shall promptly notify the Cass County Friend of the Court in writing whenever a child is moved to *any* new address.

INALIENABLE RIGHTS OF EACH CHILD

The parents shall cooperate with respect to each child so as, in a maximum degree, to advance each child's health, emotional, and physical well-being and to give and afford each child the affection of both parents and a sense of security.

Neither parent will, directly or indirectly, influence a child so as to prejudice a child against the other parent. The parents will endeavor to guide each child so as to promote the affectionate relationship between each child and the mother and each child and the father.

The parties will cooperate with each other in carrying out the provisions of this order for each child's best interests.

Whenever it seems necessary to adjust, vary, or increase the time allotted to either party, or otherwise take action regarding a child, each of the parties shall act in the best interests of each child.

Neither party shall do anything which may estrange the other party from a child, injure a child's opinion of the other party, or which will hamper the free and natural development of an otherwise natural parent/child relationship between a child and the other party.

(K) **RIGHT TO CLAIM MINOR CHILD(REN) FOR TAX PURPOSES**

(This provision is optional)

Mother has the right to claim the following minor child(ren) for State and Federal income tax purposes in even years in odd years every year:

_____, DOB _____
_____, DOB _____
_____, DOB _____
_____, DOB _____

Father has the right to claim the minor child(ren) of the parties for State and Federal income tax purposes in even years in odd years every year:

_____, DOB _____
_____, DOB _____

_____, DOB _____
 _____, DOB _____

The parties shall cooperate with each other and sign any forms which are necessary (currently IRS form 8332), or be subject to the contempt powers of this Court upon their failure to do so.

The Payer of child support shall only be entitled to claim the minor child(ren) as set forth herein if he/she is in substantial compliance with his/her court ordered child support obligations as of January 1st following the tax year for which he/she is attempting to claim the child(ren).

(L) **SUPPORT OF CHILDREN**

The application of the Michigan Child Support Formula to set the child amount is mandatory, except in very limited circumstances. Upon entry of the order based upon this stipulated agreement, the Friend of the Court shall commence a child support review and issue a recommendation as to the amount of child support. Unless a party objects to the recommendation and requests a hearing, the recommendation shall become the order of the court, effective the date the order approving this stipulated agreement was entered.

HEALTH-CARE COVERAGE AND EXPENSES

Both Plaintiff and Defendant are ordered to obtain and maintain health-care coverage as provided for in the Uniform Child Support Order, which is attached and incorporated herein by reference.

The parties' present health-care coverage information is:

(M)	Present Name of Insurance Co./HMO	Type/Group No./Policy No.	Plan Administrator Address
Plaintiff			
Defendant			

If a party has no health care coverage, put "None" in the space for the name of the Insurance Company/HMO

The Plaintiff and Defendant shall each forthwith provide the other party, and the Friend of the Court, upon request, with any and all documentation necessary for that party to utilize any healthcare coverage available for a minor child, including but not limited to insurance cards, explanations or listings of benefits, and/or claim forms and instructions for filing a claim.

Remedial health-care expenses (cough syrup, Band-Aids, non-prescription medications, etc.) shall be the responsibility of the parent with whom a child is staying with at the time the need for such care shall arise.

Uninsured health-care expenses shall be apportioned between the parents and paid pursuant

to the Uniform Child Support Order, which is attached and incorporated herein by reference.

DIRECT PAYMENT IS A GIFT

On or after the entry date of this Judgment, any payment made by the Payer directly to the Payee shall be considered a gift, and no credit will be issued by the Cass County Friend of the Court.

TITLE IV-D/DEPARTMENT OF HUMAN SERVICES INVOLVEMENT

In the event an order suspending child support is entered herein, and/or subsequent to this Order, and a child is certified to become supported by public assistance, or is re-certified to receive public assistance, then the child support charges, applicable statutory fees, and the automatic enforcement of child support shall be established commencing on that Monday, or the first Monday following date of certification or recertification. Child support charges shall be in the amount last ordered by this Court, or as established through a support establishment procedure if not previously ordered.

INCOME WITHHOLDING-ADDITIONAL PROVISIONS

Extraordinary income, including but not limited to bonus, incentive and vacation pays, are subject to up to 50% withholding, over and above ordered regular monthly payment of arrears. In the event the Payer is self-employed, the Payer shall make payments directly to Michigan State Disbursement Unit/MISDU in Lansing.

The Payer shall provide the Cass County Friend of the Court the name, address and telephone number of their employer(s) and/or any other source(s) of income which are subject by law to withholding, and shall immediately give the Cass County Friend of the Court notice of any subsequent change or addition to their current source(s) of income subject by law to withholding. This notification requirement includes changes in benefits of employment, income or healthcare coverage.

The Payer's current employer(s) and/or source(s) of income is/are:

ARREARAGE

As of the entry date of this Order, any arrearage in fees and costs shown on Friend of the Court records as owing are hereby preserved. In the event statutory fees arrearage exceeds \$50, then said arrearage shall be paid at the rate of \$25 per month until paid in full.

The monthly repayment amount on arrearage shall be two percent of the total support arrearage at the time of the review, but not less than \$50, nor more than half of the current support amount. If no current support charge exists, the monthly repayment amount shall be the last ordered support charge amount.

To repay arrearages as quickly as possible, the “total payment amount” (defined in MCSF §4.02(E)(4)) used for determining the repayment amount for collection shall be:

- a) the higher of the most recent total payment amount, or
- b) the total payment amount presently figured using the arrearage payment calculation and current support charge.

If the current support charge is reduced because of a reduction in payer’s income, the repayment amount shall be recalculated using the arrearage payment calculation (MCSF §4.02(B)(3)) and the reduced support charge. If the most recent total payment amount is the payment amount chosen, the aggregate amount remains the same, but consists of a reduced support and an increased repayment amount (MCSF §4.02(B)(8)).

If arrearage exists when a current support obligation terminates or is reduced for reasons other than a reduction in the payer’s income, there shall be no automatic reduction in the total payment amount unless ordered by the court. The reductions in the current support amount shall be added to the repayment amount and become the new repayment amount. The total payment amount remains in effect until the arrearage has been paid in full or until modified or adjusted by the court or friend of the court.

TAX OFFSET PAYMENT

Arrearage qualifying for the Tax Offset Program will be submitted to the Internal Revenue Service and Michigan Department of Treasury for interception of the Payer's income tax refund(s).

WHEREFORE, THE PARTIES REQUEST that an Order reflecting the agreements set forth above shall enter.

(N) _____
Mother's Signature Date

(O) _____
Father's Signature Date

STATE OF _____)

STATE OF _____)

COUNTY OF _____)

COUNTY OF _____)

Before me, Notary Public in and for said County and State appeared the Hereinabove subscribed party, who acknowledge that s/he did sign the foregoing instrument & the same is their free act deed.

Before me, Notary Public in and for said County and State appeared the Hereinabove subscribed party, who acknowledge that s/he did sign the foregoing instrument & the same is their free act deed.

Notary Public
In and For _____ County,
State of _____

Notary Public
In and For _____ County,
State of _____

My Commission Expires:

My Commission Expires:

Approved:

Reviewed by:

Carol M. Bealor P57068
Cass County FOC

Lynnell Carter
Review and Order Modification Caseworker

