

Friend of the Court

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Overview of FOC Operations

- FOC generally does 2 things:
 1. Assists the court by enforcing custody, parenting time, and support court orders, and
 2. Makes recommendations for custody, parenting time, and support if ordered to do so by the court or required by law.
- We will cover the following areas:
 1. Types of cases FOCs handle
 2. How the FOC gets involved in a case
 3. Once a judge orders something in a case, how does the FOC ensure the order is complied with
 - a. Support Orders
 - b. Custody & Parenting Time Orders
- All 83 county FOCs operate under the same set of laws but may have some variation in how cases are processed

Types of Cases FOC Handles

- **Private Court Filings:**
 1. Typically 2 kinds of cases
 - a. Divorce
 - b. Private action for Custody, Parenting Time, and/or Support

- **Prosecutor (PA) Filings:**
 1. A party goes on public assistance & there is a minor child in the home, the Prosecutor files a case
 2. Typically 2 kinds of cases
 - a. Paternity Actions
 - i. Parties unmarried and mom names the father
 - ii. Child lives with dad but no marriage or affidavit of parentage
 - b. Family Support Actions
 - i. Fatherhood is already established by law:
 - Affidavit of Parentage
 - Parties still married but not living together

How is FOC Involved Initially

- Court enters an order referring issues like custody, parenting time, and/or support to the FOC for an investigation
 1. Referral could be at the beginning of the case (pre-judgement)
 - a. Names for this processes will vary from county to county
 - Example from Tuscola
 - b. Referral process could also occur a few years later after parties experience difficulties in their case and one of the parties asks the court to modify the existing order
 2. Referrals will typically result in an FOC report & recommendation

Support Orders

- Once the court orders child support, FOC is responsible for ensuring that child support payments are made
 - How does this happen
 1. Income withholding order
 2. Individual makes payments on their own if self employed
- What happens if a payer fails to make payments
 - Processes vary
 1. Reach out to payers via phone calls, letters, etc.
 2. Use automated tools like tax-offsets, license suspensions, liens, etc
 3. Initiate contempt proceedings
 - Reasons why people don't pay
 1. Hardship:
 - a. Loss of employment or lack of financial means
 - b. No drivers license
 - c. Lack of education, skills
 - d. Mental or physical disabilities
 2. Denial/Complacency
 3. Animosity between parties

Custody/Parenting Time Orders

- FOC is responsible for making sure custody and parenting time orders are complied with
 1. As important as support if not more
 2. More grey
- What happens if one or both of the parties are violating the court order
 1. It depends on the situation:
 - a. Parties aren't following the order, but have things worked out between themselves; no FOC action
 - b. Party filed a contempt action in court for violating the court order; no FOC action as this matter is being handled by the judge/referee:
 - Could result in fines, jail time etc.
 2. When a party complains to FOC, it must act:
 - a. Could result in make-up parenting time, contempt, change in order
 - b. Process varies by county
 3. FOC Joint meetings can be helpful in resolving disputes
 - a. Both parties must agree to participate
 - b. FOC may assist parties in executing consent orders