

OUTLINE FOR ENTRY OF DIVORCE JUDGMENT

1. COMPLAINT FOR DIVORCE: \$150.00 filing fee
 - a. 10 days residence in Barry County AND 180 days residence in State of Michigan
 - b. Case type:
 1. Children: DM
 2. No Children: DO
 - c. Not pregnant/pregnant: If the female is pregnant, paternity must be established before the judgment can be entered. Case filed as a DM case type.
 - d. Breakdown of the marriage relationship
 - e. PROOF OF SERVICE: Summons and Complaint
 1. Must NOT be served by a party
 2. Must be served personally or by certified mail/restricted delivery
 3. Certified mail receipt (green card) must be attached to completed proof of service form if document is served by certified mail
 4. See attached Service of Process in Civil Matters

2. TIME:
 - a. A Judgment of Divorce will not be entered until at least 60 days have passed since the Complaint for Divorce was filed.
 - b. If there are children at least 180 days must have passed since the Complaint for Divorce was filed, unless there is a showing of unusual hardship or compelling necessity.

3. FRIEND OF THE COURT:

Parties from all cases other than a Default Judgment or Stipulated Judgment must attend a conciliation conference at the Friend of the Court to establish a temporary order. Contact the Friend of the Court at 269-945-1283.

Approval of the Judgment of Divorce for all DM (divorce with minor children) cases and all DO (divorce without minor children) cases if spousal support is ordered.

4. PROSECUTING ATTORNEY:

Approval of the Judgment of Divorce for DM (divorce with minor children) may be required. If the Prosecutor has filed an Appearance and Report of Prosecutor, the Prosecutor must approve the Judgment of Divorce.

5. HEARING INFORMATION: To obtain a hearing date and time for the entry of a Default Judgment or a Stipulated Judgment:
 - a. IF YOUR CASE is assigned to Judge Doherty, call 269-945-1390.
 - b. IF YOUR CASE is assigned to Judge McDowell, call 269-945-1286.

6. DEFAULT JUDGMENT: Requirements for Entry
 - a. Default: Application, Entry, And Affidavit (for Default and Non-Military): All items are on form MC07.
 - b. Notice of Entry of Default and Notice of Request for Entry of Default Judgment (MUST include date, time and place of hearing in notice). If using the notice you MUST put information on the form regarding the place of hearing.
 - c. Proposed Judgment of Divorce – must be mailed to the party who is being defaulted. – See Item #3, this Proposed Judgment MUST be approved by the Friend of the Court if there are minor children or spousal support and MAY need to be approved by the Prosecutor (see item #4)
 - d. Proof of Service of ALL the above on the other party (the party who is in default),
 - e. File Proof of Service and Proposed Judgment of Divorce with the Barry County Clerk's Office.
 - f. A fee of \$80.00 must be paid in DM cases prior to the entry of the Judgment pursuant to MCL 600.2529.

7. STIPULATED CONSENT JUDGMENT REQUIREMENTS:
 - a. Signed by both parties and attorneys of record if there are attorneys of record.
 - b. Approved by Friend of the Court. See Item #3, the Judgment MUST be approved by the Friend of the Court if there are minor children or spousal support.
 - c. Approved by the Prosecutor. See Item #4, the Judgment MAY need to be approved by the Prosecutor.
 - d. A fee of \$80.00 must be paid in DM cases prior to the entry of the Judgment pursuant to MCL 600.2529.

8. PROOFS TAKEN IN OPEN COURT
 - a. DEFAULT JUDGMENT (Item #6) – Proofs to be taken on the date set for hearing in the Notice for Request for Entry of Default Judgment.
 - b. STIPULATED/CONSENT JUDGMENT (Item #7) – Contact scheduling clerk for court date and time; see Item #5.

In all cases, a party must prove that the allegations in the Complaint for Divorce are true. This is usually done by the sworn testimony of a party given at the date and time of the scheduled hearing.

This is intended be an outline of the requirements for the entry of a Judgment of Divorce. This document is not intended to give legal advice. If you have legal questions, you must see an attorney of your choice. The staff is unable to give legal advice or assistance.