

GENERAL INSTRUCTIONS MODIFYING A CHILD SUPPORT ORDER

(Revised May 2010)

The State Court Administrator's Office has developed a legal process to petition the court for a modification of a child support order without the use of an attorney.

This process can be used only under the following conditions:

- A Judgment of Divorce or Final Order has been granted
- A change in circumstances exists since the entry of the last court order
- It has been less than three years since the last Order was entered

If any one of these conditions does not exist, you **should not** use this process to modify child support.

The Friend of the Court represents neither parent and is prohibited from providing legal advice.

OPTIONS PRIOR TO FILING A MOTION

- If the parties are able to reach an agreement concerning the modification of support, a written agreement signed by both parties can be submitted to the Friend of the Court. This agreement should include the amount of base support and medical support for each child, the effective date, and the percentage of uninsured medical expenses.

Upon receipt of the agreement, the Friend of the Court Office will prepare a Consent Order. The Consent Order will then be submitted for signature by the Judge and will become the current order of the Court unless a written objection is filed by either party with the Barry County Friend of the Court within seven (7) days from the date of the Proof of Service of Proposed Order.

- Or, the parties can also request a joint meeting or formal mediation. The date and time must be agreeable to both parties. Contact your Friend of the Court Caseworker for more information.

HOW TO GET A MOTION PACKET

If an agreement cannot be reached and it is necessary to file a motion with the Family Court, send a written request to the Barry County Friend of Court Office for a motion to change child support packet.

WHAT HAPPENS AFTER THE MOTION PACKET IS SENT TO ME?

After receiving the packet, you must complete it per the instructions provided with the packet. Michigan Court Rule 5.113 provides for motions to be legibly typewritten or printed in ink in the English language. Incomplete, incorrect, or illegible packets will be returned. Any motion received that does not include income verification, or does not include the payment to file the motion and enter the order, will be returned to you.

Attached to the completed packet must be a cashiers check or money order in the amount of \$60.00 payable to the **BARRY COUNTY CLERK'S OFFICE** (no personal checks or cash will be accepted). This amount includes a \$20.00 filing fee and a \$40.00 judgment / order entry fee. Any motion not having the motion fee and judgment / order entry fee attached will be returned.

Once the packet has been completed, return to:

Barry County Friend of Court Office
102 S. Broadway Street
Hastings, MI 49058

WHAT HAPPENS WHEN THE FRIEND OF COURT RECEIVES THE COMPLETED PACKET?

Once the completed packet is received by the Friend of the Court Office, a hearing will be scheduled before the Referee, the motion will be filed and copies mailed to both parties.

A completed support information worksheet and verification of income will be required from both parties.

Failure to provide a completed support information worksheet and verification of income within 14 days, may result in your motion being dismissed or delayed.

The Friend of Court Office will submit a written report and recommendation to the court with copies to the parties prior to the hearing.

