

STATE OF MICHIGAN 43 rd JUDICIAL CIRCUIT CASS COUNTY	ORDER REGARDING CUSTODY, PARENTING TIME AND CHILD SUPPORT	CASE NO.
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Law & Courts Building, 60296 M-62, Cassopolis, MI 49031

269-445-4416

_____,
Plaintiff

v.

_____,
Defendant

NOTE: This is a MODEL Order Regarding Custody, Parenting Time and Child Support. Be sure to add/delete or revise provisions depending on the facts and circumstances in your case. Some provisions are optional (not required for FOC approval) and you will need to decide if the optional provisions are necessary or useful in your particular case. Optional provisions are noted as being optional. If a provision is not noted as being optional, it is required for FOC approval. Please remove these instructional notes prior to submission for entry.

AT A SESSION OF SAID COURT, HELD AT THE
COURTHOUSE IN THE VILLAGE OF CASSOPOLIS
THIS ____ DAY OF _____, 201____.

PRESENT: Honorable Susan L. Dobrich, Family Court Judge (P32783)

This matter having come before the Attorney Referee on the ____ day of _____, 20____, IT IS HEREBY ORDERED:

NAMES AND DATES OF BIRTH OF MINOR CHILD(REN)

The following minor child(ren) is/are at issue in this case:

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

LEGAL CUSTODY OF MINOR CHILD(REN)

Plaintiff/Defendant/The parties shall have (joint) legal custody of the minor child(ren) until the child(ren) is/are 18 years old, or until further order of the Court.

(Only use if Joint legal custody is awarded) Joint legal custody 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.

PHYSICAL CUSTODY OF MINOR CHILD(REN)

Option: 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.

Option: 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.

Option: 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 _____

subject to each other's parenting time schedule set forth below.

PARENTING TIME (aka Visitation)

Option A

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.

Option B

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. and the

parties shall share holiday parenting time according to the Cass County Friend of the Court's Parenting Time Guideline with holiday parenting time taking priority over regular parenting time.

Option C

The parents sharing parenting time according to the following schedule:

Option D

Plaintiff/Defendant shall have parenting time as follows:

Option E

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

- a) The reason for supervised parenting time:

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

- c) The relationship of that person to the children:

- d) Where the parenting time will occur:

- e) The days and times the parenting time will occur:

Option F

The parenting time of 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.

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.

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.

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 following minor child(ren) 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.

(optional) 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).

SUPPORT OF CHILD(REN)

Child support, health care expenses and health care insurance costs, child care expense sharing, retroactive modification of support, statutory fees and surcharges, liens for overdue support and any and all other support related issues shall be controlled as provided in the Uniform Child Support Order, which is attached and incorporated by reference.

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 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.

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 past-due amounts owed for child support, fees and costs are hereby preserved.

Arrearages shall be paid at the rate calculated using the Arrearage Guideline in the Michigan Child Support Formula (currently § 4.02 of the MCSF).

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).

NOTICE REQUIREMENTS/ LICENSING INFORMATION

Paragraph 8 of the Uniform Child Support Order is adopted by reference and incorporated herein. The driver's license and professional license information of the parties has been provided to the Friend of the Court in the Verified Statement and/or the Judgment information form.

Susan L. Dobrich, P32783
Family Court Judge

Date

Approved:

Carol Montavon Bealor, P57068
Cass County Friend of the Court

Date

