



# Cass County Friend of the Court

Law & Courts Building, 60296 M-62, Suite 3

Cassopolis, MI 49031

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## “OPT OUT” (ELIMINATION) OF FRIEND OF THE COURT SERVICES

### Instructions

If you want the Court to order your case to be “opted-out” of Friend of the Court (FOC) services so that FOC services are eliminated, complete the following steps:

#### **STEP 1: Stipulation and Petition:**

1. On the attached Stipulation and Petition, insert your case number in the upper right hand corner of the form.
2. Completely read the form.
3. Look at your other court documents from your case and determine who is the Plaintiff and who is the Defendant.
4. Insert the name and address of each party under the appropriate heading of Plaintiff and Defendant.
5. Sign and date the Stipulation and Petition where indicated.

#### **STEP 2: ADVICE OF RIGHTS**

1. On the attached Advice of Rights (FOC 101), insert your case number in the upper right hand corner of the form.
2. Completely read the form.
3. Understand that you will NOT receive any of services outlined in paragraph 2 if you opt out of FOC services.
4. Check the box under the “Acknowledgement Regarding Services.”
5. Each party (both mom and dad) need to print their names, provide their signatures and date the form under the “Acknowledgement Regarding Services.”

### **STEP 3: ORDER EXEMPTING CASE FROM FOC SERVICES (FOC 102)**

1. On the attached Order Exempting Case From FOC Services (FOC 102), insert your case number in the upper right hand corner of the form.
2. Completely read the form.
3. Look at your other court documents from your case and determine who is the Plaintiff and who is the Defendant.
4. Insert the name and address of each party under the appropriate heading of Plaintiff and Defendant.
5. Check box number 8 on the form if both parties DO NOT WANT FOC Services.
6. Check box number 10 on the form if both parties DO NOT WANT FOC Services.
7. DO NOT CHECK box 13 a or 13 b unless you want child support to continue to be paid through MiSDU understanding that even if child support continues to be paid through MiSDU, the FOC is not responsible for income withholding or accounting services related to your case.
8. Sign and date the Order Exempting Case from Friend of the Court Services to approve it for entry (located at the bottom of page 1).

Once you have followed these directions, mail or drop off the original documents to the Cass County FOC, 60296 M-62, Suite 3, Cassopolis, MI, 49031.

The FOC will determine if your case is legally eligible to opt-out of FOC services, and if it is, our office will process the case for Opt Out.

If you have legal questions regarding Opting Out of Friend of the Court services or need assistance completing these forms, please contact an attorney.

Plaintiff's Name and Address:

Defendant's Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**We hereby certify that:**

1. There is no domestic violence or of unequal bargaining position between the parties to the case and there have been no criminal assaultive crimes between these parties and there have been no Personal Protection Orders between these parties.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

2. Opting out of Friend of the Court Services is not against the best interests of any child in the case.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

3. The parties have filed executed copies of a form advising them of services they will not receive if their motion is granted—the "Advice of Rights Regarding Use of Friend of the Court Services" (FOC 101).

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

4. Neither party receives public assistance.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

5. No money is due to any governmental entity because of past public assistance in the case.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

6. No arrearage or custody or parenting-time order violation has occurred in the last 12 months in this case.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

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7. Neither party has reopened a friend of the court case in the last 12 months.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

(NOTE: The Court cannot approve the parties request to "opt out" if all 7 of the above statements have not been certified as being true by the parties initialing each of the 7 statements)

**We further hereby certify that:**

We have each read and signed the "Advice of Rights Regarding Use of Friend of the Court Services" (FOC 101), and we each understand the Friend of the Court services we are each entitled to receive.

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

**Understanding the Friend of the Court Services we are entitled to receive, we each DO NOT want to receive Friend of the Court services. We each acknowledge that by signing below, we are choosing NOT to receive any Friend of the Court services.**

\_\_\_\_\_ (Mom's initials) \_\_\_\_\_ (Dad's initials)

We understand that the Court may deny this request to opt-out of Friend of the Court services if certain conditions are not met, as stated in the Advice of Rights, per the requirements imposed by Michigan law.

**We hereby agree** to entry of an Order Exempting Case from Friend of the Court Services (which we have provided to the Court) and which we have approved for entry by providing our signatures along with a date at the bottom of the Order Exempting Case from Friend of the Court Services, and we hereby certify entry of said Order will best meet the needs and interests of our minor child(ren), over and above all other competing needs and interests.

**We want to continue** to make payments to, and receive payments through, the Michigan State Disbursement Unit (MiSDU). The MiSDU will keep track of the amount paid and sent out. We each understand the MiSDU cannot provide us with all of the accounting functions the Friend of the Court would provide to us, if we did not opt-out of Friend of the Court services. We understand that all payments made through MiSDU must be distributed according to the amounts due as required by federal law and that when a payer has more than one case, federal law determines how a payment is divided among the cases. Even if we choose not to receive Friend of the Court services, payments through MiSDU must be divided among all of a payer's cases and distributed in the same manner as payments on Friend of the Court cases. We understand we cannot discontinue Friend of the Court services if we want to use MiSDU unless we first provide to MiSDU all the information that MiSDU needs to set up or maintain a child support payment account.

**THE PARTIES** request that an Order enter approving this stipulation and petition to opt-out of Friend of the Court services.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Signature